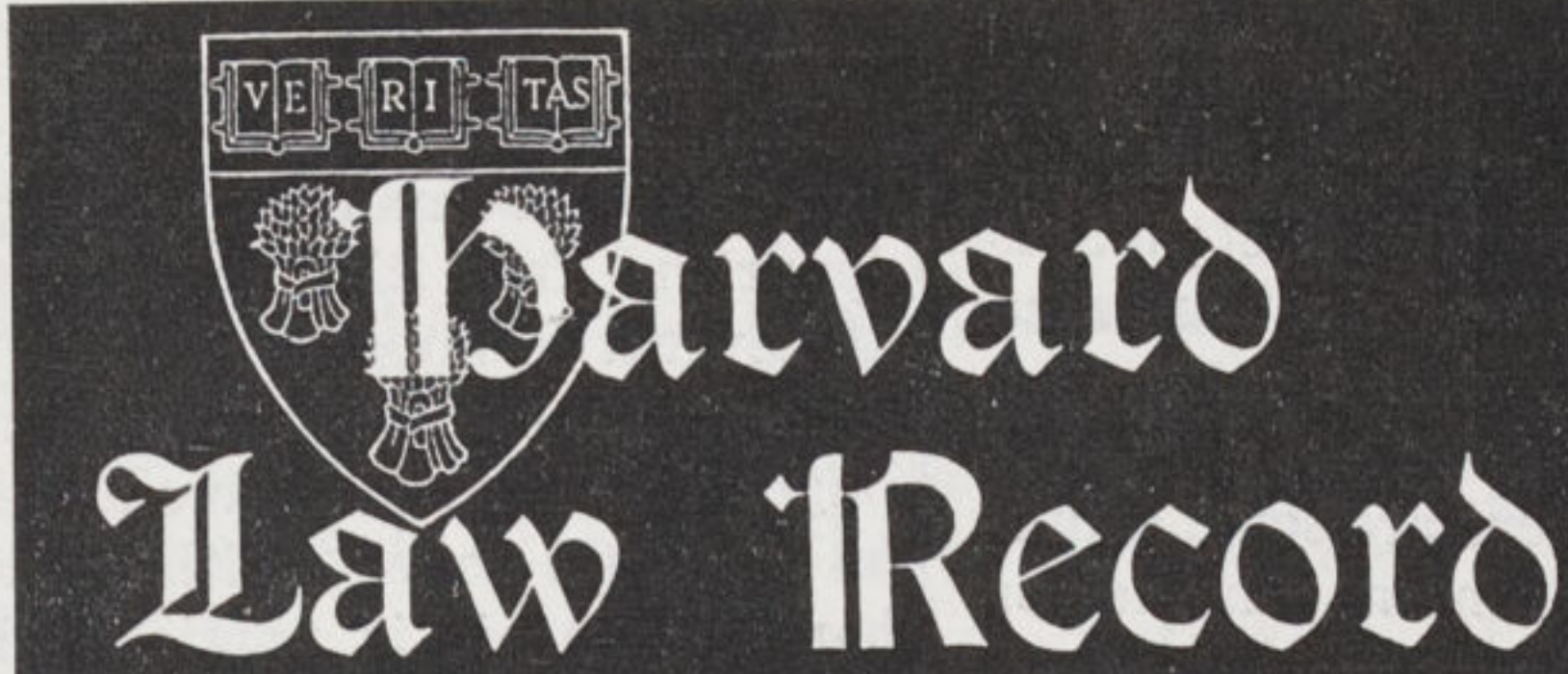




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NO. 6

Students Receive Clerkships

By Clark P. Giles

Roland S. Homet, Jr., 3L, Long Lake, New York, and Burke Mathes, 3L, South Pasadena, California, and four members of the class of 1960 have been appointed for the next term as clerks of justices of the Supreme Court of the United States. Other members of the class of 1961 have been appointed to clerk for judges of the United States Courts of Appeals, District Courts and justices of the Massachusetts Supreme Judicial Court.

Mr. Homet will clerk for Justice Felix Frankfurter and Mr. Mathes will be a clerk for Justice Thomas C. Clark.

Four members of the Class of 1960 will be clerking for justices of the Supreme Court next term. Frank I. Michelman, practicing in New York, and Roy A. Schotland, presently working for Professor Paul A. Freund, will clerk for Justice William J. Brennan, Jr. David P. Currie, presently clerking for Judge Henry J. Friendly of the U. S. Court of Appeals for the Second Circuit, will clerk for Justice Frankfurter. Nathan Lewin, now clerking for Chief Judge J. Edward Lumbard of the U. S. Court of Appeals for the Second Circuit, will be a clerk of Justice John M. Harlan.

Timothy B. Dyk, 3L, Brooklyn, New York, will clerk for Justice Stanley F. Reed (retired) and Justice Harold H. Burton (retired).

Appellate Court Clerks

Five students will clerk for judges of the U. S. Court of Appeals for the Second Circuit. Chief Judge J. Edward Lumbard will have the service, as clerks, of Jack S. Levin, 3L, Glencoe, Illinois, and James VanRoden Spring-

er, 3L, Babylon, New York, past president of the *Harvard Law Review*. Peter B. Edelman, 3L, Minneapolis, Minnesota, will clerk for Judge Henry J. Friendly. Tom J. Farer, 3L, Manchester, New Hampshire, will be the clerk of Senior Circuit Judge Learned Hand. Roland A. Paul, 3L, Memphis, Tennessee, will be the clerk of Judge Sterry R. Waterman.

David Falk, 3L, Cambridge, Massachusetts, will clerk for Chief Judge Simon E. Sobeloff of the U. S. Court of Appeals for the Fourth Circuit.

John R. Quarles, Jr., 3L, Wellesley Hills,

(Continued on Page 8)

King Elevated To Board Throne

John Carroll King, 2L, Charleston, West Virginia, has been elected Chairman of the Board of Student Advisers. Donald Howard Berman, 2L, Auburn, Maine, was selected to serve as the new Vice Chairman. The new officers will serve for the 1961-62 academic year.

Mr. King received his A.B. degree from the University of West Virginia in 1959. Mr. Berman is an A.B. graduate of Harvard, class of 1957.

Jerome E. Sharfman, 2L, Neponsit, New York, was elected First Alternate and C. Dean Dusseault, 2L, Needham, Massachusetts, was elected Second Alternate. In the event that neither officer is able to serve next year, an alternate will assume the duties of Chairman.

Professor Roger D. Fisher has been appointed to succeed former Professor Abram J. Chayes as Faculty Adviser to the Board.

