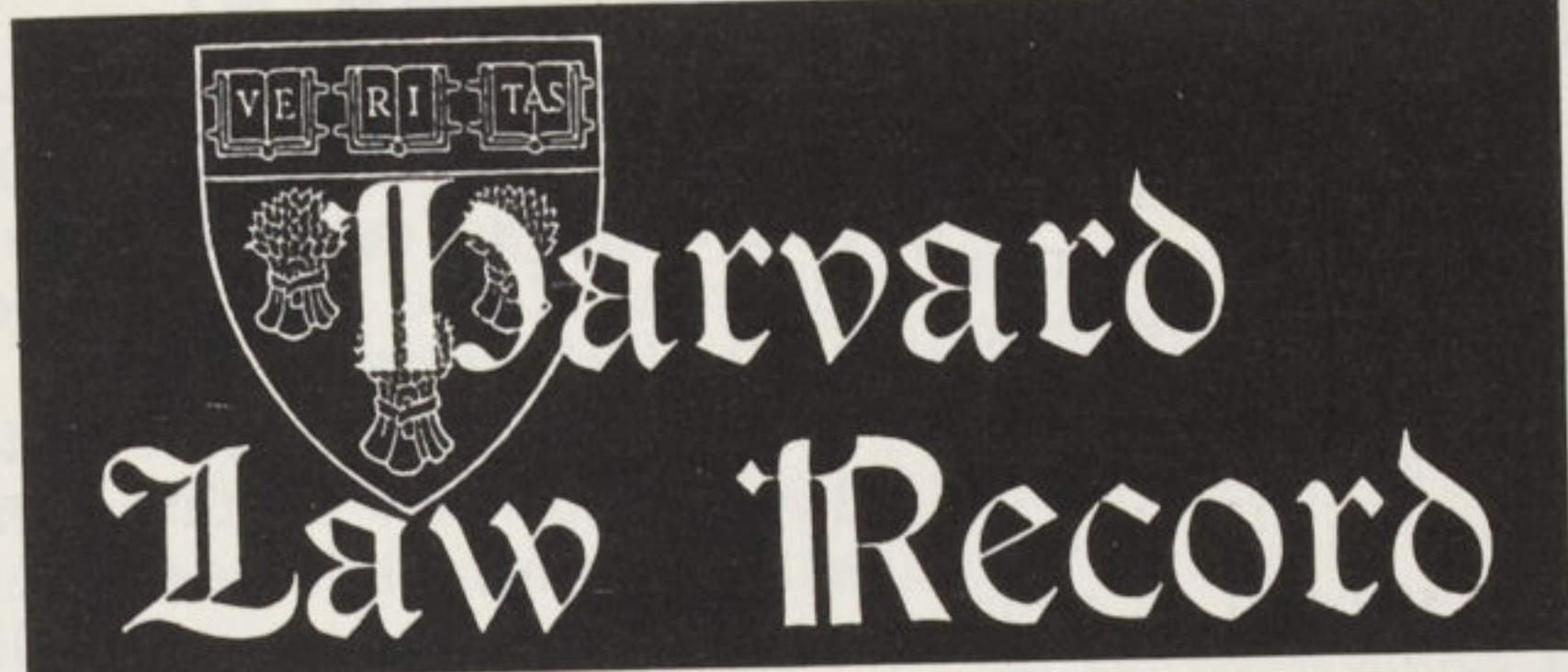


May



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NO. 7

New Professorships Announced

By Clark P. Giles

Dean Erwin N. Griswold has announced the promotion of Assistant Professors Derek C. Bok, John H. Mansfield and Oliver S. Oldman to professorships in the Law School effective July 1.

Professor Louis B. Sohn has been selected as the Bemis Professor of International Law, the position held by the late Professor Manley O. Hudson. Mr. Sohn is also the John Harvey Gregory Lecturer on World Organization.

A native of Poland, Mr. Sohn studied at the University of Lwow, where he received the Master's degree in Law, before coming to the United States in 1939. He received the LL.M. degree from the Law School in 1940 and the S.J.D. degree in 1958. He has been on the Law School faculty since 1947.

Mr. Bok, an authority on labor law and anti-trust law, served as an Army officer in the office of the Judge Advocate General before joining the Law School faculty in 1958. A native of Ardmore, Pennsylvania, he received his B.A. degree from Stanford University in 1951, his LL.B. degree *magna cum laude* from the Law School in 1954 and his M.A. in economics from George Washington University in 1958. On a Fulbright Scholarship in Paris he wrote a study of the first three years of the Schumann Plan.

Mr. Mansfield, whose special interest is in torts and evidence, joined the Law School faculty in 1958 after serving as law clerk first to Justice Roger Traynor of the California Supreme Court and then to Justice Felix Frankfurter of the Supreme Court of the United States. After he received the B.A. degree *magna cum laude* from Harvard in

1952, Mr. Mansfield spent a year in Europe and the Middle East on a Shaw Traveling Fellowship. He received his LL.B. *magna cum laude* from the Law School in 1957. Mr. Mansfield was born in Morristown, New Jersey.

Mr. Oldman, an expert on state and local taxation, has done research in Harvard's International Tax Program since 1955. Mr. Oldman was born in New York City and received the B.S. degree *cum laude* from Harvard in 1942. After service in the Army during World War II, he studied economics

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Law School 'Varieties' On Stage Saturday

By Joseph A. Broder

The Law School Variety Show will be presented Saturday, March 25, at 8:30 p. m. in the Agassiz Theater on the Radcliffe campus. Harold E. Fitzgibbons, Jr., 2L, Duxbury, Massachusetts, will emcee the show, which will include an expanded version of this year's Lincoln's Inn Christmas Show.

Among the other performers appearing on the program will be Charles M. (Tex) Wyndham, 3L, Wilmington, Delaware, on piano and Norwood P. Beveridge, Jr., 2L, Silver Springs, Maryland, with folk guitar and songbag. Also John C. Corrigan, Jr., 1L, Fall River, Massachusetts, doing characterizations, Harriet Kaufman singing and the Dormitory Council's own Walter M. Strine, Jr., 3L, Media, Pennsylvania, on the xylophone.

