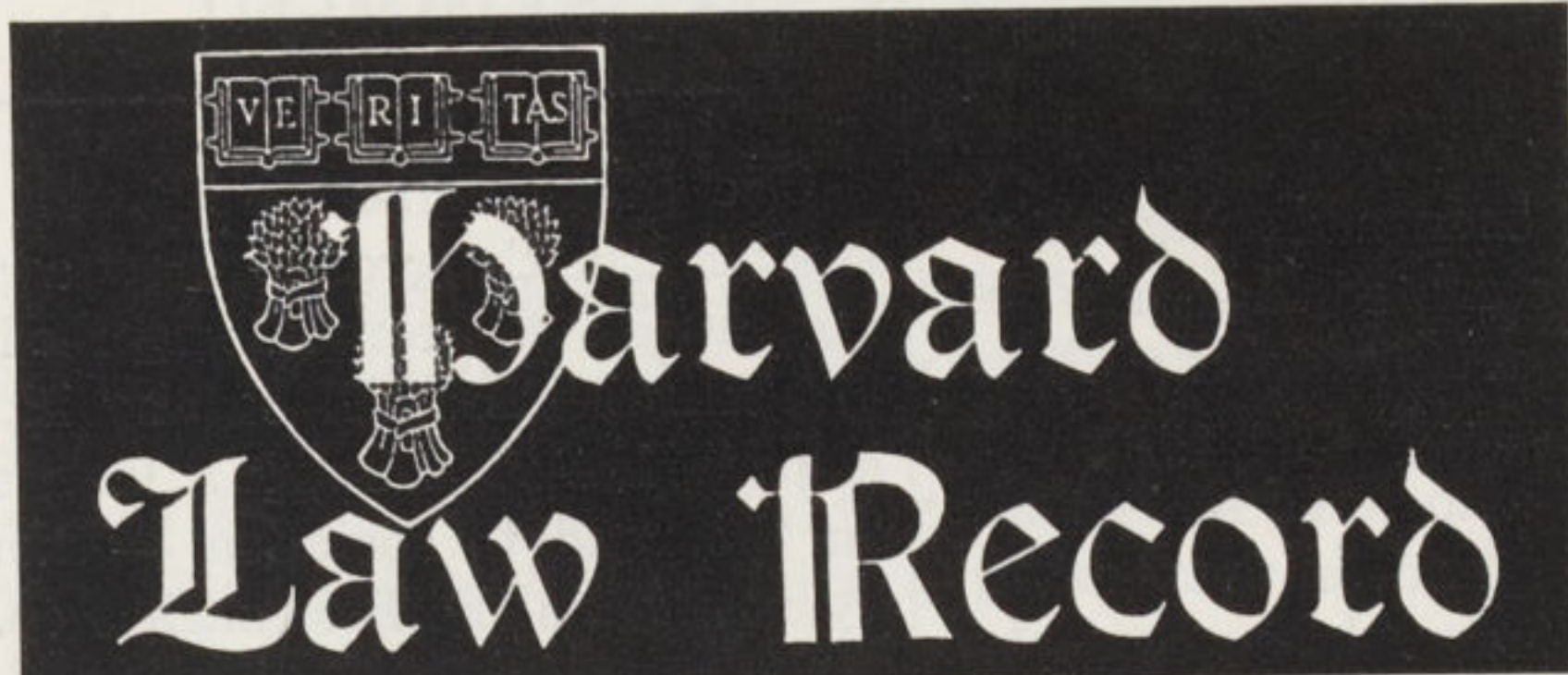




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NO. 9

Student Clerkships Increase

By Clark P. Giles

In addition to those previously announced, more third-year students and members of the Class of 1960 have received clerkships from judges of U. S. Courts of Appeals, District Courts and various state courts.

Elmer H. Close, 3L, Dublin, New Hampshire, will clerk for Chief Judge Peter Woodbury of the U. S. Court of Appeals for the First Circuit. Thomas Graham, 3L, Louisville, Kentucky, will serve as clerk for Judge Wilbur K. Miller of the U. S. Court of Appeals for the District of Columbia Circuit.

Three third-year students will clerk for Justices of the Massachusetts Supreme Judicial Court. James R. Flaker, Rochester, New Hampshire, will serve Justice Arthur E. Whittemore. Lawrence T. Perera, Boston, Massachusetts, will be the clerk of Justice R. Ammi Cutter. Noel G. Posternak, Boston, Massachusetts, will clerk for Justice John V. Spalding.

Barry Dickman, 3L, Spring Valley, New York, will serve as clerk for Chief Justice Joseph Weintraub of the Supreme Court of New Jersey. Jon MacAnderson, 3L, Carrollton, Ohio, will be the clerk for Judge Kingsley A. Taft of the Supreme Court of Ohio. Benson D. Scotch, 3L, Union, New Jersey, will clerk for Judge Edward Gaulkin of the Appellate Division of the New Jersey Superior Court.