Hearsay

Ethical standards are often subjects of not infrequent discussion, if not always of controversy. In almost every instance the standards are ones which meet with difficulty of expression when one is asked to put them into words. When pressed to give verbal content to a standard, many people will say that it is a subjective thing that is only "felt" rather than clearly understood. Yet there are some standards of conduct that can be given clear expressive content whether or not the "feeling" accompanies them.

One of these is that members of the judiciary should not use their positions to bestow privileges on their relatives. In the Commonwealth of Massachusetts at least one member of the judiciary does not believe in that principle.

Suffolk County Probate Judge John V. Mahoney has appointed his son as trustee of an estate, a position that will result in the son's receipt of \$10,000 a year as an administration fee. This blatant act should meet with the condemnation of every member of the bar.

The son's resignation does not change the situation.

The bar associations have attacked the judge's actions and are thus seeking to rectify that situation. While the bar associations' action is proper in this instance, the problems reflected by Mahoney's act are much broader. His move, while merely improper, serves to call attention to the corruption that exists in the Massachusetts government and political organizations. As leaders of the legal profession and as participants in the governmental process, the members of the bar should see that corruption is eliminated from Commonwealth affairs. Rather than being shocked when something as flagrant as Mahoney's appointment comes to light, they should strive to eliminate the possibility of such action and to maintain confidence in government.

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COMMENT

By Fenno

The newspapers a short while ago carried a small item noting the departure from the United States of several groups of Amish. This item was buried on the inside pages, but it should have appeared on the front page — within a black border. For it is tragic evidence of the further decline of one of freedom's most precious rights — the right to be let alone.

The Amish are an agrarian religious sect which came to the United States in search of religious freedom over 200 years ago. They shun all modern conveniences and government aid. Epitomizing the dying American virtues of thrift, hard work and absolute morality, the Amish have never been on relief rolls, and not one Amish child has ever been a juvenile delinquent. They pay their taxes and ask from the government nothing in return — except the right to be let alone. And yet they are denied this right.

The chief instrument for the persecution of the Amish is the state compulsory school attendance law. Because of their religiousness, Amish parents do not want their children to attend public school beyond the age of 14, lest they be corrupted from the simple and wholesome ways of their ancestors by associating with hoodlums who are attending public schools merely because they have not reached the compulsory age.

There may be some excuse for requiring the Amish to comply with laws such as highway safety regulations, the failure to comply with which might injure others. But there can be no legitimate excuse whatever for forcing compliance with laws of dubious merit anyway, noncompliance with which would not result in any harm to other members of the public — laws such as those requiring school attendance beyond the age of 14.

Individual liberty has already been seriously curtailed by slavish emphasis on "the good of society." Must we lose entirely the right to be let alone?

Ames Quarter-Finals Begin

By Charles F. Waite

The upper rounds of the spring Ames Competition will begin tonight as second-year members of the Harlan Law and Story Law Clubs face each other in the first quarter-final contest.

Next Tuesday the second of the quarter-finals will see second-year courts of the Casner Law and Scott Clubs competing for a chance at the semi-finals next fall.

Tonight's argument concerns a private antitrust action in which the plaintiff has asked treble damages for asserted violations of the Sherman and Robinson-Patman Acts.

The plaintiff, a retail grocer, has complained that the defendants, a trading stamp company and a supermarket chain, have conspired to prevent plaintiff from using the stamp company's trading stamps in an area in which the plaintiff competes with one of the chain's supermarkets.

Arguing for the Harlan Law Club will be Steven E. Gross, New York, and Thomas B. Morris, Jr., Columbus, Ohio. Participating on the brief are Edward J. Burns, Oneida, New York; Miles A. Coon, New York; Robert DeN. Cope, Cambridge; Alexander L. Wiener, Jr., Grosse Pointe, Michigan; and John P. Wilson, Mountain Lakes, New Jersey.

Oralists Are Listed

Oralists for the Story Law Club are Evan R. Berlack, Ossining, New York, and Michael R. Marron, Cambridge. Participating on the brief are Stephen F. Ells, Cambridge; William K. Hoskins, Cincinnati; Mark A. Michelson, Brookline, Massachusetts; E. Lewis Reid, Jr., Cambridge; Robert D. Webster, New York; and Thomas C. White, West Hartford, Connecticut.

Judges for this evening's argument are the Honorable Frederick W. Hall, Justice of the Supreme Court of New Jersey; Joseph H. B. Edwards, Esq., of Bingham, Dana and Gould; and James Vorenberg, Esq., of Ropes, Gray, Best, Coolidge and Rugg, both Boston law firms.

Next Tuesday's contest concerns an action for damages under the Federal Employer's Liability Act for injuries sustained by a railroad employee in the course of his employment.

The employee, a locomotive engineer, was injured when the train he was operating collided with a truck at a private grade crossing. The railroad contends that it need not answer for the negligence of the grade crossing tender, an employee of a third party.

Oralists for the Casner Law Club will be Edward C. Pinkus, Hempstead, New York, and M. Laurence Popofsky, Oskaloosa, Iowa. Participating on the brief are Miss Marjorie L. Girth, Cranbury, New Jersey; John H. Doyle, New York; Gregory M. Harvey, Morristown, New Jersey; Melvin S. Schwarzwald, Canton, Ohio; Sidney Shushan, New Orleans; and George J. Wade, Tenafly, New Jersey.

Arguing for the Scott Club will be Patrick O. Burns, New York, and David L. West, Kansas City, Kansas. Participating on the brief are Norman H. Donald, III, Rye, New York; Edward O. Henneman, New York; John D. Lockton, Jr., Greenwich, Connecticut; Jonathan H. Morgan, St. Paul, Minnesota; James R. Wade, Denver; and Lawrence S. Westfall, Los Angeles.

Judges for Tuesday's argument will be the Honorable Edward T. Gignoux, Judge of the U. S. District Court for the District of Maine; William H. Edwards, Esq., of Edwards and Angell, a Providence law firm; and Frederick S. Pillsbury, Esq., of Brooks, Wallace and Pillsbury, a law firm in Springfield, Massachusetts.

Both arguments will take place at 8 p. m. on the respective evenings in the James Barr Ames Courtroom of Austin Hall. Copies of the records and briefs may be obtained at the second-floor office of the Board of Student Advisers in Austin Hall.

Indian Ambassador To Discuss Constitutions

The Honorable M. C. Chagla, Indian Ambassador to the United States, will speak on the subject of "The Constitution of India and the Constitution of the United States" in the Harkness Meeting Room on Monday, March 20, at 1:30 p. m. Dean Erwin N. Griswold will introduce Ambassador Chagla. The meeting will be sponsored by the International Law Club.