Remaining tickets are available at the Receptionist's Desk in Langdell Hall.

Hearsay

Recently a questionnaire was sent to graduate students and younger members of the faculty of the University who live in non-University housing. The letter that accompanied the questionnaire said that the University had long recognized the need for a solution of the housing problem but that funds were not available to deal adequately with the problem before this. From all indications, it appears that the University is about to take some steps in an effort to provide satisfactory housing for married and single graduate students and younger members of the faculty.

The Law School dormitories are a great improvement over the living conditions that used to exist at the Law School. They serve their occupants well enough, but there are many students who do not reside in them. For this latter group, the University offers lists of accommodations which the students are to use in their search for housing. In nearly every instance the students are thrown onto the Cambridge real estate market. That is not always a happy event.

We fully recognize the necessity of funds for any improvements which the University is planning. We also understand the plight of the students under the present conditions. From the students' position we can say that the questionnaire itself is very welcome news. Any improvements that the University can make will, of course, be much more welcome. Housing is one of the greatest problems facing the administration, and we will be grateful for any forthcoming action now that some funds are available.

We would like to commend Governor John A. Volpe for his veto of the bill which proposed the erection of an office building in the Square.

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COMMENT

By Fenno

The withdrawal by Prime Minister Hendrik Verwoerd of the application of the Union of South Africa for membership in the British Commonwealth of Nations demonstrates how far that country is out of tune with the times. All over Africa there are rumblings among the people for their independence from colonial powers and for their right to determine their own destinies. Yet Prime Minister Verwoerd insisted on standing by his policy of apartheid in the face of opposition by other members of the Commonwealth and in clear confrontation of obvious facts.

Because of many socio-economic factors the black man is no longer satisfied with being the servant of the white man; that a white man would think that he is demonstrates the ignorance of the white. The black man is also no longer satisfied with being ruled by the white's government or with having no voice in its administration. The black man is entitled to at least a share in the government of which he is a subject.

The whites are greatly outnumbered in South Africa. Their policies cannot bring anything but hate and opposition, if not violence, from the blacks among whom they live. Yet when Prime Minister Verwoerd returned to South Africa after the Commonwealth meeting, his stand was met with cheers by the whites who greeted him. The cheers should serve further to antagonize the black people, whose country it is also.

When the blacks reach a state of emotion where they feel that they cannot take any more oppression, they will undoubtedly recognize the strong position they are in, both numerically and morally, and rise up to drive the white man from the country. As they are persecuted more and as they are denied political rights they will be pushed further in that direction. Prime Minister Verwoerd's act, so strongly in support of apartheid, added more force towards that end.

Ames Continues Tonight

By Charles F. Waite

The second-year round of the spring Ames Competition continues tonight as members of the Harlan-Marshall and Casner Equity Clubs face each other in the third quarter-final contest.

Next Tuesday the last of the quarter-finals will see second-year members of the Cardozo and Kaplan Clubs competing for a position in next fall's semi-finals.

Remaining to complete the spring Ames series is the third-year final contest, scheduled to take place Monday, April 10.

Tonight's argument concerns a petition to review a Tax Court decision. Taxpayers, operators of a dance studio chain, have used the accrual system of accounting and have reported as income each year only those amounts attributable to lessons actually taught during the year.

The government contends that the taxpayers' system does not clearly reflect the partnership's true income.

Club Members Participate

Arguing for the Harlan-Marshall Club will be J. Alan MacKay, Rutherford, New Jersey, and Stuart Troy, Long Beach, New York. Participating on the brief are Harvey S. Feuerstein, Jamaica, New York; James M. Jeffords, Rutland, Vermont; Landon H. Rowland, Somerville, Massachusetts; Charles G. Stemwedel, Kenilworth, Illinois; Dyer S. Wadsworth, New York, New York; and William B. Wisdom, Jr., New Orleans, Louisiana.

Oralists for the Casner Equity Club are Louis L. Hoynes, Jr., Indianapolis, Indiana, and John G. Wofford, New York, New York. Participating on the brief are Miss Ellen R. Donovan, Emporium, Pennsylvania; Paul R. Duggan, Berkeley, California; James G. Greilshaimer, New York, New York; George E. Pike, Jr., Dewitt, Arkansas; Samuel H. Seymour, Washington, D. C.; and Michael White-man, Great Neck, New York.

Taft To Be Justice

Judges for this evening's argument are the Honorable Kingsley A. Taft, Judge of the Supreme Court of Ohio; the Honorable Sterry R. Waterman, Judge of the U. S. Court of Appeals for the Second Circuit; and Harry K.

Mansfield, Esq., of the Boston law firm of Ropes, Gray, Best, Coolidge and Rugg.

Next Tuesday's contest concerns a petition for a writ of habeas corpus brought by a state prisoner convicted of robbery and sentenced as a second felony offender.

Petitioner claims that the conviction is invalid on the grounds that his court-assigned counsel conspired with the prosecuting attorney to induce the defendant to plead guilty by making false promises of leniency.

The defendant also claims that the prior conviction upon which the "second felony offender" sentence was based is void because he was not then represented by counsel.

Oralists Are Listed

Oralists for the Cardozo Club will be Gary O. Concoff, Los Angeles, California, and Robert E. Fast, LaBelle, Pennsylvania. Participating on the brief are Leon P. Gold, New York, New York; Bruce A. McAllister, Brooklyn, New York; Gerard M. McGhee, Chatham, New Jersey; Daniel R. Murdock, Commack, New York; Malcolm G. Smith, Los Angeles, California; and Theodore I. Wallace, Jr., Elmhurst, Illinois.

Arguing for the Kaplan Club will be Charles E. Allen, Miami, Florida, and Stephen A. Nye, Medford, Oregon. Participating on the brief are L. Richard Freese, Jr., Denver, Colorado; Daniel R. Graham, Hialeah, Florida; Kenneth Laurence, Portland, Maine; Henry W. Rhoads, Harrisburg, Pennsylvania; Doyle J. Smith, Jr., Memphis, Tennessee; and Charles D. Ward, Portland, Maine.

