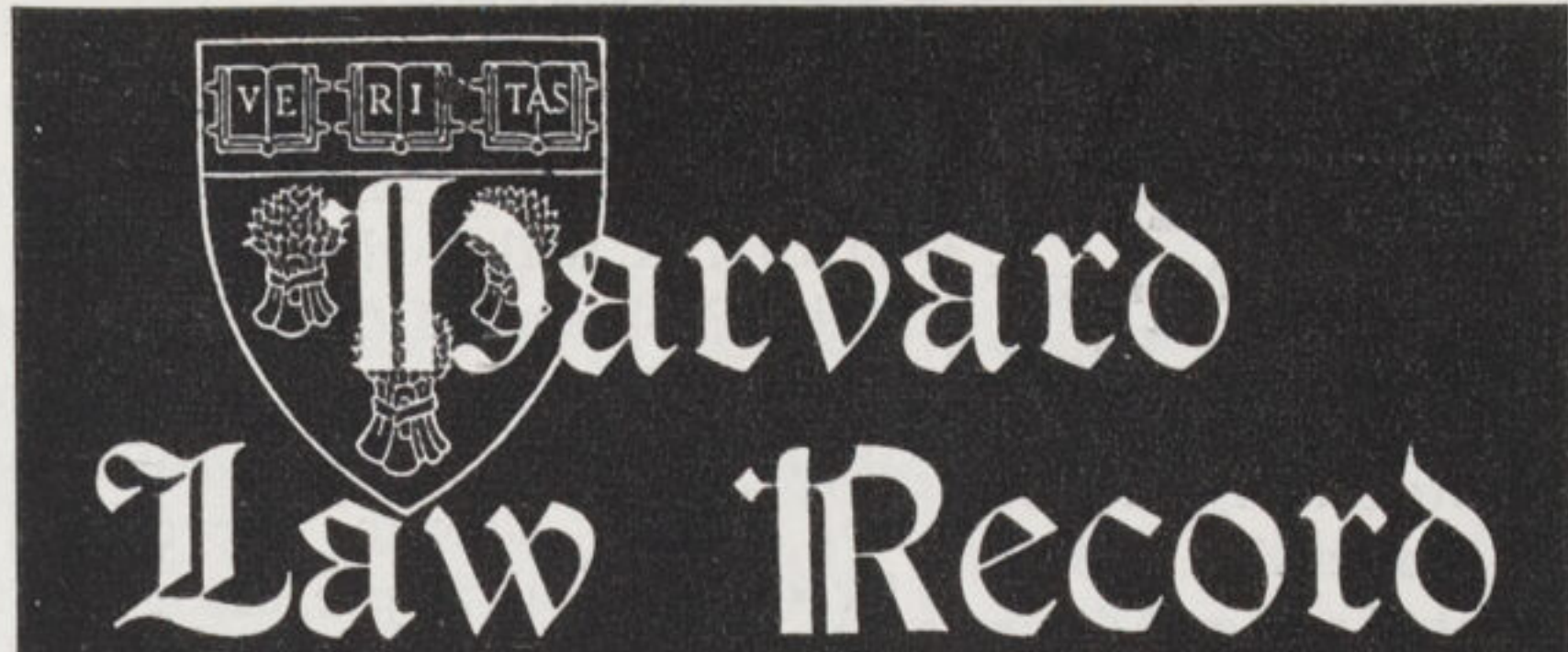




*"America's Oldest
Law School Newspaper"*

VOL. 31

CAMBRIDGE, MASS. DECEMBER 15, 1960

NO. 12

Harkness Receipts Show Gain

Sales in the Harkness Commons dining hall have shown a seven per cent increase over those of a comparable period last year, according to Warren D. Thompson, the Steward in charge. This upturn in volume was reflected in a \$6,000 rise in net income by the end of October as compared with last year's figures. In addition, sales, especially in the a la carte line, are continuing to increase.

While figures are available only for the months of September and October—too short a period upon which to base any concrete predictions—the manager feels that the final income-expense balance will be greatly improved over that of last year, when the cafeteria lost \$58,000.

"What we are shooting for is to break even," Mr. Thompson noted. "We never planned to make any money on the Commons dining rooms, nor does Harvard expect us to do so. Rather we are trying to provide good food and service while attempting to cut losses where they can be cut without lowering the quality or quantity of the finished product."

As of October the operation was just about breaking even despite a slight drop from last year in the number of contract diners. By the end of November, however, contract people had dropped from an October high of about 500 to slightly more than 400. Thompson said this might hurt November costs somewhat, although increases on the a la carte side had kept the total volume relatively stable.

He added that the months of December, January and April, which have always been months in which the cafeteria sustains

heavy losses, were still ahead. Because of this he doubted that the dining hall would break even for the entire year.

The manager commented that his firm would be well satisfied if the cafeteria just continues to improve on last year's over-all balance at the rate it has so far. He said that no one expected that Stouffer's Management would be able to make the cafeteria break even in the first year, since it takes a while to become familiar with the operation and its various problems. Thompson did say that he was hopeful about making yearly sales cover yearly expenses in the second or third year of his company's management of the Commons.

—Axe

Castro Regime Called Red-Controlled

Castro has created a communist state in Cuba, according to a statement by Dr. Enrique Menocal in a recent appearance before the Inter-American Law Students Association.

At this meeting Dr. Menocal, ex-Commissioner of Internal Revenue of the Castro government and cabinet-ranking officer of the Cuban Sugar Institute, joined a panel consisting of Doctors Garcia-Amador (Cuba) and Godoy (Argentina) and Dean Barnes of the Law School in discussing "The Cuban Revolution: Its Effects on Latin America."

Dr. Menocal opened the discussion by saying that the Cuban revolution was, in its

(Continued on Page 4)

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Hearsay

The members of the board of the Harvard Law School Record Corporation would like to extend Season's Greetings to its subscribers and advertisers and to the faculty, students and alumni of the Law School.



CALENDAR

Thursday, December 15

The SAINT THOMAS MORE SOCIETY will hold a discussion on "The Problems of Christian Unity" in the Wheeler Room of Holmes Hall at 8 p.m. The speakers will be Father George Florovsky, a Greek Orthodox professor at the Harvard Divinity School, and Reverend Charles Von Ena, a Roman Catholic professor at St. John's Seminary.

Friday, December 16

The INTERNATIONAL LAW CLUB will hold a meeting for those persons interested in being counsel for the International Law Moot Court in Langdell North Middle at 1:30 p.m.

The STUDENT BAR ASSOCIATION will present Mr. Louis A. Kass speaking on "Law School Exams vs. Bar Exams" in the Meeting Room of Harkness Commons at 1:20 p.m.

The LAW-GRADUATE DEMOCRATIC CLUB will present Professor Seymour E. Harris speaking on "Democratic Policies and the National Economy" at their luncheon meeting in the Mallory Smith Room of Harkness Commons at 1 p.m.