"The Emerging Law of Space" will be the topic of Professor Myres McDougal, Sterling Professor of Law at the Yale Law School, at a meeting of the I. L. C. today at 8 p. m. in the Roscoe Pound Room, Langdell Hall.

The I. L. C. will compete with the World Community Association of the Yale Law School and the Columbia Society of International Law in a moot International Court of Justice at Columbia on March 17. The case involves a claim for damages by a nationalized Drongolese corporation and the right of its shareholders to present a separate claim.

The I. L. C. will be represented by Donald B. Kornreich, 2L, Brooklyn, New York, and Willard G. Martin, 2L, Laconia, New Hampshire. They were assisted on the brief by Robert E. Porges, 2L, Brooklyn, New York, and Cornelius B. Prior, Jr., 2L, West Hartford, Connecticut.

Lawyers Urged To Speak English

By James R. McCall

"One of the most important things any lawyer can do to make his relations with businessmen more productive and pleasant is to learn to speak English." This seemingly obvious point was stressed by Harvard Business School Professor Robert W. Austin in an informal question and answer session with the Student Bar Association last Wednesday. The topic was "The Businessman and the Lawyer."

Professor Austin, a 1932 graduate of the Law School and a former partner in the New York firm of Breed, Abbott, and Morgan, explained that the painfully-acquired vocabulary of the professional lawyer is a foreign tongue to the businessman, who is only confused and perhaps irritated by phrases such as "proximate cause" and "promissory estoppel." Although these terms may also be a source of irritation and no little confusion to the practicing lawyer himself, the latter should make every attempt to be able to communicate, in reasonably plain English, what these terms mean to his business clients.

Professor Austin stated that another source of irritation in the businessman-lawyer relationship is the inability of the businessman to appreciate the fact that his lawyer may not be able to give a certain opinion of "the

law" relevant to a particular business problem at any one time. The uncertainty as to possible court decisions in the field of manufacturer's liability is difficult to communicate to a business client, who may mistake his lawyer's painstaking advice of caution in an area of legal change for mere incompetence.

In answer to questions concerning business ethics, Professor Austin stated that, lacking a professional code, the individual businessman is forced to rely upon his individual notions of right and wrong and his concept of the responsible citizen.

Professor Austin pointed out that the great divergencies in business situations in which executives found themselves made a meaningful professional code of ethics for businessmen improbable if not impossible.

This topic was pursued further, in a rather predictable way, by questions relating to the recent successful prosecutions of major electrical company executives. The illegal and "unethical" practices disclosed in the prosecutions were removed only in degree from commonly-accepted administered-pricing practices in other industries facing the same type of problems as the electrical companies, Professor Austin pointed out. In the prosecuted instances, the executives did go beyond the bounds of conduct permitted by reference to the duty to produce profit for the shareholders of the corporations.

McCormack To Discuss Attorney General's Role

On March 23, Massachusetts Attorney General Edward J. McCormack, Jr., will address the Law-Graduate Democratic Club on the future of the state Democratic Party and his own conceptions of the role of the Attorney General in law enforcement and the guarantee of civil liberties. Mr. McCormack, who is considered an energetic and effective Attorney General and a probable candidate for Governor or Senator in 1962, will speak in the Harkness Meeting Room at 1:30 p. m.

After the McCormack speech, the Club will hold its annual election for five offices, president, vice president, corresponding secretary, recording secretary and member-at-large. All dues-paid members are eligible to run; provisions will be made for candidates to be their own nominators.

Africa To Be Forum Topic

By Robert C. Berry

Alex Quaison-Sackey, Ambassador Extraordinary and Plenipotentiary of Ghana to the U. N., will speak on "The Future of Democratic Government in Africa" before the Law School Forum tomorrow at 8 p. m. in the Lowell Lecture Hall.

Professor Louis B. Sohn will open the program with remarks directed toward the area in general and will moderate a panel discussion to follow.

Ambassador Quaison-Sackey has long played a key role in his country's affairs and has been one of the young leaders in the Ghanaian government since his country gained its independence in 1958. At the United Nations, he is chairman of the Committee on Information from Non-Self-Governing Territories.

Completing the panel and appearing with Ambassador Quaison-Sackey and Professor Sohn will be Dr. Antonio Colaco, Consul of Portugal in Boston; Dr. Jo W. Saxe, an economic advisor from the United Nations to the Government of Togo and currently an Advisor to Fellows in the Harvard Center for International Affairs; and Dr. Elliot Berg, Instructor in Economics at Harvard.

Dr. Antonio Colaco has been the Portuguese Consul in Boston since April 1, 1960. Prior to that, he was Legation Attaché at the Secretariat of State and was later Embassy Secretary at the Portuguese Embassy in Washington. He is a graduate in law from the University of Lisbon.

Frequent African Visitor

Dr. Jo W. Saxe this year assumed his position as Advisor to Fellows following a research associateship at the Center for International Affairs from 1958 to 1960. While a member of the staff of the American Embassy in Paris from 1948 to 1954, Dr. Saxe made frequent trips to French North Africa, French tropical Africa and British West Africa. These experiences in Africa have been supplemented during the past two years through his United Nations duties in connection with the government of Togo and through his visits throughout Africa to select candidates for the Graduate School of Public Administration. Dr. Saxe holds a Doctor of

Philosophy (Economics) degree from Oxford University and is a former consultant to the *Service d'Etudes Economiques et Financieres* of the French Ministry.

Ford Foundation Scholar

Dr. Elliot Berg from the College includes among his courses one specifically dealing with African economics. He studied in Africa with the Ford Foundation, first going to that continent in 1953. His most recent visit to Africa was in January of this year, doing research at that time. Dr. Berg holds his Ph.D. degree in Economics from Harvard.

Professor Louis B. Sohn, LL.M., Harvard, 1940, is the author of several publications on international law, including *Cases on World Law*, *Cases on United Nations Law* and (with G. Clark) *World Peace Through World Law*. At the Law School he teaches United Nations Law and other courses in the international field.

YAFs To Present Business Consultant

By J. Alan MacKay

On Tuesday evening, March 21, at 8 p. m., the Harvard Young Americans for Freedom will present Joseph J. Eley, president of Public Affairs Counsellors, Inc.

Public Affairs Counsellors is a firm established to provide counselling services on political and governmental affairs to business firms and other groups. Among its other activities, the firm aids companies in setting up what it calls "Applied Citizenship Training Programs," aimed at encouraging employees to take an active part in politics. Public Affairs Counsellors is non-partisan.

Joseph J. Eley is well-suited to this sort of activity. His background includes experience as a newsman, radio commentator and public relations executive; more recently, he was executive vice president of Effective Citizens Organization, in which capacity he directed seminars in practical politics at Princeton, Stanford, Michigan State and other campuses.