Tuesday's Bench Announced

Judges for Tuesday's argument will be the Honorable Arthur S. Lane, Judge of the U. S. District Court for the District of New Jersey; the Honorable John M. Murtagh, Chief Justice of the Court of Special Sessions, New York City; and Frederick G. Fisher, Jr., Esq., of Hale and Dorr, a Boston law firm.

The 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.

Story Law Wins Ames Quarter-Final

Second-year members of the Story Law Club emerged victorious over opposing counsel last Thursday to become winners of the first quarter-final contest of the spring Ames Competition.

By what one judge termed a "very, very close result," the Story Law court edged out members of the Harlan Law Club to gain a place in next fall's semi-finals.

Winning oralists were Evan R. Berlack, Ossining, New York, and Michael R. Marron, Cambridge, Massachusetts.

Acting as chief justice for the argument was the Honorable Frederick W. Hall, Justice of the Supreme Court of New Jersey. Joining him on the bench were 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.

Civil Liberties To Be Discussed

By John A. Rava

Massachusetts Attorney General Edward J. McCormack, Jr., will speak this afternoon at 1:30 in the Harkness Commons Meeting Room. He will discuss the role of the Attorney General in the protection of civil liberties and the future of the state Democratic Party. The meeting, open to the public, is sponsored by the Law-Graduate Democratic Club. Following the address the Club will hold its annual election of officers.

Attorney General McCormack has won nationwide acclaim for his efforts in behalf of civil liberties. In his most recent effort, last week he publicly supported several bills in the state legislature which seek to introduce the "exclusionary rule," which would prohibit the use of illegally obtained evidence in criminal trials, in Massachusetts.

Together with the Boston Bar Association and the Civil Liberties Union of Massachusetts, his office prepared the pamphlet "If You Are Arrested," which explains the rights of arrested persons. Already in its third printing, this publication has been copied and distributed by other states and has a current waiting list of 200,000.

A graduate of the United States Naval Academy, he attended the Boston University

School of Law, where he was elected Editor-in-Chief of the *Law Review*.

PBH Selects New Head

Richard B. Dyson, 2L, Salem, New Hampshire, has been selected to head the Law School Committee of Phillips Brooks House during the coming year. He will take office on April 1.

During the past year Dyson has been Chairman of the Law School Committee Loan Library, which provides casebooks to students approved by the Financial Aids Office. Under his supervision the facilities of the library have been greatly expanded. A further expansion is planned for the coming year.

One of Dyson's first duties will be the selection of new members of the Law School Committee. Students who wish to serve on the Committee are invited to contact him.

Moynihan To Address St. Thomas More Society

Cornelius Moynihan, Professor of Law at Boston College Law School, will address the Saint Thomas More Society at a Communion Breakfast in the Mallory Smith Room of Harkness Commons on March 26 at 11 a. m.

On April 13 the Society will hold its annual banquet at the Faculty Club. The guest speaker will be Adrian Burke, Associate Justice of the Court of Appeals of New York and former Corporation Counsel of the City of New York.

Imported Co-eds At Chancery Soirée

Chancery Club members will sponsor a mixer tomorrow from 9 p. m. to 1 a. m. at the Chancery Club. Guests will be girls from Jackson, Wheelock and the Harvard and Radcliffe graduate schools.

Professors

(Continued from Page 1)

at the University of Buffalo and in 1953 received his LL.B. degree *cum laude* from the Law School. Before joining the faculty, Mr. Oldman was associated with a law firm in Buffalo.

'Full' Segregation Urged

By Robert C. Berry

In recent months an awareness has grown that certain Negro groups are striving for something quite different than integration with the white community. The recent riot in the United Nations by Negro nationalist sympathizers over the death of the Congo's deposed premier, Patrice Lumumba, called attention to currents running strongly counter to the main stream of Negro thought. One such group is called the Black Muslim movement, basing itself on the precepts of the religion of Islam and demanding full and complete segregation for the Negro.

This movement, coming so directly into conflict with such groups as the NAACP, will have its chance to acquit its views before the Law School Forum tomorrow at 8 p. m. in Sanders Theatre. Malcolm X, the chief minister and organizer of the New York branch of Elijah Muhammad's Black Muslim movement, will appear on the evening's program with Walter Carrington, vice-president of the Boston chapter of the NAACP. Roger Fisher, Professor of Law, will moderate.

Movement Is Extensive

The main branches of this Black Muslim movement are in Chicago, Detroit and New York, though it is known the movement has temples in at least twenty-seven states. Claiming to be primarily a religious movement, it is undoubted that its eventual demands for a separate Negro state, hewed from some existing U. S. territory, and its edicts against any white people joining its ranks carries it beyond purely religious confines. On the other hand, the more devout in its ranks do pray to the East five times daily, do perform the traditional ablutions beforehand and do abstain from all use of alcohol.

Malcolm X, who is known as one of the movement's more adroit speakers, is a lean, sardonic man of about thirty-five. He first became interested in the movement while serving a prison term in Massachusetts for larceny. This he readily admits, pointing out: "It was while I was a Christian that I was evil." He uses many such points to drive home his arguments in quick and satirical debate, a form of speaking in which he evidently delights.

Walter Carrington of the NAACP is likewise a Negro, but here the resemblance between the two men ceases. His run-ins with the law have been solely as a graduate of the Law School (Class of 1955) and as a practicing lawyer in Boston. In addition to the NAACP, Carrington has also been on the State Commission Against Discrimination since 1953.

Professor Fisher will bring to his part of the program his background as a member of the American Civil Liberties Union, in addition to his experience with the Marshall Plan in Paris, private practice in Washington, D. C., and two years with the Solicitor General's Office. He is also a graduate of the Law School, Class of 1948.