Saturday, December 17

The HARVARD LAW WIVES will hold a Children's Christmas Party in the Wheeler Room of Holmes Hall from 3 to 5 p.m. Santa Claus will be in evidence.

Sunday, December 18

The FORD HALL FORUM will present Earl Browder, former Communist presidential candidate, and Dr. John P. Roche, Morris Hillquit Professor of Politics at Brandeis University, speaking on "Can Communism Exist, Independent of Russia?" in Jordan Hall at 8 p.m.

The INTERNATIONAL LAW CLUB has regretfully announced the cancellation of its Annual Christmas Dance, December 18th, because of a conflict with the Massachusetts Blue Laws. The club hopes to be able to have a dance later in the year.

Calm the Skeptics

Chayes Tells of Campaign Role

"There has been a great deal of talk around the Law School that Mr. Kennedy's enlistment of academics to advise him during his campaign was just so much 'window dressing.' Let me assure the skeptics that the contribution of these people was real and substantial during the campaign, and it will continue to be so during the coming administration." This statement was made by Professor Abram J. Chayes in an interview given the RECORD last week.

Professor Chayes noted initially that this had been a very exciting campaign for him, mainly because for the first time in his po-



Professor Chayes

litical career, which began with his stumping for his father as a Republican candidate for judge in a heavily Democratic section of Chicago, he had backed an ultimate winner. But it was also especially rewarding because his role in the hustings placed him in a position that put him in contact with many interesting people and which allowed him to help in making a rather unique and highly-noted contribution to the campaign's substance.

He describes his position in the campaign as "Cambridge contact point" for the Kennedy academic consultation system. When Professor Cox left for Washington and then for the Kennedy campaign trail, Professor Chayes served as traveling consultant to the

candidate. Stationary units for consultation were set up at many spots in the nation, and he had the job of organizing the group in Cambridge.

"Most of the Kennedy consultants," said Professor Chayes, "were sought out on the basis of a specific request from Mr. Cox for a specific type of report. Sometimes the people we got were friends of Mr. Kennedy's from before the campaign, but most frequently we tried to find the most able people in the field who were willing to help. A few times consulting groups were put together on our own initiative by anticipating possible future needs. All in all, I think we tapped a wide range of intellectual abilities."

Material Used

Mr. Chayes asserted that most of the material that was submitted to Mr. Kennedy was used in one way or another and that the consultants "made very important contributions to the campaign."

As regards future use of the Cambridge group, he stated that "although the old structural set-up is not appropriate for use during an administration, a good many of these people will be getting positions in the administration. One example is Dave Bell, the new Director of the Budget, who was a member of our group. Concerning the others, the situation will surely clarify during the next month."

"And one thing is certain — there will be a return to the Roosevelt days as regards the intellectual atmosphere of Washington. We'll certainly see more academic types on the White House guest list."

With respect to the future for himself in Washington, Professor Chayes smiled and said, "As a lawyer I'm afraid I'm forced to say that that matter is too hypothetical for comment at this time."

— Baron

With this issue the RECORD ends its publication for the first semester. The next issue of the RECORD will appear after the examination period, on Thursday, February 2, 1961.

Record Elects New Board; Justin W. Heatter, President

The Harvard Law School Record Corporation has elected a new Board of Directors for the spring term. Justin W. Heatter, 2L, Monessen, Pennsylvania, will serve as Chairman of the Board and President of the RECORD. The new president is a graduate of the Wharton School of Finance and Commerce of the University of Pennsylvania.

Other officers and members of the board include Paul R. Matia, 2L, Fairview Park, Ohio, Editorial Manager; Sydney S. Traum, 3L, Belle Harbor, N. Y., Business Manager; Clark P. Giles, 2L, Salt Lake City, Utah, News Editor; and Stephen F. Robertson, 2L, Houston, Texas, Features Editor. Robert C. Berry, 3L, St. Joseph, Missouri and Russell A. Winslow, 3L, West Newton, Massachusetts, both past presidents of the RECORD, will continue as members of the Board. Mr. Berry will serve in the position of Executive Editor, Mr. Winslow in the capacity of Senior Editor.

Law School Athletics Switch to Basketball

Of those law students whose interests at times stray from the confines of Langdell Library, some have found "relaxation" in the program of athletic events sponsored by the Dormitory Council. An unheralded but much appreciated "intramural" program is being conducted under the auspices of this group. A successful program of touch football has been completed, and plans have been announced for a basketball league.

Under the direction of Harold S. Trimmer, Jr., 1L, two leagues participated in the touch football program this year. The football teams were divided into an experienced and novice league. Exact returns are coming in more slowly than the presidential vote, but in the experienced circuit the perennial champion, the Charley Brown AC, was finally deposed. At last report, the Goldblatt AC and the Trover Boys were in contention for the title.

In the so-called novice group, the top teams were the Law Review and the Weiners,

but by far the most popular team was the Battery Belles. This rough and tumble squad of pulchritudinous femininity failed to win a game.

Since the football season has closed, attention has shifted to basketball. Practice was held in Hemenway Gym on Tuesday and Wednesday from 7-9 p. m. and will be held this evening at the same time. The deadline for forming a basketball team is Saturday, December 17. Anyone interested in participating in this league, which begins play January 10, should contact William Gordon, Ames 222, or call him at EL 4-8546.

Castro Red-Controlled

(Continued from Page 1)

beginning, a revolution of lawyers. "When I took my bar exam," he said, "Fidel sat at my left."

Following this with personal accounts, Dr. Menocal then exposed by his own experiences the communist infiltration of the Cuban revolution. He asserted that it was not the lower class who helped the revolution, but the middle class and the professionals. However, Castro has now turned his favors toward the other group.

Dr. Menocal feels that there has been sufficient reason for Castro to feel hate for the United States, but that there are no possible justifications for what he has done, "namely, create a communist police state in Cuba."

These statements were followed by a series of statements made by some of the other panelists. Dr. Godoy referred to "the balance of ignorance" existing between the people of North and South America and to the need that "an underdeveloped country like the United States, underdeveloped in understanding Latin America, wake up and face the challenge of the Cuban problem." Dr. Garcia-Amador then expounded on what he termed the "physical invasion of the Americas by the communists through Cuba."

When, in the question period, several questions were asked concerning the possibility that Castro might still correct the situation, Dr. Menocal stated that Castro could not be compared to a world leader who might get rid of the communists. Castro, he said, is no longer a leader; he is a prisoner of Ché Guevara and his clique of communist stooges.

"I was there, I saw it and heard it all," said the Doctor.

New 2nd Year Placement Program

In the period between the first week after the opening of school and the first week in December, the Placement Office has arranged 247 interview schedules for 195 prospective employers — or 3,229 individual student appointments. This has meant that on an average, every day, five days a week, the five interviewing rooms at 23 Everett Street have been occupied by employers in search of young lawyers.