The meeting will take place in Room 5 of Sever Hall, in Harvard Yard, and will be open to the public.

Assemblywoman Speaks to YRs

By Paul R. Matia

Mrs. Mary E. Newman, representative from Cambridge in the Massachusetts Assembly, gave her views on "What Is Wrong with Massachusetts Government" at a luncheon meeting of the Harvard Law-Graduate Republican Club last week. Mrs. Newman, who was first elected in 1952, is the only Republican among the Cambridge delegation in the Assembly.

The problem is not necessarily one of an outmoded governmental framework, Mrs. Newman said, and therefore it will not be solved by revising the constitution. The present constitution, which was drawn up before the Federal Constitution and has never been completely rewritten, provides for a great measure of citizen participation in government. Any person or group can introduce a bill in the legislature, and such bills must be printed, given committee hearings and reported, favorably or unfavorably, for a vote by the whole legislature.

System Appears Cumbersome

While this system appears to be impossibly cumbersome, it also contains certain efficiencies. All bills must be filed at least one month before the legislature convenes. The committees which hold hearings on bills are joint committees of the Senate and the Assembly, thus eliminating duplicate hearings. All bills approved by the subject-matter committees are next sent to the ways and means committee for consideration of their financial effect. Thus when a bill reaches the floor of the legislature, the necessary funds have been provided for.

System Not Working

Mrs. Newman described this system as "wonderful," but she said it has not been working right in the last few years. For example, last year all bills were reported out of committee by March, yet the legislature did not adjourn until eight months later. The problem, Mrs. Newman said, was politics. Too much trading was being conducted, and bills disappeared into various offices and agencies for long periods of time. The Cambridge Republican criticized the Democrats, who, she said, had been out of office so long

that they continued to campaign and forgot that they had a government to run.

There is also too much "invisible government" in Massachusetts, Mrs. Newman said. The Speaker of the Assembly has almost as much power as the Governor, and if the minority leader is too cooperative there is no effective opposition. The latter situation results in public criticism of the minority as well as the majority for bad legislation.

Mrs. Newman also criticized the press in Massachusetts for failing to keep the public adequately informed. She excepted only the *Christian Science Monitor*, which unfortunately does not have a large circulation in Massachusetts.

Legal Aid Holds Annual Banquet

On Monday evening the Harvard Legal Aid Bureau held its annual banquet at the Harvard Faculty Club. The Honorable Bailey Aldrich, LL.B., *c.l.*, 1932, of the U. S. Court of Appeals for the First Circuit was the guest of honor and principal speaker. He was introduced by Professor Milton Katz, Henry L. Stimson Professor of Law and Director of International Studies. Guests of the Bureau included members of the Faculty and distinguished alumni of the Law School, among whom were Chief Justice Raymond S. Wilkins, LL.B., *c.l.*, 1915; Justice R. Ammi Cutter, LL.B. 1925, of the Supreme Judicial Court of Massachusetts; and Leonard Wheeler, Esq., LL.B. 1925, of Goodwin, Proctor and Hoar, president of the Cambridge Bar Association.

Professor Leach Straddles Defense

Professor W. Barton Leach will speak to a luncheon meeting of the Law-Graduate Republican Club tomorrow at 1 p.m. in the Mallory Smith Room of Harkness Commons. Professor Leach will speak on "Current Defense Problems."

B & B To Hear Land Man

By Paul E. Freehling

Marvin Kratter, president of one of America's largest diversified real estate corporations, will talk to members of the Bull and Bear Club tomorrow at 1:40 p.m. in the Wheeler Room of Holmes Hall. Mr. Kratter, once exclusively involved in real estate syndicates, now heads the Kratter Corporation which uses the corporate form for land ownership. He will speak on the subject of publicly held real estate corporations.

Mr. Kratter has acquired some of New York's most famous properties. As the owner of Ebbets Field in Brooklyn, he was landlord to the Dodgers from late 1956 until that club moved its franchise to Los Angeles. (The Kratter Corporation, current owner of the property, is building New York's largest apartment building on land including that where Ebbets Field once stood.) Last year, Mr. Kratter, on behalf of the corporation, purchased the 600 room St. Regis Hotel at a price reportedly in excess of \$14 million.

Tax Laws Give Benefits

Current tax laws or methods of public financing provide the framework around the deals in which the Kratter Corporation has been involved. In 1960 alone these transactions involved the purchase of over \$60 million worth of properties from Toronto to Miami Beach.

One of the Kratter Corporation's financing techniques will be familiar to many second-year Accounting students. (A similar arrangement composed the nucleus of one question on their examination.) A Kratter subsidiary, upon purchasing a building, elects to use the declining balance method of depreciation. During the early years, under this method, depreciation is high enough so that the corporation reports a tax loss although in fact cash income is far in excess of cash outflow. Two consequences follow: (1) any distribution made to shareholders constitutes return of capital which is taxed to shareholders, if at all, at the capital gains rate; (2) the tax loss carried forward by the corporation further delays the time when income taxes must be paid by the corporation on its receipts. As that date approaches, the corpora-

tion may sell the property with a result that any gain realized will also be taxed at the capital gains rate.

Governmental financing has provided most of the funds for the Ebbets Field project. Upon the corporation's agreement to keep monthly rentals low and to be satisfied with a 6% return on capital, the state agreed to lend up to 90% of the project's cost. In addition, the city has been asked to provide a tax abatement for the first 15 years of the proj-



Marvin Kratter

ect. In this way the 25-story, 1300-apartment building will require a corporate cash outlay of only about \$2.3 million; at present property tax rates the corporation would save about \$2.6 million in property taxes over the first 15 years of the project.

Corporation Owns Theater

Kratter Corporation's success is largely attributed to its founder and president. The corporation currently owns, among other properties from coast to coast, 92 floors of prime Manhattan office space and the Lunt-Fontanne Theatre on Broadway. Mr. Kratter graduated from Brooklyn College and Brooklyn Law School. He has given lectures on real estate planning to students at Yale and N. Y. U. Law Schools as well as to classes conducted by Professor Westfall at Harvard.

ILC Co-Sponsors International Law Parley

By Jack Waterman

The Harvard International Law Club participated as a co-sponsor in the week-end conference entitled "The Lawyer's Role in International Trade" recently presented in New Haven by the World Community Association of the Yale Law School. About 30 Harvard Law School students attended the conference, together with over 100 internationally inclined attorneys, large delegations of students from other law schools and numerous other guests.