Schwebel Follows Chayes To State Department

By Charles F. Waite

Assistant Professor Stephen M. Schwebel has been named Assistant Legal Adviser for United Nations Affairs of the U. S. State Department.

Schwebel, who has been teaching Contracts, Public International Law and International Protection of Foreign Investment at the Law School, will take over duties as principal counsellor to the Department on U. N. legal questions.

In addition, he will act as senior legal adviser to the United States Mission to the United Nations.

Schwebel studied international law under the late Judge Sir Hersch Lauterpacht at Trinity College, Cambridge University, during the year 1950-51, as one of Harvard's first Frank Knox Memorial Fellows.

He was graduated from Yale Law School in 1954, where he also specialized in international legal studies.

While at Yale, Schwebel was granted a term's leave to lecture at colleges throughout India, under State Department auspices, on U. S. foreign policy and institutions.

He returned to Cambridge University in 1957 as a visiting lecturer in the Faculty of Law on "International Concession Contracts."

The author of a number of articles on aspects of international law and organization, Schwebel has been active in groups such as the Commission to Study the Organization of Peace and the Council on Foreign Relations.

In 1958 he was a member of an exchange delegation to the Soviet Union for the American Association for the United Nations.

Schwebel came to the Law School in 1959, after five years of predominantly international practice with the New York law firm of White and Case.

He follows to the State Department Professor Abram Chayes, who recently resigned from the Law School faculty to become the Department's Legal Adviser.

Partnerships Form Land Corporation

By Keith Libbey

Marvin Kratter, president of Kratter Corporation, spoke to the Bull and Bear Club last Friday in Holmes Hall.

The subject of his talk was a case history of his corporation, the first and the largest real estate investment corporation in America. This corporation was formed from seven limited partnerships engaged in real estate investment in which Mr. Kratter had participated until 1959. At that time the partnerships had a total investment of twenty million dollars. Today, the Corporation owns approximately 100 million dollars in property.

Mr. Kratter listed several reasons for the change in form undertaken by his group at that time. For a number of years prior thereto real estate syndicates had been experiencing a great deal of success, with the inevitable result that marginal operators had entered the field. The Nassau syndicate blow-up convinced him that this form was losing its usefulness. Consequently, he and the small group of unlimited partners themselves capitalized the corporation, acquired 3 million in bank credit and made a purchase and exchange offer to the 1200 limited partners. This proved successful, and the stock was then offered on the over-the-counter market. The opening price was \$12 a share. Today the stock is listed on the American Exchange and sells around \$23, some 20 months and 16,000 share holders later.

The attractiveness of the corporation lies largely in its ability to take advantage of the declining balance form of depreciation accounting and the resulting deduction, which together form an effective tax shelter whereby dividends to shareholders constitute a return of capital and are tax free or taxed at capital gains rates.

Kratter Corporation's investments are found primarily on the east and west coasts and consist of office buildings, low-rent housing projects and one theater, the Lunt-Fontanne on Broadway.

ILC Wins Case Before Moot Court

The International Law Club emerged as the victorious team in a three-party suit held at Columbia University. Acting as agents for the Club before the moot International Court of Justice were Donald B. Kornreich, 2L, Brooklyn, New York, and Willard G. Martin, 2L, Laconia, New Hampshire. They were assisted on the memorial by Robert E. Porges, 2L, Brooklyn, New York, and Cornelius B. Prior, Jr., 2L, West Hartford, Connecticut.

The Columbia Society of International Law and the World Community Association of Yale Law School were the other participants. An award for oral work was given to one of Columbia's agents, Charles Paollilo, and Yale was the recipient of an award for its memorial.

The Court was comprised of Oscar Schachter, Director of the General Legal Division of the United Nations; Edward D. Re, Professor of International Law at St. John's Law School and Chairman of the U. S. Foreign Claims Settlement Commission; and James N. Hyde, member of the New York Bar and former Senior Political Advisor to the U. S. Mission to the United Nations.

The case, which was written under the direction of Professor Richard Baxter of the Law School faculty, involved three issues: whether there was sufficient connection between two states and their nationals to permit the espousal of claims in the I. C. J., whether the nationals involved were required to exhaust their local remedies, and whether a state could represent a shareholder seeking relief for injury to a corporation.

African Democracy Probed

By Peter A. Sears

To those of the three hundred pairs of ears which could be skillfully tuned to catch the inflections and rhythms of a West African accent touched with a bit of old Oxford, the Forum taught a history lesson and provided a study of collective will power.

His Excellency Alex Quaison-Sackey, U. N. Ambassador from Ghana, at first talked of tribes. In an effort to show that there was really no lapse in human institutions in Africa between the ages of Cleopatra and Chinese Gordon, the Ambassador sought the roots of democratic government in the predominantly aristocratic tradition of tribal life. "The chiefs had to rule according to popular custom or they would face a dethroning process called enstoolment."

Modern democracy, he suggested, should consist of universal adult suffrage, elective governments, periodic elections, freedom of peace and association, and the right to become a hero.

No Loyal Opposition

He said that democratic government should not be confused either with a rule of law or a two-party system. "The British idea of loyal opposition cannot exist in Africa. How can you explain to a person that he is part of the government, his job is to oppose it?"

Quaison-Sackey noted that African needs and desires are so basic at this point that a government or a party has no choice on policy matters but to seek their fulfillment. The Convention People's Party under the leadership of Kwame Nkrumah is still popular, since its leaders brought independence. Many new countries, such as India with its Congress Party, have had the same experience, yet this does not prove them undemocratic, he said.

When the popularity wears off or when the government fails to answer popular needs, the fifth year elections in Ghana will change things.

When asked about the possibility of communist subversion in Africa, he answered: "One great African said, 'The only time I ever heard the word communism was on the radio.'" He said that the popular feeling for self-determination was too strong to allow subversion. Panelist Jo Saxe, of the Center

for International Affairs, added that the position of any advisor, Russian or otherwise, to any African state is extremely tenuous. The moment one steps out of line there follows a guaranteed trip home. Both he and co-panelist Elliot Berg, Instructor in Economics, credited the Africans with political shrewdness. This brought to the Ambassador's face a modest smile which broadened into a grin upon the announcement that the third panelist, Antonio Colaco of the Portuguese Mission, could not attend due to urgent business.