Although this is the major business of the Placement Office in the autumn, the Placement Office also carries on considerable correspondence with prospective employers who, even though they do not come to Cambridge to conduct interviews, are just as anxious to find lawyers — perhaps someone in the current third year class, perhaps a recent graduate still available or one coming out of military service or perhaps a lawyer with experience.

Over the years these requests for assistance have increased considerably. Ten years ago representatives of 64 firms came to Cambridge to interview third year students; 846 individual interviews were scheduled, a ratio of one to three or four compared with this year. Last year the Placement Office registered 869 opportunities for lawyers; in 1951, 339.

Summer Clerkships

Another activity which has become extremely popular within the past two or three years is summer clerkships for students who have completed two years of law school. In a report of the activities of the Placement Office for 1951-52 Mr. Toepfer wrote, "It has helped a number of second year students find summer opportunities." This is an indication that while it was worth mentioning it was pretty incidental.

And so it continued until about four years ago when a report mentioned that "Interest in employment of high-ranking second year men for the summer increased this year." The following year "interest in hiring second year men for summer clerkships increased considerably." In 1955-56 pressures on the Placement Office were not so great but that it could schedule second year interviews for

51 firms, many of them held jointly for second and third year students.

The following year, however, only 25 such interview schedules were arranged. With physical facilities and personnel taxed to the utmost by interviews for the third year class, it was necessary to make a policy of not allowing interviews with second year men until the first semester was over. For the first time, in 1957, the Placement Office registered second year students interested in summer clerkships.

Register Students

Every year since then the Placement Office has registered those candidates as soon as the pressures of the third year activity let up. About half of the second year class registers for summer work. Almost as soon as the school year starts, second year students trickle into the Placement Office ready to look for summer jobs; and just as soon, if not sooner, the law firms register their interest in second year men.

Six or seven years ago a candidate for summer legal work did his looking during the spring recess. Now many firms would employ these candidates in the early fall. The Placement Office, however, cannot juggle second and third year placement at the same time during the autumn months, but it can be of assistance after the third year interviewing season slackens off. For this reason, and also for reasons of morale, the proper hiring season for summer clerks would appear to be in the second half of the second year.

A number of firms approve of this attitude and have agreed not to offer summer jobs to candidates until February 15. They are not doing this without the risk of losing a man they would be glad to hire earlier to a firm which will not wait. If the effort to contain this activity — which now runs almost a full academic year — to a shorter and more feasible period succeeds, these firms will deserve much credit. The students, too, should appreciate that these firms are giving them the chance to compare opportunities leisurely — a chance they have not always had in the past few years.

Richard Smith Re-elected To Forum Presidency

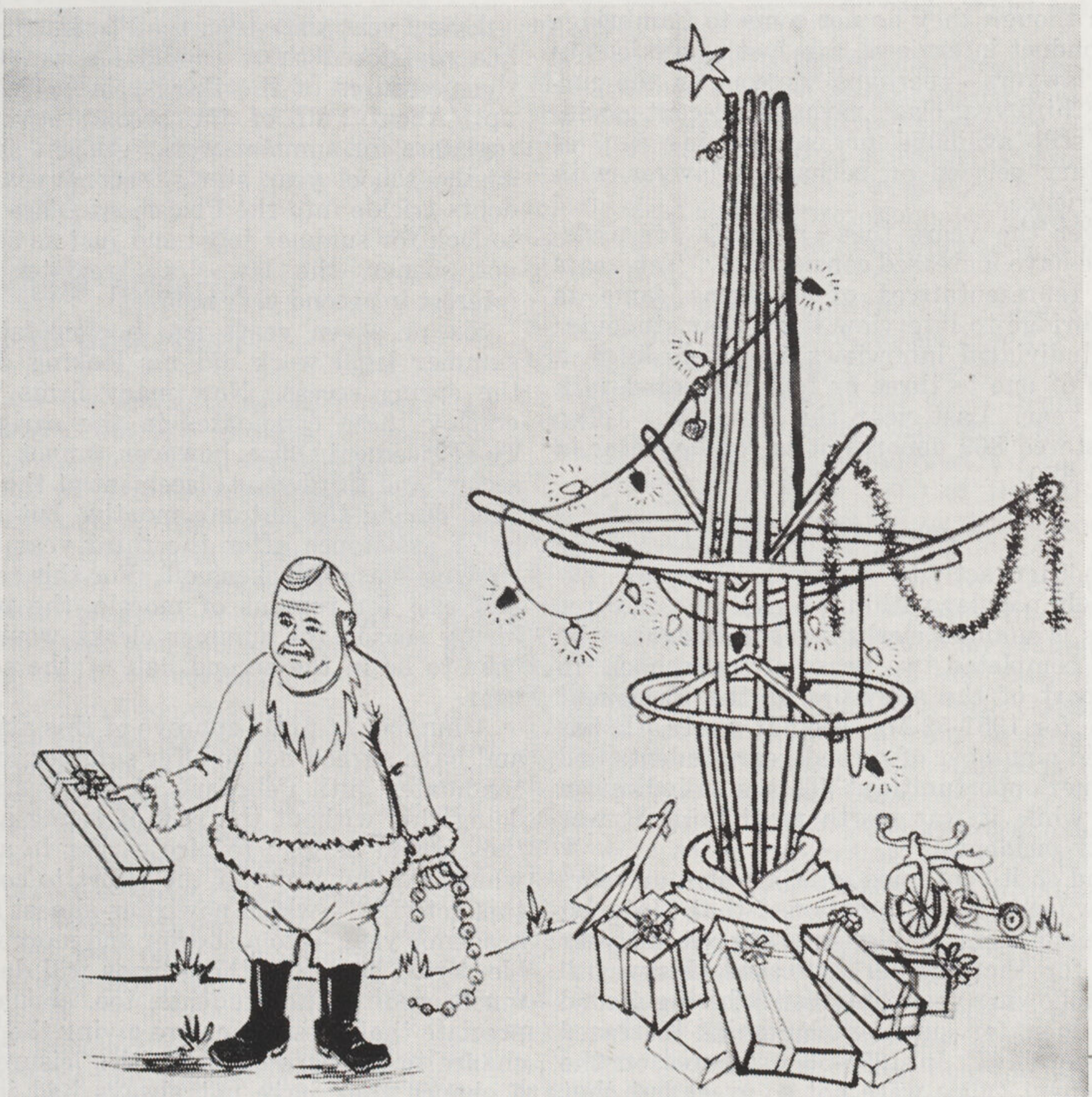
Richard E. Smith, 3L, Worcester, Mass., has been re-elected president of the Harvard Law School Forum and will serve in that capacity for the spring semester.