Consisting of six addresses dealing with general problems of law as applied to international trade and fourteen seminars covering more specific topics the conference provided the Harvard students attending with not only a chance to pick up a little extra particular knowledge on one subject or another but also the chance to mingle and talk with a great number of the more prominent practicing attorneys in the field of private international law.

Many Problems Aired

Among the subjects discussed were legal problems of importing and exporting, problems of organizing for overseas operation, U. S. trade policy in the 1960's, international commerce and anti-trust law, legal aspects of developing regional overseas markets (including Latin America, the Middle East, the Soviet orbit and Western Europe) and the taxation of private foreign investment.

After being welcomed by Eugene V. Rostow, Dean of the Yale Law School, the participants heard a keynote address by Mark S. Massel of the Brookings Institution, Washington, D. C., which stressed the necessity of the lawyer's handling of international trade problems with an interdisciplinary approach combining a substantial understanding of economics, political factors and the businessman's outlook, together with purely legal considerations.

Professor Richard N. Gardner of Columbia Law School, who spoke on "United States Trade and Aid Policies for the 1960's," dwelled at length on the problem faced by free world countries in not having sufficient liquid reserves to continue financing economic growth and upon the American balance of payments difficulties. He proceeded to outline

steps which might be taken here and abroad to alleviate these difficulties. Solutions to these problems, however, were but preliminaries to the execution of what Professor Gardner called "A Grand Design for Freedom," consisting of new forms of free world cooperation in finance, aid and trade. Such a grand design could be successful only if free world countries were striving toward some coherent overall goal in their trade and aid policies.

Trade Groups Discussed

Professor Eric Stein of the University of Michigan Law School spoke on the legal problems of developing regional markets, concentrating upon and contrasting the two regional trade groups in Europe, the European Economic Community (Inner Six) and the European Free Trade Association (Outer Seven).

One of the highlights of the conference was the address by Rep. Hale Boggs, Democrat of Louisiana and chairman of the House Subcommittee on Administration of Foreign Trade Laws and Policy. Speaking on the taxation of private foreign investment, the Congressman explained his controversial "Boggs Bill," which would extend to American-owned enterprises incorporated abroad certain tax deferral privileges now possessed only by domestic corporations.

Clerks

(Continued from Page 1)

Massachusetts, will be the clerk of Judge John Minor Wisdom of the U. S. Court of Appeals for the Fifth Circuit.

Two students will travel to the West Coast to clerk for judges of the U. S. Court of Appeals for the Ninth Circuit. Fred R. Becker, 3L, Philadelphia, Pennsylvania, will clerk for Judge Charles M. Merrill and Thomas A. Skornia, 3L, Wheaton, Illinois, will clerk for Senior Circuit Judge William E. Orr.

Thomas S. Chittenden, 3L, Binghamton, New York, will clerk for Justice Harold P. Williams of the Supreme Judicial Court of Massachusetts. Wilmot R. Hastings, 3L, Swampscott, Massachusetts, will be the clerk of Chief Justice Raymond S. Wilkins of the Supreme Judicial Court of Massachusetts.

Charles A. Goldstein, 3L, Perth Amboy, New Jersey, will clerk for Judge Irving R. Kaufman of the U. S. District Court for the Southern District of New York.

FEATURES SECTION

Connecticut Circuit Courts

By Judge Jay E. Rubinow

In the fall of 1958, a Connecticut lawyer named Abraham A. Ribicoff ran for re-election as governor of Connecticut. Reform of the minor courts was one of his major campaign issues. Out of a total of 967,000 votes cast, Ribicoff received 607,000.

On March 26, 1959, he signed into law Public Act No. 28, entitled, "An Act Concerning Creation of a Circuit Court to Replace the Trial Justice and Municipal Courts." Thus ended a thirty-year struggle to reorganize Connecticut's minor courts.

In getting this history-making legislation passed (in spite of the fact that fourteen previous sessions of the General Assembly had defeated similar legislation), Ribicoff had the able assistance of (among others) two men of special interest to alumni of Harvard Law School: John M. Bailey '29, a party leader, whom a veteran political writer, Jack Zaiman, recently described as a "giant at (Connecticut) legislative sessions since 1947", and Ernest W. McCormick '25, the spokesman for the Connecticut Bar Association and chairman of the association's Committee on Court Reorganization.

Public Act No. 28, which became effective January 1, 1961, abolished a 300-year-old "conglomeration" (as Ribicoff called it) of 169 courts — justice-of-the-peace courts, city courts, town courts, borough courts, police courts and traffic courts. In place of those courts, the act sets up one new state-wide court of uniform criminal and civil jurisdiction.

In place of the 204 part-time trial justices and 138 part-time minor court judges who had been presiding over the "conglomeration," the act puts 44 judges who are to devote their "full time to the duties" of their office. (Unless otherwise indicated, quotations are from Public Act No. 28.) Of the 44 judges first appointed, "no more than one-

Judge Rubinow received his A.B. in 1933 and his LL.B. in 1937 from Harvard. He was appointed to the Connecticut Circuit Court in 1959 after having practiced law in Manchester since 1938. In March, 1960, he was appointed Chief Judge of the Circuit Court.



Judge Rubinow

half" could be "members of the same political party." Each judge must be "a member of the bar of the state of Connecticut;" he receives an annual salary of \$15,000; he is "on circuit as assigned by the chief judge, but no judge (may) be assigned to one circuit continuously for more than four months." The judges are appointed by the General Assembly upon nomination of the governor, for terms of four years.

Of the 44 judges first appointed, five (this is not required by the act) attended Harvard Law School: Lester H. Aaronson '40; Michael A. Ciano, 1928-1929; Erving Pruyn '21; Jay E. Rubinow '37; and Archibald H. Tunick '33. (The competition from New Haven furnished four.)

The Circuit Court judges have jurisdiction over criminal offenses where the maximum penalty does not exceed a fine of \$500 and imprisonment for one year. They may also have jurisdiction over offenses where the maximum penalty does not exceed a fine of \$1000 and imprisonment for five years, but may not impose a penalty in excess of a fine of \$500 and imprisonment for one year. They have civil jurisdiction over cases where the matter in demand does not exceed \$2500.

A defendant in a criminal case in the Circuit Court may have a jury trial, except where the maximum penalty does not exceed \$50 and a jail sentence of thirty days. Any party in a civil case in the Circuit Court may have a jury trial, except where the matter in demand does not exceed \$250. In civil cases, the party requesting the jury trial pays a fee of \$20 if he wishes a jury of six and a fee of \$50 if he wishes a jury of twelve. In criminal cases, a party entitled to a jury trial

may have, without fee, a jury of six or a jury of twelve.