Quaison-Sackey

Berg dissented from the Ghanaian diplomat's view when he suggested that economic development in such a wealthy country could afford not to be so centralized or governmentally controlled. However, none of the men saw much advisability in private foreign investment. Saxe termed it "further exploitation."

All agreed that Ghana was a strong country, politically and economically, as compared to other West African states. The imbalance was blamed on the colonial era. Berg said, "The greatest injury to 19th century Africa was for European powers to draw the borders in the way they were drawn."

In a later interview, Quaison-Sackey was asked what his policy towards Africa would be if he were U. S. Secretary of State. He

reasoned that since America was rich and powerful, she could afford to ignore the NATO pressures on her policies toward the rest of the world. For example, he thought the U. S. should back Angola's fight for independence against Portugal. "Yet on all questions I would first of all be pragmatic."

On the Peace Corps, he said: "Ghana does not need it! It may be a good and benevolent gesture to countries that do."

Crowd Overflows For Professor Leach

By Paul R. Matia

Professor W. Barton Leach spoke to the Law-Graduate Republican Club on "Current Defense Policy Problems" last week at a luncheon meeting in the Mallory Smith Room of Harkness Commons. An overflow crowd heard Professor Leach, who is a brigadier general in the Air Force Reserve.

Several new developments were mentioned by Professor Leach. One, of course, is the B-70, a bomber capable of Mach 3 (three times the speed of sound) speeds. Professor Leach has for several years been urging a full-scale production program for the B-70, and such a program is finally under way. The B-70 will be able to achieve Mach 3 speeds because a new principle of design has been employed which will enable it to use the shock waves it creates as a means of propulsion rather than having to fight the shock waves, as a Mach 1 plane does.

Space Plane Discussed

A somewhat more distant development is an 18,000 mile per hour manned space plane, which Professor Leach expects to see in operation within his lifetime. The details of this craft's design were classified until they appeared in a Soviet technical journal not too long ago, after which they were declassified. Because it would be unable to take off while carrying its total fuel requirements, this plane will be launched light and will gather oxygen when aloft, this oxygen then being converted into the liquid oxygen which the plane will use as fuel. Also on the drawing board is an intermediate Mach 9 plane, the details of which are classified.

Professor Leach said that consolidation of space projects in the Air Force was logical, but he feared that it would create severe

budget problems. The Air Force currently receives 47 per cent of the defense budget without having to pay for any of these space projects, and there is little likelihood that the proportion can or will be increased.

The total defense budget during the next four years will be \$45-50 billion annually, Professor Leach estimated; there is no reason why the defense budget should not rise in proportion to the gross national product.

Professor Leach noted with approval a changed atmosphere in the Pentagon since January 20. The actual changes are quite modest, however, and properly so until the new personnel obtain experience. The appointments to the Defense Department have been good, Professor Leach said.

In answer to a question, Professor Leach said that he would favor the creation of a separate department within the Defense Department for space projects. Both development and use phases should be incorporated in such a separate department. This would eliminate the budget strain on the Air Force.

Law Mesdames To View Fashions

By Mrs. Robert S. Ketchum

Next Wednesday, March 29, at 8 p. m., the Harvard Law Wives will welcome in spring with their annual Fashion Show. "Masquerade for Spring," as the show is called this year, will feature spring and summer styles from the Gertrude Singer Fashion Studio in Harvard Square.

Mrs. Paul R. McDaniel, this year's chairman of the show, announced that the models for the show will be Law Wives. They are: Mrs. Daniel Axelrod, Mrs. James Hall, Mrs. Wilmot Hastings, Mrs. John Johnson, Mrs. Michael Morholin, Mrs. James Mumford, Mrs. Meredith Munro, and Mrs. Theodore Stebbins. Mrs. Alan Reed, also a Law Wife, will lend her professional modeling skills to the show in coordinating the actual modeling. The moderator for the show will be Mrs. Richard Fischer.

In addition to the fashions, another highlight of the evening will be the awarding of many lovely door prizes donated by some of the stores of the Harvard and Porter Square areas.

FEATURES SECTION

Law and Electronics

By Edgar A. Jones, Jr.

It has been observed that future history books will not designate the Twentieth Century as the precursor either of the Atomic Age or of the Space Age but rather as the threshold of the Computer Age. The application of atomic energy is a projection of the historic effort to free men from menial physical drudgery by means of the application of mechanical power and energy. In contrast, the computer is launching a second industrial revolution. Liberation of man from routine menial work will be the result with the consequent release of his mental energies for creative thinking to a degree not previously possible.

Different Problem

The organization of a society preservative of democratic principles emphasizing freedom of the individual will be a vastly different problem in an industrial economy whose functions are geared to the computer. For instance, it has been observed of the work done by the engineering profession that "eighty per cent of the work in an engineering office, from design to analysis to the drafting of plans, eventually may be performed more efficiently by a computer." From this it is concluded that the engineer will no longer have to be concerned with routine "sub-professional" work. He will then be able

Professor Jones received his A.B. from Wesleyan University in 1942. He was admitted to practice in Virginia in 1948, but he did not receive his LL.B. from the University of Virginia until 1950. After remaining at the Virginia Law School for another year as a Graduate Fellow, Professor Jones accepted an appointment to the UCLA School of Law, where he has remained ever since. He is chairman of the UCLA Committee for the Interdisciplinary Study of Law and the Administration of Justice.

to devote his time to the professional task of "thinking through the real problems of design."

It is clear enough that there will be many legal problems created by the introduction of these new processes for conversion of human energy into products and services. This has been the normal evolution of law in our society, creating new rationales for resolving disputes among people in the context of their current activities, sometimes effectively, sometimes lamentably. Thus the first industrial revolution stimulated new forms for the organization of human activity both to utilize the new methods of human productivity and to protect persons against their abuse and the injurious consequences of their use.