Other officers include: Josiah S. Murray, 3L, Durham, N. C., planning vice president; Stephen P. Robin, 2L, Washington, D. C., administrative vice president; Joan E. Parker, 2L, Brookline, Mass., secretary; and William R. Granik, 2L, Washington, D. C., treasurer. Joining these officers on the Board of Directors is David J. Askanase, 2L, Houston, Texas.

Two other students have been appointed committee chairmen for the coming semester. Eugene J. Lipkowitz, 1L, Washington, D. C., will be publicity chairman, and Thomas J. Hargadon, 2L, Waltham, Mass., will be in charge of preparations.

Listed as speakers on the Forum's spring semester programs are Allen Dulles; Dr. Joseph B. Rhine, expert on extra-sensory perception; Ambassador Alex Quaison-Sackey, Ghanaian envoy to the United Nations; and General Maxwell Taylor (Ret.).

President Smith, in remaining in his post on the Forum, becomes the first president to do so in the 15 years of that organization's existence. He is married and the father of three children.



Taxable to Whom

Views on Disarmament

Tocsin: Unilateral Initiative

Tocsin, a Harvard-Radcliffe organization for peace and disarmament action, held a public meeting in Quincy House last Wednesday to state their position and announce their specific proposals in the field of disarmament. Professor Samuel H. Beer, national chairman of the Americans for Democratic Action and a faculty member in the Department of Government at Harvard, addressed the gathering.

Stating that Tocsin has suffered in the eyes of the public by being identified with certain extremist groups which advocate unilateral disarmament, Professor Beer endeavored to delineate and distinguish Tocsin's position of "unilateral initiative" from that of unilateral disarmament, labelling the latter as irresponsible.

There are two possible consequences of unilateral disarmament, he said. The first is that Russia may follow suit. But given the nature of the political conflict underlying the arms race and the fact that Russia is an expansionist power, unilateral disarmament would probably result in the second consequence, namely, conquest or surrender.

Not Unilateral Disarmament

The advocates of unilateral disarmament, Professor Beer stated, contend that surrender is better than nuclear war, that conquest is preferable to the annihilation of civilization. But this, he said, is really not true, maintaining quite the contrary that surrender would not eliminate the danger of war but would enhance it.

He predicted that a world of communist powers possessing a nuclear striking force would be very similar to the position we are in today, pointing out that even today when they are held together by a common enemy, there is a strong rivalry between Russia and China. Moreover, the extinction of the free societies would remove the force for peace in the world so that the net result of surrender would be the loss of both peace and freedom.

Under the concept of unilateral initiative, on the other hand, Professor Beer explained, we would maintain our military deterrent

(Continued on Next Page)

Sohn: Moscow Conference

"The successful completion of a disarmament plan will require that the present suspicions between nations be gradually reduced and replaced by a growing sense of common interest, mutual understanding and confidence. Progress in disarmament itself will be a most important factor in this change in the climate of public opinion." This is among the observations made in a statement released by the Sixth Pugwash International Conference of Scientists, which concluded at Moscow last week.

The conference, which was attended by Professor Louis B. Sohn as a legal attache to the American delegation, was a privately-sponsored meeting of seventy-five top-level scientists from fifteen nations which was dedicated to the discussion of technical aspects of disarmament in order to facilitate general disarmament with effective controls in the near future.

The delegations met for general discussion every morning and for seminars every afternoon in facilities reserved for them by the Soviet government. Many specific technical problems of disarmament were discussed. At the end a statement was issued declaring that the conference agreed on the necessity for complete and general disarmament under effective controls and on bringing about disarmament by stages which would give no temporary arms advantage to any country.

Closer Communication

On his return to the Law School, Professor Sohn observed that "the most valuable part of the conference to me was the chance that we were given to get behind the official statements of the Soviet government to find out what the Russians really mean and, contrariwise, the chance that we had to communicate a clearer picture of what we think." Professor Sohn's impression was that the Russians are very sincere about disarmament with effective controls as long as we are willing to agree to a *meaningful* disarmament to go into effect soon.

It was noted that although the meeting was between independent scientists and not governments, most of the delegates held the

(Continued on Next Page)

Tocsin —

(Continued from Page 7)

power and at the same time take steps to decrease our military threat to Russia. The theory behind this proposal is that Russia, seeing the external threat to its safety reduced, will take a similar step.

This of course is not a substitute for multilateral negotiations, Professor Beer cautioned. It has as its purpose to create an atmosphere in which fruitful disarmament negotiations can take place. Unilateral initiative, he said, does not suppose that the Russians are of good faith, but that they will act in their own interest if they see they are safe.

In conclusion, Professor Beer said that the Soviet Union is now attempting to disorganize the Western powers in an effort to get us to give in on the issue of disarmament without reciprocal agreements on their part. Thus it is important to keep our deterrent force while pursuing disarmament agreements and controls, attempting to bring Russia to an action which is as much in its interest as in our own.

Test-ban Proposals

Peter Goldmark, Harvard '62, read the specific proposals of Tocsin concerning the Geneva test-ban negotiations. These proposals have as their purpose the elimination of the four major areas of disagreement preventing the conclusion of a test-ban treaty at Geneva.

These four areas are (1) the length of the moratorium on small underground explosions to be in effect while a more sensitive inspection system is developed; (2) guarantees to the other parties to the test-ban that the nuclear test phases of Project Vela (a U. S. research program to perfect a test-inspection system) will not be used to develop the nuclear arsenal of the United States; (3) the number of veto-free on-site inspections of suspicious seismographic disturbances to be permitted in each country; and (4) the number of seismographic inspection sites in each country.

The Tocsin proposals to eliminate these areas of disagreement are:

A. That the United States continue its moratorium on nuclear testing for mili-

tary purposes so long as there exist reasonable prospects for a satisfactory test-ban treaty.

B. That the United States use for test purposes under Project Vela militarily obsolete nuclear devices which can be inspected prior to their detonation by the other parties to the test-ban negotiations.

C. That the United States invite an international team of scientists to observe, supervise and participate in the nuclear test phases of the Project Vela program for perfecting test inspection apparatus.

To advertise the meeting, members of Tocsin staged a "walk" through the streets of Cambridge and the Harvard campus, circulating in small groups and carrying signs.

Tocsin emphasizes that the unilateral initiative it proposes is not a call for recklessness, to give in first or to surrender. Rather, unilateral initiative means actions which would enhance the possibility of a test-ban agreement and eventual disarmament, while at the same time consistent with our security. Tocsin is directing its energies toward stimulating informed discussion and a search for these sensible and responsible alternatives to the arms race in an effort to halt the drift toward World War III.

— Rapchak

Sohn —

(Continued from Page 7)

very highest science posts in their respective governments, and this was especially true in the case of the Russians. Thus the Soviet delegates could be considered to reflect the view of their government.