Any defendant in a criminal case and any party in a civil case (except a small claims case) has an unlimited right to appeal to the appellate division of the Circuit Court, but only for a "review of errors of law." Each session of the appellate division has a panel of three Circuit Court judges, but, for obvious reasons, no judge may sit on the appellate division panel that is to hear an appeal from

Profiles of Leaders

Dispelling popular misconceptions about the oldest social club at the Law School the other evening was Harold E. Fitzgibbons, Jr., newly-elected president of Lincoln's Inn.

The Harvard graduate estimated that only 30 per cent of the 270 members of the club, founded in 1908, attended the Ivy League schools and that the membership is drawn from the various schools represented at the Law School, including a number of foreign students.

Harry, born in Boston on November 11, 1936, attended Milton Academy, Phillips Exeter, and received his B.A. in history at Harvard in 1958. He then spent a year at Oxford before coming to the Law School, where he is in his second year. He is a resident of Duxbury, Massachusetts.

In addition to Lincoln's Inn, he is a member of the Coffee Hour Committee and the International Law Club. He lists tennis as a hobby.

"Lincoln's Inn," Harry explained, "doesn't attempt to be a fraternity. It's a convenient place to have dinner and meet your friends — a loose-knit organization, and I doubt whether Barry Goldwater would give us his imprimatur."

Other interesting data imparted by the incoming president of the Inn includes the fact that the Christmas Show will get a repeat performance — for the first time in history — at the Law School Variety Show March 25.



Brimming with new ideas for improving the social activities of the Chancery Club is its newly-chosen chancellor, Hall Seely, one of the many Californians who have come "back East" for their legal education.

Hall, born Oct. 1, 1936 in San Francisco, attended Newport Union High School, received his A.B. in international relations at Stanford and stayed on for another year to get a master's degree in political science.

In addition to Chancery, he is president of the California Club; he finds his favorite sports — surfing, skin diving and sports car racing — severely restricted by New Eng-



land weather.

"Having come 3,000 miles to this Law School, and meeting people from all over the country," Hall commented, "I was quite pleased to find a place like Chancery Club where some respite from the law could be gained — an atmosphere of free interchange of ideas."

The club, founded after the First World War, had as its first chancellor the father of outgoing president John Quarles. It lists among its former leaders Vice Dean Louis A. Toepfer.

First on the accelerated social program under the aegis of the new chancellor is a St. Patrick's Night Dance at the club, March 17, co-sponsored by the St. Thomas More Society, to which the Irishmen of the Law School community are welcome.

his judgment or order. The judges on the panel are excused from their duties on the trial bench "only to the extent necessary to perform their assigned appellate duties."

A litigant may appeal (to the Supreme Court of Errors) from a decision of the appellate division only (a) if the "appellate panel certifies that there is a substantial question of law that should be reviewed," or (b) if the Supreme Court of Errors certifies the case for review. In its rules, the Supreme Court of Errors states that "certification . . . will be allowed only where there are special and important reasons therefor."

Special Defenders Appointed

Public Act No. 28 also provides for the appointment of special public defenders in criminal cases, whenever the judge "before whom the matter is pending . . . determines that the interests of justice shall so require." This section of the act has been implemented by a Circuit Court rule providing for the payment of "a reasonable sum, not to exceed thirty-five dollars per day" for the services of a public defender.

Although Public Act No. 28 has made Connecticut a leader in minor court reorganization, the statutory provisions are only part of the transformation that has occurred in Connecticut's minor courts. Certain reorganization by-products, although not specifically provided for by the statute, will produce striking changes. One of the most important of these changes concerns the status of minor court employees.

Survey of Department

In 1949, Judge Charles E. Clark and Professor Elias Clark, both of whom for years have been leaders in the fight for court reform in Connecticut, made a survey of the Connecticut Judicial Department. In the minor courts, they reported finding a court system with "vast political ramifications"; one of the consequences of those "ramifications" was the periodic "complete turnover of the entire personnel of a local court. . . . Under such conditions a trained and experienced personnel [is] impossible."

To eliminate these "vast political ramifications," the Circuit Court judges have adopted a rule prohibiting political activity by all Circuit Court personnel, including themselves. Instead of being subject to periodic wholesale firing, Circuit Court employees have the bene-

fit of a tradition of reappointment for qualified personnel in the State Judicial Department. The great waste attendant upon periodic turnover in personnel will be eliminated, and the public will have the obvious advantages of having services performed by experienced career personnel.

Other improvements in judicial administration that the Circuit Court, as a statewide court, has made possible include: a Circuit Court Records Center, where all inactive civil and criminal records of the Circuit Court will be housed; a Criminal Arrest Records Bureau, where records are kept of all Circuit Court pending criminal cases, with provisions for transmitting to the court the prior criminal record of any person charged with crime in the Circuit Court; a Central Accounting Office, where data processing equipment does the bookkeeping and compiles the statistics for the entire Circuit Court system; and the use of the Uniform Traffic Ticket and Violations Bureau procedures for violations of the motor vehicle laws.

Forum For Experience

For judges and prosecuting attorneys, the Circuit Court is an excellent forum to gain experience and seasoning. At the same time, the appointing authorities will have an opportunity to evaluate the qualifications of its judges and prosecuting attorneys.

In their report, Judge Clark and Professor Clark noted, "The most important consequence [of minor court reform] will be the raising of the standards of judicial administration in the courts closest to the people." In the years to come, of almost equal importance will be the creation of a reservoir of trained judicial personnel to help maintain the high standards of judicial administration now found in the other courts of our state.

Deadline Set For J A G Program

Interested third-year students must apply for their commissions under the Air Force Staff Judge Advocate Program before Thursday, March 23, to avoid a considerable delay in the processing of their applications, T/Sgt. Frank J. De Luca, local Air Force representative, has announced. Information and the required J. A. G. forms and instructions may be obtained by contacting Sgt. De Luca at PROspect 6-8830 daily between 9-4:30 p. m.

Recent Books

By Guy A. Schrans

AMERICAN ENTERPRISE IN THE EUROPEAN COMMON MARKET — A LEGAL PROFILE, Eric Stein and Thomas L. Nicholson, editors. Michigan Legal Publications (1960).

It is quite a fascinating experience for a European lawyer to notice how much American businessmen, lawyers and professors are interested by the new economic and legal structures which Belgium, France, Germany, Italy, Luxembourg and The Netherlands have decided to create in order to "ensure the economic and social progress of their countries by common action in abolishing the barriers which divide Europe."¹ Groups of American businessmen have already called the European Economic Community "one of the most important undertakings of the twentieth century"² and "a new frontier for American business."³ More recently, similar appreciations were expressed during a conference on "The Lawyer's Role in International Trade," organized by the World Community Association of the Yale Law School (March 3-4, 1961).