Normative Rules

It was necessary for law to evolve a detailed body of normative rules which would govern the decisions of disputes which arose as the new industrial process developed. As world population centers have become progressively industrialized, the legal profession has had to cope increasingly with the vast rabbit complex of rules being proliferated through judicial decisions and by statutes with their accompanying administrative paraphernalia. The Twentieth Century thus far has seen the outmoding of the earlier concept of an attorney as one who should be versed enough in all of the ramifications of the law to advise clients intelligently throughout the range of their possible problems.

That often appears also to be the present image of the lawyer as he existed at the turn of the century. Whether or not that image conforms to reality, it is clear enough today that the practice of law is too highly specialized to allow of such simplicity. This increase of the specialization of legal problems has meant that an increasing number of

attorneys are not competent to give legal advice to an increasing number of clients simply because of the specialized nature of the problems of the clients. The development is not unlike that experienced by the increase of knowledge in the medical profession.

In addition to the problem of specialization which enervates the competence of a general practitioner attorney irrespective of his native talents, there is the further problem caused by the existence of varying levels of inherent competence among lawyers. It is a common phenomenon of the practice of law that one lawyer will see more in a case and get more out of it for his client than will another lawyer.

Legal Ability

A major criterion of the ability of a lawyer is his capacity for recognizing and analyzing the significance and interrelationships of the issues in a given factual pattern. Of course this means that the clients of the lawyers who have less legal perception simply do not get the measure of justice to which their circumstances entitle them. Clients in their quest for justice in this life are subjected functionally thus to a kind of talent derby in which he wins, or has increased prospect of winning, who retains the abler lawyer.

Now it is obvious that a certain amount of this aspect of relativity is inevitable in the human situation. It is also true that a certain number of deaths due to diagnostic ignorance may be inevitable. In either event, none will gainsay that improvement of the situation is indicated.

At the same time as the Computer Age is in the process of creating new problems for lawyers to solve, it is also producing a potentially promising means whereby their exercises of judgment productive of solutions may acquire a validity hitherto not possible.

It is a commonplace today among legal scholars that there has been an unfortunate and unnatural divorce between law and the social and natural sciences. It appears that today the reason is more one of difficulty of access than a policy rejection of the relevance of current research and thinking in the social and natural sciences. Non-legal data which might be relevant to the solution of specific legal problems at hand are simply not readily accessible. But now the computer brings within range of accomplishment an integration of all data which may have a close-tolerance relevance to the resolution of precisely defined issues of law. But there is a broader utility foreseeable as well.

Anthropologists have long regarded facts reflective of the administration of justice of a particular civilization of great utility in determining the attitudes of its people. If the implications of that hypothesis are sound, consider the wealth of significant material which is currently locked in legal function which may be qualitatively and quantitatively released if, say, a social scientist can inquire electronically concerning those aspects of patterns of behavior reflected in legal materials which may be of concern to him. Or suppose an attorney as the basis for forming his judgment desires and can obtain electronically correlative data from economics or psychology or sociology or history or whatever.

One important aspect of the significance of the computer in relation to the administration of justice may be found in studies inquiring into the nature of the influence of specific ideas on the evolution of human institutions, a kind of historical radioisotoping of legal materials by electronic techniques.

All of this posits an organized interdisciplinary inquiry of substantial and complex scope. Legal scholars will be needed. Electronic engineers will be needed. But philosophers will also be needed. So will the time of psychologists, economists and members of other social and natural sciences relevant to the studies undertaken.

Pervasive Program

At UCLA we are currently engaged in the planning necessary to mount a pervasive program of interdisciplinary research into the significance of the Computer Age for the administration of justice. The UCLA Committee for Interdisciplinary Study of Law and the Administration of Justice is composed of representatives of various of the disciplines on the campus, such as sociology, anthropology, philosophy, medicine, engineering, mathematics and psychology, in addition to law.

The Committee organized and conducted the first National Conference on Law and Electronics last October at UCLA's Lake Arrowhead Conference Center. Proceedings of the Conference will be published soon by Matthew Bender

& Co., Albany, New York. The Conference brought together from around the country some 100 leading judges, lawyers, philosophers, engineers, linguists, businessmen, physical scientists and computer experts to explore the fundamental problems involved in adapting the computers to the administration of justice.

Some interesting questions soon came to the fore in the discussions. A few were: Has the language of the law, in striving for precision, become so involved that it is too complex for the computer? Indeed, how precise is it?

Can we solve either the semantic difficulties or the value conflicts without commonly accepted philosophical norms underpinning the law?

Can we structure computer programming so as to encompass the subtle problems of flexibility in the evolution of the common law and the interpretation of statutory law?

The trouble with the computer is that it does not forget! Human reasoning, as judicial decisions and the drafting of statutes constantly

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remind us, rather typically overlooks or tortures relevant data and relies on irrelevancies. We're going to have to learn to live with a mechanism which will only allow us to indulge in that kind of loose reasoning purposefully. It may prove quite unsettling to have this analytical conscience pressing us relentlessly.

These matters will require much hard thought and close cooperation among experts from many professions. At UCLA we have identified some projects of immediate practical importance and long-range research value. For instance:

(1) 99.5 per cent of the decisions handed down in the Los Angeles Municipal and Superior Court trial system, the largest in the world, are never appealed. Further, the pleadings, findings and conclusions in these cases very rarely are published and cannot be tested against the accepted law of the jurisdiction. Using a computer, decisions in these courts, with supporting ma-

terial, could be recorded and be immediately available for analysis. After all, to the degree that law is what courts do, this is 99.5 per cent of what law is in Southern California. Yet it is knowable only by the folklore rumor of the practicing bar.

(2) A computer-produced legislative index, which would keep the legal profession abreast of current matters before national and state legislatures.

(3) A study of the psychological and physiological factors in solving legal problems and making legal decisions.

(4) An electronic analysis of legal problems, in which the machines would receive all possible fact patterns in one field, such as a phase of labor-management law, and would also receive the analyses of outstanding experts in the field. The inquiring judge or practitioner would be able to compare the thoughts of the experts on the specific fact situation at hand.