Another thing which made the Soviet position significant was the fact that the Red Chinese delegation agreed down the line with the positions taken by their big brother. The American group will prepare a report which is to be sent to Washington this week.

The conference was not, however, devoted entirely to business of such a serious nature. Evenings the delegates were treated to the ballet, opera, a Ukrainian circus and rounds of vodka-tipping at receptions. Professor Sohn found the trip "over-all very exciting, but, as a result of Russian hospitality—very tiring!"

— Baron

Test Nests for Best Rest

Six rooms on the first and second floors on the east side of Ames Hall are undergoing remodeling in an experimental project to make the Harkness-complex dormitories more habitable. As noise even from normal activities in other rooms has been the greatest complaint of residents of these dormitories, the main purpose of the project is to determine a method of reducing sound transmission at a reasonable cost. The remodeling project will also tend to reduce the monastic appearance of the rooms.

Construction now in progress should be completed by the end of the Christmas vacation so the occupants, temporarily residing elsewhere in the dormitories, may then return to their rooms to assist in determining the effectiveness of the remodeling. The work is being done during the academic year so that the students involved may compare their previous experience with living in their renovated rooms.

Remodeling During Summer

If the reaction of the students and scientific tests indicate a significant improvement in the sound-proof quality of the rooms and if the cost is reasonable, complete remodeling will be done on one or two entire dormitories during the summer of 1961. The amount of work that can be done over the summer will be limited by the time and funds available as well as by the use of the rooms during summer months by the Law School.

If substantial work is done during the summer, fortunate students living in the renovated rooms will not face a rent increase. The cost of the construction is considered an addition to capital and not intended to be paid for by rentals. The rent paid by students covers maintenance and operating costs and will not be increased unless these costs increase.

Plans are being formulated for alteration of the one-room doubles at the end of the dormitories into suites for two or three students. These plans call for an increased rent for students living in the rooms, as the total number of occupants would be reduced. However, the rest of the remodeled rooms will follow the existing general design of room arrangement. Other plans for extensive re-

modeling by changing the floor plan of the dormitories have been abandoned because of the cost involved and necessary reduction of occupant capacity.

Planned Changes

Tests are now being conducted to determine what type of window opening will reduce the amount of sound transmission. New windows will be placed in all of the rooms being remodeled. A double-hung vertically opening window placed in the center of the glassed area has thus far been indicated by the tests as the most effective.

Dormitory-style cinder block walls will be missing in the remodeled rooms. Two partitions on one of the floors involved are being buttressed against noise transmission by plastering material, and two cinder block walls on the other floor are being torn down and replaced with a new type of wall in an effort to determine the most effective method to stop sound transmission.

In order to reduce noise from the halls disturbing sleeping or studying students, a rubber type of weather stripping or gasket will be placed around the doors.

If these methods are effective in reducing sound transmission, they will be used in the remodeling during the summer.

— Giles

Alums in Congress

The following alumni of the Harvard Law School will serve in the 87th Congress:

SENATORS

Hiram L. Fong, Hawaii
Frank F. Church, Idaho
*John S. Cooper, Kentucky
*Leverett Saltonstall, Massachusetts
Kenneth B. Keating, New York
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 *Walter Norblad, Oregon
 *Daniel F. Flood, Pennsylvania
 *James G. Fulton, Pennsylvania
 *William S. Moorhead, Pennsylvania
 *Albert Thomas, Texas
 *Henry S. Reuss, Wisconsin
 *signifies those re-elected.

(This list was prepared by, and is printed with the permission of, the Harvard Law School BULLETIN.)

Law School Exams Versus Bar Exams

Mr. Louis A. Kass, teacher, author and private practitioner, will deliver a talk entitled "Law School Exams vs. Bar Exams" to the Student Bar Association at 1:20 p. m. tomorrow, Friday, December 16, in the Harkness Commons Meeting Room.

Mr. Kass has been active in the preparation of students for the New York State Bar Examination since 1936. He lectures on New York Pleading and Practice at Yale and on this and various other subjects in his own

New York Bar Review course.

In a preliminary draft of his speech made available to the RECORD, Mr. Kass indicated that he would point out the similarities and the differences between the two types of exams as well as the methods of preparing for them.

"Among their similarities is the fact that both types of exam stress analysis and logical reasoning. They both favor brevity in writing and require the statements of law to appear on paper.

"The major differences between the two types of exam are: 1) Law school exams are given in one subject at a time, whereas bar exams involve hybrid problems with several substantive law subjects enmeshed in a single problem; 2) You usually have a pretty good idea of the type of answer each professor wants in a law school exam (*i.e.*, the majority view or the Olympian view) while it is impossible to know the nature of any idiosyncracies the Bar Examiner may have; 3) The 'law review' type answer is virtually assured an 'A' on a law school exam; this type answer may receive a failing grade on a bar exam."

Mr. Kass intends to bring with him copies of questions actually used on prior New York Bar Examinations. These will be distributed among those present for purposes of illustration.

— Traum

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FEATURES SECTION

Gallery

Among the new personalities presiding over the Langdell Hall classrooms this year is Sanford H. Kadish. Mr. Kadish is visiting the Law School as the Ezra Ripley Thayer Teaching Fellow. He is teaching Criminal Law to a first-year section and also pinch-hit for Professor Archibald Cox in the Labor Law course while the latter was traversing the Kennedy campaign trail earlier this fall.

Mr. Kadish graduated from City College of New York in 1942 and immediately entered the Navy Language School at Boulder, Colorado. There he studied Japanese intensively and later served as an interpreter for the Office of Naval Intelligence during World War II. It was his job to translate captured Japanese documents in an effort to find information of tactical and strategic importance to the Allied forces during the island-hopping campaign in the Pacific.

Mr. Kadish entered Columbia Law School after the war as a participant in the shortened veterans' program. At Columbia he was a member of the *Law Review* and also a Stone Scholar.