In this framework the two volumes under review are doubtless a particularly welcome publication. In a foreword, Professor Stein of Michigan Law School defines as follows the purpose and the scope of the project:

This book has been prepared with the primary purpose of helping those American lawyers who, because of their clients' expanding activities, confront for the first time the problems of trading with and trading in the European Common Market. It is designed to give them an over-all picture of the new legal framework of the Market itself and of the law

of business organization, labor relations, industrial property, competition and taxation which prevail there. With this background American lawyers should be better able to select and use the services of the European experts on whom they must, of course, depend for definitive counsel (emphasis supplied). * * * We would like to think that it may encourage more teachers of comparative law to venture from the traditional paths of civil law into the more rapidly evolving areas of commercial law; that it may help students of American commercial law to compare American institutions with their European correlatives; and that it will direct the attention of constitutional and international lawyers to a new kind of emergent federalism and "supranational" organization which "breaches the integrity of national legal systems." (pp. v-vi)

In order to carry out this vast undertaking, eleven different experts — from both sides of the Atlantic — contributed twelve very substantial and comprehensive chapters, covering altogether more than 1200 pages. The editors furthermore acknowledge the help and advice of numerous European lawyers who assisted them in the elaboration of the project.

A broad survey of the different chapters may suggest the magnitude of the study.

Vol. I: 1. *An American Lawyer Views European Integration — An Introduction* (Eric Stein,

Professor of Law and co-Director of International and Comparative Legal Studies, University of Michigan).

2. *The New Institutions*, pp. 33-99 (Eric Stein).
3. *The Establishment of the Customs Union*, pp. 101-188 (Marc Ouin, Deputy Director, Directorate of Trade and Payments, Organization for European Economic Cooperation, Paris).
4. *Exchange Control Regulations in France*, pp. 189-233 (Fernand Charles Jeantet, Advocate, Court of Appeals, Paris, and Chargé de Cours, Institut des Sciences Juridiques et Financières Appliquées aux Affaires, University of Paris).
5. *Industrial Property*, pp. 235-295 (Stephen P. Ladas, Attorney, New York City, and Chairman, Industrial Property Commission, International Chamber of Commerce).
6. *Labor Law and Social Security*, pp. 297-458 (Otto Kahn-Freund, Professor of Law, London School of Economics and Political Science, and co-editor *Modern Law Review*).
7. *New Legal Remedies of Enterprises — A Survey*, pp. 459-510 (Eric Stein and Peter Hay, Instructor of Law, University

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The guest reviewer is a graduate of the University of Ghent, where he received his Dr. iur. in 1960. He is a graduate student at the Law School working for his LL.M.

- of Michigan).
- Vol. II: 8. *Organizing for Business*, pp. 1-151 (Alfred F. Conard, Professor of Law and Director of Graduate Studies, University of Michigan).
9. *The Significance of Treaties to the Establishment of Companies*, pp. 153-196 (Thomas L. Nicholson, Attorney, Chicago, Illinois).
10. *Protection of Competition*, pp. 197-342 (Stefan A. Riesenfeld, Professor of Law and Vice Chairman, Institute of International Studies, University of California, Berkeley).
11. *Taxation*, pp. 343-646 (J. van Hoorn, Jr., Tax Consultant and Managing Director, International Bureau of Fiscal Documentation, Amsterdam, and L. Hart Wright, Professor of Law, University of Michigan).
12. *The Association of the Overseas Countries and Territories*, pp. 647-686 (Peter Hay).
- Annex: *European Free Trade*

Association — Text of Convention and Other Documents, pp. 687-732.

In the opinion of this reviewer, *American Enterprise in the European Common Market — A Legal Profile* ranks among the better books on the subject, and some chapters, indeed, are the best of what has already been published. Chapter 10, for instance, is the most comprehensive and most carefully documented study which presently exists on the protection of competition under the various municipal laws and under the European treaties. This reviewer has picked out chapter 10 because he is in a good position to make this appreciation, but the same may doubtless be said of many other chapters of this book.

The many footnotes provide rich indications for further study, so that this work is not only an extremely valuable tool for the practicing lawyer but also for the scholars who wish to pursue a

study in a particular field of the legal and economic structures of the European Common Market.

Excellent documentation is also available in:

— *Colloque des Facultés de Droit* (Lille 1959). *Les Problèmes Juridiques et Economiques du Marché Commun* (Libraries Techniques, Paris 1960).

— "Les Aspects Juridiques du Marché Commun" (*Commission Droit et Vie des Affaires*. Faculté de Droit de Liège 1958).

— "Le Marché Commun et ses Problèmes." 1958 *Revue d'Economie Politique*, Numéro Spécial.

The reading of this extremely suggestive book can give rise to some reflections, three of which this reviewer submits here.

1. The countries of old Europe are presently giving evidence of their deliberate intent to go ahead with the evolution of the interna-

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tional economic relations. People who are familiar with the European traditions, historical habits and provincialism, and who realize how Europe has been deeply hurt by meaningless fratricidal wars, cannot but draw the conclusion that this "emergent federalism and 'supranational' organization" represents indeed an unprecedented turn in European history; to this extent — and insofar as all the aims of the European Community can be smoothly realized as scheduled — it may indeed be said that the European Common Market is "one of the most important undertakings of the twentieth century."

One can regret, of course, that not more countries are involved in this new development of European history and that no practical understanding has yet been achieved between the European Common Market and the European Free Trade Area (the Inner Six v. the Outer Seven). It should be noticed, however, that such a radical change in inter-European history cannot be fully realized in a few years: Rome was not built in three days! Furthermore, the European Common Market is an "open" Community:

Any European State may ask to join the Community. It shall address its request to the Council which, after taking the opinion of the Commission, shall decide by a unanimous vote. * * * (Art. 237).

2. For the lawyer who indulges in the study of comparative law, the European Common Market treaty and its implementation pre-

sent some very interesting features. Up to the present time, unification of laws moved along some historical, political and functional lines,⁴ without any important external pressure making this unification immediately necessary; the few achievements in this respect — on the international level, at least — have been the result of numerous conferences and innumerable compromises.

Here we have now a treaty providing for *harmonization* of the various municipal laws which "directly affect the establishment or operation of the common market" (Art. 100). Furthermore, Article 101 provides:

Should the Commission find that differences existing between the laws, regulations or administrative rules of the Member States interfere with the conditions of competition on the common market, and thereby bring about a lack of balance that calls for correction, it shall enter into consultations with the Member States concerned. * * *

It may be said that already an important movement towards harmonization — and in some cases unification — of laws is developing.