(5) Abstracting of domestic legal decisions and translations of foreign legal writings, through a combination of automatic abstracting and machine translation.

We look forward to the study of these areas in projects to be coordinated by an Institute for Interdisciplinary Studies of Law and the Administration of Justice at UCLA.

Eventually, we may see a network of regional computer centers, each a storehouse and distributing center for legal information in its area, each linked in a national chain, so that any legislator, judge or lawyer could at any time draw on the nation's entire past and present legal experience. Such centers would be of profound significance, not only to the legal profession, but to sociologists, anthropologists, economists, psychologists, business analysts and all other students of human activity who would have ready access to the data for their own purposes.

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Gallery

By Stephen F. Robertson

Harvard is notorious for the somewhat protracted titles it bestows upon its faculty members. Professor Caleb Foote's official denomination is no exception: he is the Walter E. Meyers Visiting Research Professor of Law. On leave this academic year from the University of Pennsylvania School of Law, Professor Foote is roaming through the library stacks with "complete freedom" to undertake whatever legal research projects he pleases, unencumbered by teaching assignments.

He has two projects in mind. One is completing a book on family law which he is writing in collaboration with Professor Sander, and the other is collecting materials which he hopes will end up as a book on criminal treatment. Professor Foote is particularly interested in combining the knowledge of non-legal disciplines with that of the lawyer in areas where their interests overlap. "For years," he says, "it has been recognized that the anti-trust lawyer must deal with economics; why, then, should not family and criminal lawyers make use of sociology and psychology?" This argument has apparently convinced the National Institute of Mental Health, which has provided grants for members of the social sciences to conduct joint studies with Professor Foote and others at the University of Pennsylvania in the field of criminal rehabilitation.

Professor Foote believes that there are definite ethical as well as practical problems in what he calls "the inadequacies of present sentencing laws and the over-use of imprisonment as a solution to the problem of treatment of criminals." But his interest in criminal law is not limited to procedure and administration. He has been active in the Pennsylvania Civil Liberties Union, has served on its board of directors and has done writing and research for it.

Although Professor Foote describes Harvard as a "tremendous institution," his is not the awe of a stranger. He was, in fact, born in Cambridge, the son of a Unitarian minister who was teaching in the Harvard Divinity School at the time. His great uncle was Charles William Eliot. Mr. Foote him-



self is a graduate of Harvard College, A.B. 1939. He majored in history as an undergraduate but switched to economics — and to Columbia University — for his M.A. degree, which he received in 1941.

Professor Foote was a conscientious objector during World War II. Instead of soldiering, he worked for a religious organization called the Fellowship of Reconciliation. It was while working for this group that he became interested in the manner in which criminals are dealt with by society, and this in turn sparked his interest in law. He entered the University of Pennsylvania Law School while in his 30's, receiving his LL.B., *magna cum laude*, in 1953. He stayed on at Pennsylvania for a year doing administrative research, then moved to the University of Nebraska to teach law for a couple of years before returning to Pennsylvania as associate professor of law. In 1958 he reached his present plateau, a full professorship.

"If keeping up with five children can't be counted as a hobby," says Professor Foote, "then I haven't time for one." He does combine his child-chasing with one other hobby, though. The entire family goes on periodic camping trips, penetrating as deeply into the Great West as Montana and environs. Another trek is being planned for this summer.

Comparing his own law school with that of Harvard, Professor Foote notes that there

are certain advantages which a small school has over a larger one. "We can experiment educationally at things which Harvard, because of its size, cannot," he says. "For example, we are presently experimenting with a program whereby every second-year student takes one course in a class of no more than twenty persons. Written work is stressed,

and the problem method is used extensively. These devices are very valuable in supplementing the case method. And, of course, classes in general are smaller. Even in the first year there is considerable emphasis on individual work. However," he adds reassuringly, "I'm sure Harvard has its compensations."

Profiles of Leaders

The newly-appointed chairman of the Law School's all-purpose service organization, the Phillips Brooks House Committee, had a four year gap between his college and law school careers.

Richard Briggs Dyson, a second-year student from Salem, New Hampshire, attended Woodbury High School and was graduated from Boston University with an A.B. in physics in 1955.

He then spent two years in the Army's counter - intelligence corps and worked for two years as a technical writer for the Raytheon Company.

The five - member committee, he explained, renews itself each year by seeking out replacements. Although connected with and financially supported to some extent by the Phillips Brooks House in the Yard, the Law School Committee is virtually autonomous and works under Vice Dean Toepfer's guidance.

The group handles the charity drive, the loan library, third-year elections and the Law School directory and sets up the yearbook organization.

Dick stressed that the yearbook is an entirely independent group which is set up and has its contracts arranged each year by the PBH Committee. The Committee has no charter and prefers to set up independent organizations like the yearbook rather than to run things directly. This year a special project was working with the foreign students at the Law School.

A pianist and summertime softball enthusiast, Dick was born in Salem, August 22, 1934.



A revised editorial system for first and second-year Ames Competition cases is at the top of the agenda of the Board of Student Advisers' new president, John Carroll King.

The soft-spoken West Virginian was born in Charleston, September 9, 1937, attended Charleston High School and got his A.B. de-

gree in political science from the University of West Virginia in 1959.

John now heads the sixteen-member board, comprised of the second and third-year students ranking next to the members of the *Law Review* in their classes. He is also a member of the Keeton Club, Southern Club and Republican Club.



He considers the Ames Competition extremely valuable because "what you learn in Ames is something you should have before you have a complete education, and you don't get it anywhere else."

Members of the Board, who put in 15 hours a week during most of the year and 30 hours a week — advising 32 students each — while the competition is in progress in the fall and spring, write all first-year and second-year qualifying round cases. Under the new system, two board members will revise the cases after they are written; in the past this has been one man's responsibility.

Quarterfinal, semi-final and final cases are written by Daniel G. Partan, faculty assistant to the Board.