Invaluable Experience

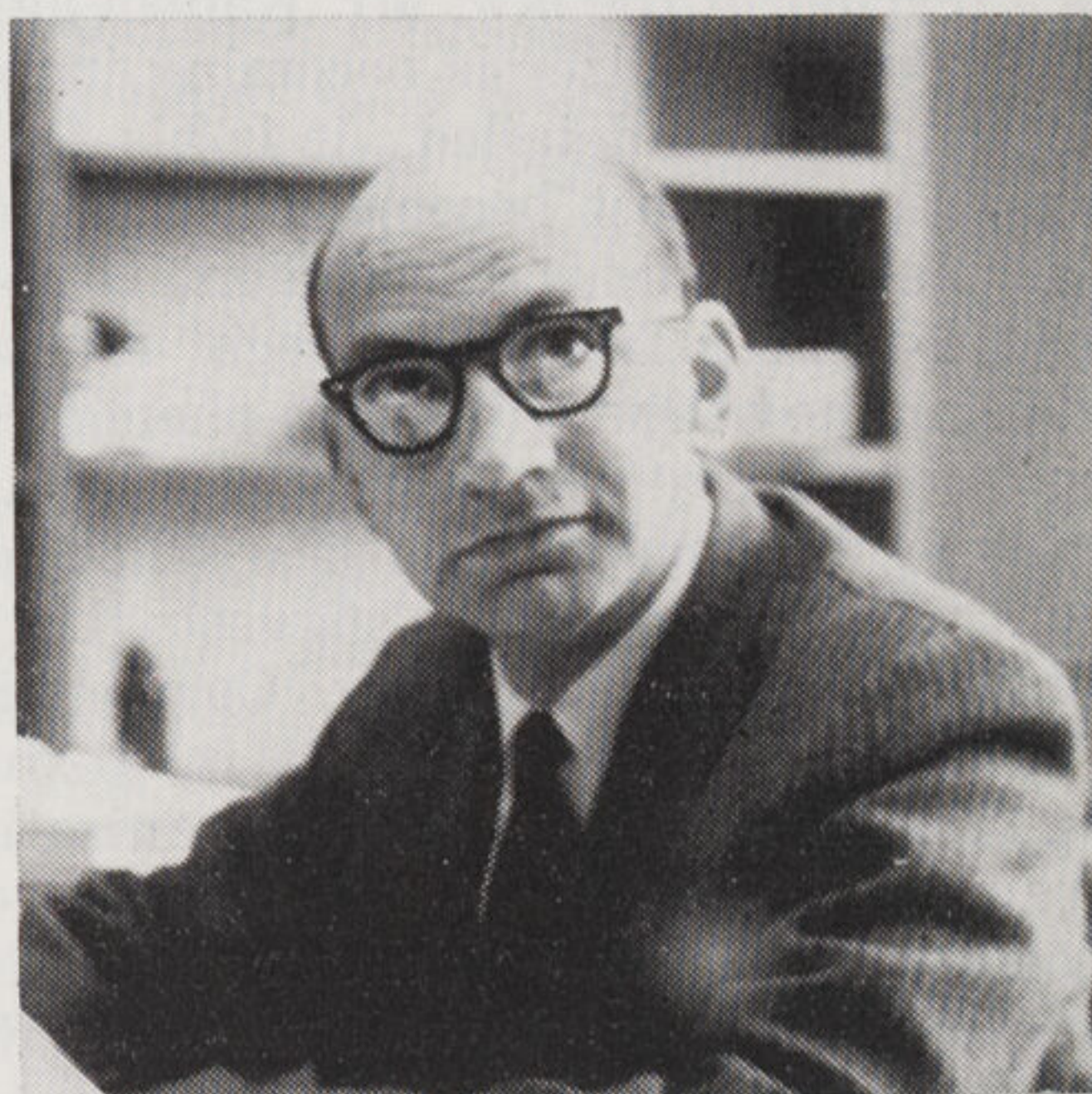
After graduation from law school, Mr. Kadish practiced law for three years in New York. He looks back upon these years as providing an enjoyable and invaluable experience. He now understands the law from the viewpoint of both the academician and the practitioner and therefore is able to deal with practicing attorneys free from the stigma of the "ivory tower" with which they so often associate the law professor in their own minds.

In 1951 Mr. Kadish turned to the teaching of law at the University of Utah and in 1956 became a professor at that school. The Utah Law School faculty is relatively small, and consequently Mr. Kadish has had the opportunity to teach a variety of subjects, including Criminal Law, Labor Law, Constitutional Law, Conflicts of Law, Legislation and Civil Procedure.

Mr. Kadish spent 1956 at the University of Melbourne as a Fulbright Professor teaching Criminal Law to second-year students. He recalls that the Australian students were

somewhat averse to the case method of instruction and that more than a few were seized by that Law School malady of the red face and the icy panic when called upon to recite. Traditionally law has been taught by the lecture system in Melbourne.

Professor Kadish indicated several striking differences between Australian and American law schools. In Australia the student studies the liberal arts for only one year and then embarks upon the three-year legal curriculum. Consequently, Mr. Kadish



Mr. Kadish

noted, the Australian law student is not as mature in his approach or his judgment as is his American counterpart.

Also under the Australian system the student is allowed to choose whether he will take his exams for "honors" or for "pass." If he selects the latter alternative, he is allowed some degree of choice as to the exam questions he will answer. Approximately 60 per cent of the students select the "pass" alternative, Professor Kadish estimates.

Shortly after taking up his teaching duties here at Harvard, Professor Kadish was chatting with a first-year student prior to a Criminal Law class, and the student asked, "Well, Professor, how does it feel to teach at Harvard Law School?" Professor Kadish recalls this incident with a chuckle but now more seriously describes his reaction to the Law School as being "one of the most ex-

citing places at which I have ever taught." His experiences here to date have dispelled completely any merit he might once have believed rested in the old cliché about Harvard intellectual snobbery and arrogance.

On the contrary, he reports that he has found the people to be very warm and helpful and that he has been particularly impressed by the willingness of all members of the Law School community to accept others solely on the basis of intellectual merit. In so far as the student body is concerned, Professor Kadish believes that the average level of ability here surpasses that at other places where he has taught.

Complex and Detailed

As a teacher of the law, Mr. Kadish agrees that the subject matter is becoming increasingly complex and detailed. It is his feeling that professors must become more selective in their assignments if the student is not to become lost in a morass of legal minutiae. In addition, he believes that this phenomenon of legal complexity will shortly require a restructuring of much of the law school curriculum. As an example, he suggests that the individual courses in Agency, Corporations and Partnerships be combined in a single course dealing with business organizations generally.

Recently Professor Kadish served as a co-chairman of the American Bar Association Committee Report reviewing developments in the field of labor law, principally the Landrum-Griffin amendments. He pointed out that the committee experienced great difficulties in compiling the report due to the sharp and decisive split between the views of the management lawyers who sat with him on this committee and those representing labor interests.

Professor Kadish is currently engaged in putting the finishing touches on a casebook in Criminal Law and Administration which he is co-authoring with Professor Monrad G. Paulsen of Columbia Law School.

He is also presently researching the problem posed by the excessive degree of discretion granted administrators in the disposition of persons convicted of crime. Mr. Kadish is disturbed by the paradox of a situation whereby the post-conviction criminal is accorded practically no procedural guarantees of his personal liberty, this situation exist-

ing within a broad system of criminal administration founded on the principle that the pre-conviction criminal shall be accorded the fullest measure of "due process" protection. Professor Kadish is writing an article for the *Minnesota Law Review* dealing with the role of counsel in post-conviction proceedings.

In addition to his teaching activities, Professor Kadish served as Public Member of the Wage Stabilization Board for the mountain states area during the Korean War. He has also done considerable arbitration work and is the permanent arbitrator for the dairy industry and the Teamsters in Utah.