3. Finally, this reviewer would like to stress the fact that the book edited by Professor Stein and Mr. Nicholson is an outstanding achievement in the field of international cooperation among lawyers. As a consequence of the increase of international trade and economic relations generally, an "universalization" of the study of the law has

become necessary. Business relations between country A and country B are nearly impossible if the lawyers of country A do not know how to get acquainted with the law of country B and if they do not understand the whole framework in which this law is developing itself.

In this respect the book under review is certainly an excellent example of how this international cooperation among lawyers should be. It may also be said that this reviewer has been very pleased in finding in this country one of the best — if not *the* best — introduction to, and over-all picture of the European Common Market. This shows the advantages and potentialities of a creative cooperation among lawyers of many countries.

1. Preamble of the Treaty establishing the European Economic Community (signed at Rome, March 25, 1957). Text: 51 *Am. J. Int'l. L.* 865 (1957).
2. "The European Common Market and its Meaning to the United States," A Statement on National Policy by the Research and Policy Committee for Economic Development 19 (1959).
3. "The European Common Market — New Frontier for American Business," American Management Association. *Management Report Series No. 18* (1958).
4. Limpens, "Les Constantes de l'Unification du Droit Privé." 10 *Revue Internationale de Droit Comparé* 277 (1958).

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Letters to the Editor

To The Editor:

I have just received my March 2nd copy of the Harvard Law RECORD and after reading Mr. Keister's letter to the editor I would be interested in knowing whether it is the policy of the RECORD to publish any letter which it receives. If it is, then it seems to me it is a most unhappy policy. Freedom of the press does presume some degree of responsibility. It is one thing to print unpopular ideas, opinions or attitudes. It is quite another to allow a publication to print [objectionable matter].

Mr. Keister's letter is an outrage to the intellect of your readers. It is obscene in its disrespect for the truth. In printing it you not only dishonored "America's oldest law school newspaper" but the school as well. You struck no blow for freedom of speech or press.

I suggest that in the future you exercise your judgment and accept your responsibility as a representative of a free press and consign the . . . babblings of the Keisters of this world to oblivion where they belong.

William D. North

(Editor's Note: Bravo! It is not our policy to print any letter which we receive. But we decided to print Mr. Keister's letter in the belief that it would do all of us some good to hear what Mr. North calls "babblings." It is, we feel, good to permit those "babblings" to be heard occasionally not only to point out their lack of content but also to make those of us who do not agree

with whatever content they may have stand up and fight, as Mr. North has adequately done, for what we believe is right.)

To The Editor:

I have read the article on the Ames Competition in [the March 9] RECORD and although I do appreciate the coverage that is given the upper rounds of the Ames Competition each year, I would like to make one correction and one comment.

It is not accurate to state that the invitations to judge the upper rounds of the Ames Competition come from the Board of Student Advisers. Invitations to judge the quarterfinal and semifinal rounds are made by the Vice Dean and

invitations to judge the final round come from the Dean. In the future you ought either to correct this or to state only that the names of the judges were released by the Faculty Assistant in Charge of the Ames Competition.

Secondly, speaking as an individual and not as an officer of the Law School, I should like to comment that I would prefer not to have the Ames Competition referred to as the Ames Games. While the word "games" may be accurate in a certain sense, I think that the way it has been used is misleading and casts a wholly inaccurate air of frivolity over the conduct of the Ames Competition. I am sure that you will agree that neither the judges nor the participants take such a view of the proceedings.

Daniel G. Partan,
Faculty Assistant
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THIRD YEAR STUDENTS

Interviews, Tuesday, March 28 —

The Bureau of the Budget, a part of the Executive Office of the President. This office develops guide lines for and coordinates the programs of all other Federal agencies. Interested students should leave their names at the Placement Office no later than two o'clock, Tuesday afternoon, March 21.

John C. Dorfman, Esq., Howson and Howson, 2430 Fidelity — Philadelphia Trust Building, 123 Broad Street, Philadelphia 9, Pennsylvania. This is a patent firm which wants someone with a broad training in electronics. Interested students should contact Mr. Dorfman.

Allen Whitfield, Esq., Whitfield, Musgrave, Selvy, Fillmore and Kelly, Insurance Exchange Building, Des Moines 9, Iowa. This firm has a general practice. Interested students should contact Mr. Whitfield.

Beverly W. Pattishall, Esq., Woodson, Pattishall and Garner, Prudential Plaza, Chicago, Illinois. This firm specializes in the prac-

tice of unfair competition, trademark and copyright law. Interested students should write to Mr. Pattishall if they would like to see him during Spring Recess. The Agricultural National Bank of Pittsfield, Pittsfield, Massachusetts. This position would be that of assisting the vice president in charge of trust and estate administration and taxation as it pertains to trusts and estates. Interested students should leave their names at the Placement Office not later than two o'clock, Tuesday afternoon, March 21.

SECOND YEAR STUDENTS

SUMMER CLERKSHIPS

Interviews, Tuesday, March 28 —

The Bureau of the Budget, a part of the Executive Office of the President. This office develops guide lines for and coordinates the programs of all other Federal agencies. Interested students should leave their names at the Placement Office no later than two o'clock, Tuesday afternoon, March 21.

Howard C. Anderson, Esq., Vice President and General Counsel, the Chesapeake and Potomac Telephone Companies, 1710 H. Street, N. W., Washington, D. C. The practice is in corporation and administrative law. Students should write to Mr. Anderson. Those who do are asked to advise the Placement Office.

William J. Erickson, Esq., Erickson, Popham, Haik and Schnobrick, 714 National Building, Minneapolis, Minnesota. This firm is engaged in the general practice of law. Interested students standing within the top 40% of their class should leave resumes at the Placement Office no later than two o'clock, Monday afternoon, March 20.

Beverly W. Pattishall, Esq., Woodson, Pattishall and Garner, Prudential Plaza, Chicago, Illinois. This firm specializes in the practice of unfair competition, trademark and copyright law. Interested students should write to Mr. Pattishall if they would like to see him during Spring Recess. Milton J. Lesnik, Esq., Lesnik and Amoscato, 17 Academy Street, Newark 2, New Jersey. This is a firm of two partners and five associates engaged in a general practice. Interested students should contact Mr. Lesnik during Spring Recess.

FIRST YEAR SUMMER CLERKSHIPS

Milton J. Lesnik, Esq., Lesnik and Amoscato, 17 Academy Street, Newark 2, New Jersey. This is a firm of two partners and five associates engaged in a general practice. Interested students should contact Mr. Lesnik during Spring Recess.

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