The Board, John explained, keeps all the records as part of its administration of the Competition, but prospective employers, if they happen to be familiar with Ames, are generally only concerned with those who make the semifinals or finals.

Recent Books

By Charles H. Baron

THE LEGAL CONSCIENCE:
Selected Papers of Felix S. Cohen.
Edited by Lucy Kramer Cohen.
Foreword by Felix Frankfurter.
Introduction by Eugene V. Rostow.
Yale University Press, New Haven.

Felix S. Cohen died in 1953 at the age of 46, but into his short life he crowded activity and achievements of a quantity and quality missing from the lives of the majority of longer-lived humanity. The son of Morris R. Cohen, a distinguished professor of philosophy at C.C.N.Y., he received his B.A. from City College before he was 19, a Ph.D. in philosophy from Harvard when he was 22 and an LL.B. from Columbia at 24. For many years until his death he was a beloved and respected teacher at C.C.N.Y. and Yale Law School, and during much of his life he was a major defender of the rights of the American Indian and frequently won legal recognition of those rights as Assistant Solicitor of the Department of the Interior from 1933 until 1948 and as General Counsel of the Association on American Indian Affairs thereafter.

With the publication by his wife of this collection of many of his papers, speeches and reviews it be-

comes clear that he has also left a rich inheritance of literature on intellectual application to social problems.

The collection is arranged, along lines suggested by the major areas of Mr. Cohen's pursuits, into divisions on legal philosophy, Indian problems and American democracy.

The first section, "Logic, Law, and Ethics," is the most substantial in size and, perhaps, worth. Mr. Cohen was a member of the jurisprudential movement of American Legal Realism and can also be classified as a legal positivist in that he believes that we must conceptually differentiate between what law "is" and what law "ought" to be, but he is unlike many of the members of both these movements in that he regards realism and conceptualism as techniques merely preliminary to the investigation of what laws should say.

Although he spends a good many hard words debunking the "transcendental nonsense" mouthed by the courts and offering a clearer conceptual framework for the law, he is mainly interested in propounding an ethical system to be used as a basis for the criticism and development of laws. He concen-

trates his attack on the narrow "Sunday School ethics" of our society and advocates a point of view that sees ethics as a system germane to every end-related problem of life. Such an ethical system should be developed through "casuistry" (a personal case method in which one decides problems on the basis of choices between particular "goods") and should serve as the source for a "just" system of law.

Despite the fact that the second division of the book, entitled "The Indian's Quest for Justice," seems to be the least stimulating, it is a tribute to the whole that even this section is interesting and illuminating. It consists of several short

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papers on Indian social problems, culture and law and an unpleasant revelation of the historical conflict between the culture of the Indian and that of the white man in which the latter has taken most of the best that the Indian has had to offer and left him with only broken promises in return.

The last part of the volume, "The Philosophy of American Democracy," is an omnibus section that deals with varying problems of government including colonialism, minority persecution, political freedom and social purpose. Mr. Cohen is eloquent in his praise for our great political freedom which is a heritage from our founding fathers who "... set about not to devise those forms of government which would be most efficient in the hands of good rulers, but rather to fashion those forms which would be most cumbersome and inefficient in the hands of bad rulers."

But his main concern is with the break-down of moral purpose in American society.

For one thing is certain, that no civilization can endure which distrusts its moral foundations as profoundly as we have come to distrust the ideals that order our social existence. * * * The suicide of our civilization can be prevented only by the discovery of a new pattern upon which its life can be integrated, a new synthesis of conflicting human desires.

This new synthesis must come about through an application of an all-activity-pervasive ethics to government — a "Socialization of Morality" — which will make our com-

plex society more comprehensible, distribute responsibility and power along a broader base and increase our productivity by giving more room for specialization, variation and the development of rare human potentialities.

It becomes clear that the three areas of Mr. Cohen's writings are merely three manifestations of a single broad theme — a concern for what is "right" for the lives of men in society. His legal philosophy seeks to clear the way and construct a basis for "just" laws, his political philosophy is concerned with the nature of the "just" society and his involvement in the fight for Indian rights is an attempt to bring "justice" to the United States' most grimly-treated colonials.

Unfortunately, the book contains certain important themes that do not seem completely developed and apparent contradictions that do not seem to be fully met or resolved. Mr. Cohen never makes explicit on what basis individuals are to judge what values are sound (certainly not every choice as to particular "goods" is a right one). However,

he does hint in "The Role of Science in Government" that such judgments should be based on a Bentham-like pleasure-pain foundation.

Moreover, he never seems to resolve the apparent contradiction between his desire for a socialization of morality in the governmental process and his great admiration for the American governmental structure which is framed toward hamstringing tyrants rather than facilitating the operation of a benevolent government.

But overall the book is an extraordinarily worthwhile collection of well-selected and arranged papers containing simple presentation and discussion of exciting questions.

The unique contribution of Mr. Cohen's work is that he is able to combine a method of clear conceptualism and logic in his investigations while dealing with problems that make the investigations themselves worthwhile.

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Harry A. Bowen, Esq., Bowen and Rasenberger, 500 Wyatt Building, Washington 5, D.C. This firm primarily represents airlines and the major part of its practice is before the Civil Aeronautics Board. Interested students should send copies of their resumes to Mr. Bowen if they would like to see him in Washington during Spring Recess or leave their names at the Placement Office.

Allen Whitfield, Esq., Whitfield, Musgrave, Sevy, Fillmore and Kelly, Insurance Exchange Building, Des Moines, Iowa. This firm is engaged in general practice. Interested students should write to Mr. Whitfield.

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Vincent A. Marsicano, Esq., Assistant Attorney General, State of

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Maurice Heckscher, Esq., Duane, Morris, and Heckscher, 1617 Land Title Building, Philadelphia 10, Pennsylvania. This firm is engaged in general practice. Interested students should leave their names at the Placement Office. Those who expect to be in Phila-

delphia during the Spring Recess should arrange for appointments with Mr. Heckscher and advise the Placement Office they are doing so.

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