Though never a candidate for public office, Mr. Kadish has been active in state and county politics, principally as a member of platform committees.

He is married and has two children. During vacation periods he enjoys camping, and he has traversed Cataract Canyon of the Colorado River and portions of the Yampa River by rubber life raft. On weekends he and his family are frequent visitors to the ski slopes of Utah.

— Meyer

Democrats Elect Rivkin

The Law-Graduate Democratic Club has elected Steven R. Rivkin, 2L, Boston, as president to succeed David Adamany, 3L, Green Bay, Wisc., for the remainder of the current term of office. Adamany resigned as president in the first week in December.

Rivkin, whose term runs until March, has served as vice president and treasurer. He is succeeded in that office by Gregory M. Harvey, 2L, Morristown, N. J. Also named to the Club's executive board were David Major, GSAS, Bergenfield, N. J., and Thomas Hargadon Jr., 2L, Waltham, Mass.

The club will hold its December luncheon meeting on Friday, December 16, at 1 p. m. in the Mallory Smith Room. Economics Professor and Kennedy advisor Seymour E. Harris is scheduled to speak on "Democratic Policies and the National Economy."

Government like dress is the badge of lost innocence.

— Thomas Paine

Current Case

By David F. Binder

The United States Court of Appeals for the Second Circuit has held, in an unprecedented decision, that an American citizen may be extradited to a foreign country to undergo therein a lengthy term of imprisonment as a consequence of having been convicted *in absentia* of certain crimes by the courts of that country.

Gallina v. Fraser, 278 F. 2d 77 (2d Cir., 1960), *cert. denied*,—U. S.—(1960), concerned the legality of extradition proceedings instituted against Vincenzo Gallina. Gallina was born in New York City in 1927 and is thus a citizen of the United States by birth. When he was three years old his parents returned to Italy, whence they had come, taking him with them. Gallina was accused of committing various criminal acts on the island of Sicily during the autumn of 1945 and the spring of 1946, when he was 18 years of age, and he thereafter became a fugitive from Italian justice.

On May 30, 1949, in the Court of Assizes of Caltanissetta, Gallina was convicted, *inter alia*, of the crime of continuous and aggravated robbery, for which he was sentenced to imprisonment for seven years and four months and fined 17,000 lire. On May 7, 1951, he was convicted of the theft of a mare, for which he was sentenced to a term of eight years, ten months and twenty days and fined 16,000 lire plus costs. At both of these trials Gallina, like Martin Bormann at Nuremberg, was convicted *in absentia*.

Back in U. S.

Gallina re-entered the United States in 1955. In 1958, acting pursuant to the terms of the Convention of 1868, as amended, concerning the extradition of fugitives from justice between the United States and Italy, the Republic of Italy requested the United States Secretary of State to secure the arrest of Gallina with a view to his extradition. The Secretary of

State issued a certificate authorizing Gallina's arrest and the institution of extradition proceedings as provided in 18 U.S.C., sec 3184. He was thereafter taken into custody by United States Marshal Fraser.

After hearings at which testimony was taken, the United States Commissioner for the District of Connecticut found that there was competent legal evidence sufficient to establish the criminality of the accused for the purposes of extradition. The Commissioner ordered Marshal Fraser to commit Gallina into custody to await the issuance of a warrant by the Secretary of State upon the requisition of the Republic of Italy.

Gallina, represented by international legal expert George A. Athanson of Hartford, Conn., petitioned for a writ of habeas corpus in the United States District Court for the District of Connecticut, alleging, *inter alia*, that if he was extradited to Italy, he would not receive a trial at which he would have the opportunity of presenting a defense to the charges against him, but would be immediately incarcerated to serve the sentences imposed upon him after his prior convictions *in absentia*. The writ was denied: *Gallina v. Fraser*, 177 F. Supp. 856 (1959).

Affirming

The United States Court of Appeals, in affirming, stated (at pp 78-79) that it had "discovered no case authorizing a federal court, in

a habeas corpus proceeding challenging extradition from the United States to a foreign nation, to inquire into the procedures which await the relator upon extradition . . . The authority that does exist points clearly to the proposition that the conditions under which a fugitive is to be surrendered to a foreign country are to be determined solely by the non-judicial branches of the Government."

This inference on the part of the Court of Appeals makes new law; for no case has ever before held that a federal court may not, in a habeas corpus proceeding challenging the extradition of an American citizen from the United States to a foreign country, inquire into the procedures which there await the relator, or that the conditions under which a fugitive is to be surrendered to a foreign country are to be determined *solely* by the non-judicial branches of the Government.

The Court of Appeals apparently did not feel overly resolute in fashioning this principle of law, for it added (at page 79), "We confess to some disquiet at this result. We can imagine situations where the relator, upon extradition, would be subject to procedures or punishment so antipathetic to a federal court's sense of decency as to require re-examination of the principle. . . ."

Bad and Good

Perhaps Gallina is fortunate that Italian justice is not more

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akin to a popular conception of the law of our own Old West, where men accused of being horse thieves were summarily hanged. Perhaps, however, he is unfortunate, for in that event the Court of Appeals might have found this procedure so antipathetic to its sense of decency that it would not have inaugurated the particular principle of law that it did, but would, instead, have granted his petition for a writ of habeas corpus.

In *Wilson v. Girard*, 354 U.S. 524 (1957), cited by the Court of Appeals, Army Specialist Third Class William S. Girard had been indicted by a Japanese court for wrongfully causing the death of a Japanese woman who had been gathering empty brass cartridge cases at a United States Army firing range in Japan by striking her with an empty brass rifle shell casing fired from his rifle grenade launcher. The United States Government surrendered jurisdiction of Girard to Japan pursuant to the terms of an administrative agreement, as amended by a protocol, which was authorized by the 1952 Security Treaty between the United States and Japan.

The Supreme Court reversed the judgment of the District Court for the District of Columbia enjoining Secretary of Defense Wilson from delivering Girard to Japanese authorities. There was no evidence that Girard would not receive a fair trial in Japan. The Supreme Court, of course, did not intimate what its decision would have been had Girard already been convicted by a Japanese court *in absentia* and had Japan requested his deliverance into their hands for the sole purpose of imposing the sentence pronounced thereon.

Adopted Opinion

The Court of Appeals, in adopting the opinion of the District Court, followed *Argento v. Horn*, 241 F. 2d 258 (6th Cir., 1957), holding that World War II suspended, but did not abrogate, the extradition treaty with Italy. In so holding, it gave great weight to the action of the United States Secretary of State, on February 6, 1948,

in notifying the Italian government, pursuant to the terms of the Multilateral Treaty of Peace with Italy, to which the United States was a party, and which became effective between the two nations on September 15, 1947, that it desired to keep in force or revive the Convention of 1868, as amended.

The Court of Appeals also held that the extradition treaty may be retroactively applied to offenses allegedly committed during the period of suspension of the treaty.

Gallina contended that the offenses for which his extradition was sought were of a political character, which the Convention of 1868 excepted from its purview. He testified that at the time of the alleged offenses he was working for a man named Torrese and that Torrese took orders from a man named Guiliano, a leader in the Sicilian separatist movement, for the purpose of advancing the political aims of that movement.

At the hearings, however, the Republic of Italy called a Mr. Russo, a former OSS man, who testified as an expert who had spent considerable time in Sicily. He declared that Guiliano was a bandit who had no legitimate connection with the actual separatist movement and that Guiliano described his activities as "political" to cloak their true purpose, *i. e.*, private gain for himself and his followers. Upon conflicting evidence, the Court of Appeals stated that it would not disturb the findings of

the Commissioner that Gallina's alleged offenses were not political in nature.

The Court further held that the Commissioner did not abuse his discretion in denying Gallina's motion to subpoena certain witnesses, pursuant to 18 U.S.C., sec. 3191, for the purpose of establishing that the Guiliano movement was political in nature, because it was not claimed that any of the witnesses knew anything of Gallina, or could link him with Torrese, or Torrese with Guiliano, or could shed any light on the particular acts of robbery charged against Gallina, or the circumstances surrounding them.

Vincenzo Gallina has not been extradited yet, and his counsel has recently filed a second petition for a writ of habeas corpus with the United States District Court for the District of Connecticut. Gallina may yet win his legal struggle to avoid extradition. Even if he doesn't, perhaps he can delay the process long enough for the Sicilian separatist movement to succeed. This, however, appears none too likely.

Weekend Entertainment

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KENMORE—Song Without End—1:00, 3:10, 5:20, 7:30, 9:30.

TELEPIX—Nine Lives—1:30, 3:30, 5:30, 7:30, 9:30. On Sun. 1st show 11:30 a.m.

UPTOWN—Sons & Lovers—(Thru Tues.): 11:00, 2:30, 6:05, 9:35. Desire In The Dust—12:40, 4:15, 7:50.

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Recent Books

By Robert C. Berry

SELECTIONS FROM SPEECHES: 1950-1959 OF MURRAY SEASON-GOOD. Foreword and headnotes by Agnes Seasongood. Alfred A. Knopf, Inc., New York, N. Y., 1960.

Murray Seasongood's class at the Harvard Law School was 1903. Since that date so many years ago he has been a leader of the bar, in the teaching profession and in his local community. This record as lawyer, teacher and public servant is amply reflected in the speeches, far and wide, which he has made in the past 60 years, compiled in this current volume for enjoyable reading.

Mr. Seasongood has the good grace of being able to say something simply and succinctly but with an anecdotal sparkle that makes reading a pleasure. Many of the selections in this work pertain to legal matters (*e.g.*, his widespread interest in furthering the legal aid movement), but there are also pictures of the Harvard Law School environs that are worthily told.

These speeches in many respects trace the life and attitudes of their author. His work in Cincinnati, highlighted by his election as mayor of that city in 1925, is evidenced by his attitudes toward strong and straight-forward city government. Many of these ideas can also be traced in his 1932 Godkin Lectures at Harvard, which were later printed by the Harvard University Press as *Local Government in the*

United States — a Challenge and an Opportunity.

This is but one facet of ideas which have come to his attention over the years, and the fount which he is here expressing can perhaps best be illustrated by a recital of some of the various interests which he has undertaken. He has been president of the Cincinnati Bar Association, the National Municipal League and the National Association of Legal Aid Organizations. He has also been very active in the American Bar Association and the Cincinnati Legal Aid Society and has been a member of the House of Delegates. As to Harvard, he is life Secretary and Treasurer of his Law School class.

In the teaching realm, Murray Seasongood taught a course in Municipal Corporations for well over twenty years at the University of Cincinnati Law School and also conducted the same course here at the Law School in the summer of 1947.

What is the toll of a man who has ranged so far? "I seem to find time to do all the things I want to do and lead a happy life too," seems to be his own answer to the query. His speeches, at least, clearly reflect this opinion.

BELLI LOOKS AT LIFE AND LAW IN JAPAN, by Melvin Belli and Danny Jones. Foreword by Errol Flynn. Illustrated. Bobbs-Merrill Company, New York, N. Y., 1960.

Japan is the first of a projected series of countries to come under the observation of torts king Melvin Belli and an associate in his law firm, Danny Jones. This look at the land of Nippon, however, produces little other than warmed-over rice.

It is a tourist-eye view of Japan, even though the tourist has bothered to secure certain facts and figures about the country and has managed to stuff them into his brochure. Served for the masses, this is a rambling account that gluts — as one of the chapter headings indicates — on everything from kisses to sukiyaki.

Papa-san, the geishas, mythical Tomuki and the whole entourage are here called upon to play their play on a stage produced and directed by King Torts and associate. It is too bad that the author does not show the same imagination on the printed page that he does in the courtroom.

By and large, the book is pale, wan and flat, with only occasional spurts of the expected Bellian spirit. With the publicity that surrounds Belli and his law practice, it is hard to believe that he would attempt a book devoid of his personality. But this seems to be the over-all result. It is as if the auth-

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ors were uncertain which way to proceed; so they just go ahead anyway, sans virtuosity, sans virility.

Where this book can perhaps make modest claims of success is in individual chapters, notably where the authors are nearest to home. For this reason, the views expressed on the William Girard and Tokyo Rose trials are undoubtedly the most perceptive sections in the book.

Also contained in the book is a foreword by the late Errol Flynn. It is inane and a little insane, but at least it is not insipid.

Life and Law in Japan is just the first in a series of projected surveys. If form holds to intent, the next sacrifice will be the Soviet Union, with the Code of Hammurabi and Iran and the laws of Justinian and Turkey slated for the serving block in the not too distant future.

Belli and company do not quite

leave the ground in this first flight to the never-never lands. Perhaps next time, if there must be a next time, they will vitalize their approach, rev their motors and let fly.

"In only two countries, France and Russia, are there a greater number of women lawyers than men lawyers. In Russia, more than half of the lawyers are women." (p. 108) And where, one may ask, does this leave France?

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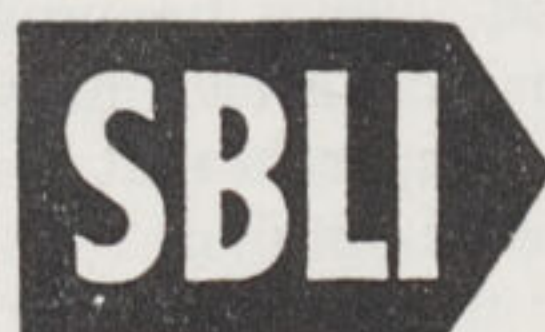
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