Richard H. Seeburger, '60, will clerk for Justice Curtis Bok of the Supreme Court of Pennsylvania, and Alan D. Ullberg, '60, will clerk for Associate Justice Thomas P. White of the Supreme Court of California.

Four third-year students received clerkships from judges of U. S. District Courts. William R. Cotter, Tarrytown, New York, will clerk for Judge Lloyd F. MacMahon of the Southern District of New York. Donald W. Perkins, Somerville, Massachusetts, will be the clerk of Judge Edward T. Gignoux of the District of Maine. Laurence H. Silberman, Margate City, New Jersey, will clerk for Judge Mendon Morrill of the District of New Jersey. J. Joel Woodey, Lutherville, Maryland, will serve as clerk for Judge Edwin D. Steel, Jr., of the District of Delaware.

Myron Stein, '60, will clerk for Judge Alexander Bicks of the U. S. District Court for the Southern District of New York.

Yale Law Professor To Receive HLS Prize

The faculty of the Law School has voted to award the Gerard C. Henderson Memorial Prize for 1956-60 to Professor Ralph S. Brown, Jr., for his book entitled *Loyalty and Security — Employment Tests in the United States*. Mr. Brown is a Professor of Law at the Yale Law School.

The Henderson Prize was established in 1935 by friends of Gerard C. Henderson, A.B. 1912, LL.B. 1916, *cum laude*. The Prize consists of \$1,000 and a suitable emblem and is awarded "by the Faculty of the Harvard Law School, at intervals of not less than five years, to the author of a critical and constructive written work, of outstanding excellence, dealing with administrative law or other legal problems affecting government."

Hearsay

The faculty of the Law School has always been a distinguished one. Its members have included those who got the call to Harvard because of their successes in other areas of the legal profession as well as those who have established their reputations, either as teachers or as authorities generally, after coming here. Those who have served on the faculty have been recognized for their abilities, and, in most cases, they have also been known for their personalities. Although there have been some professors who have been unsuccessful as teachers, the "great names" of the faculty have served the School and its students well. At the end of the current academic year, another "great name" will be added to the list of outstanding men who have taught here.

Austin Wakeman Scott, Dane Professor of Law, has announced that he will retire at that time. Professor Scott has been teaching students at the Law School for fifty-one years. In that time he has been recognized as an excellent teacher, a learned scholar and an able author. He is the recognized authority on the law of trusts and has written a treatise on that subject; he has also served as the reporter on that subject for the American Law Institute.

Professor Scott will be well-remembered by those who were his students. He is a teacher in the old tradition. His classical training and his wit are displayed during every classroom hour.

On behalf of his students, both past and present, we would like to wish Professor Scott continued success in his endeavors. The best wishes of the alumni and students are surely with him. We thank him for all that he has done for us, and we will long remember him.

Harvard Law Record

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COMMENT

By Fenno

One of the direst bills ever introduced in Congress is now awaiting action: the compulsory medical aid bill. If this bill or any like it is passed, it will mark a long step on the road to socialism — though by no means the first such step.

The vote-buyers who favor such legislation claim that thousands of elderly people are dying every year without adequate medical care. While this figure is as inflated as all the rest in the census of suffering which has been distributed over the last few months ("17 million Americans go to bed hungry"), there are undoubtedly persons who do not get adequate medical care through no fault of their own. *These* people should be helped, not those who can or ought to be able to provide their own medical care. And the way to help those who need help is not to force everyone to accept it.

Raising the social security tax is an indefensible way to provide medical assistance because it does not differentiate between those who honestly need assistance and those who could have provided for themselves but instead chose to be spendthrifts during their working years. With wages and fringe benefits being what they are today (and have been for many years), there is no excuse for the vast majority of Americans not to be able and willing to provide their own medical care.

Whatever assistance is necessary should be given under a program of grants to the states. The states could distribute the funds directly to the needy or could buy medical insurance for them from private insurance companies.

It should be the policy of the government to discourage dependence upon tax revenue and to encourage economy and thrift on the part of its citizens. As someone once said, "Ask not what your country can do for you; ask what you can do for your country."

Jaffe Club Wins Ames Final

By Charles F. Waite

Culminating almost three years of work, worry and waiting, the third-year court of the Jaffe Club emerged triumphant to win the top honors of the Harvard Law School Ames Competition's final contest.

Oralists for the first-place club were Charles C. Collins, Jr., Ridgewood, New Jersey, and Thomas A. Skornia, Wheaton, Illinois.

Opposing counsel were Thomas G. Conway, Kingston, New York, and John M. Wisdom, Jr., New Orleans, Louisiana, representing the Magruder Club.

The Ames Court Room, filled by an almost capacity audience, was presided over by the Honorable Charles Evans Whittaker, Justice of the Supreme Court of the United States. He was joined on the bench by the Honorable Shackelford Miller, Jr., Chief Judge of the U. S. Court of Appeals for the Sixth Circuit,



Oralists Collins and Skornia

and the Honorable Paul G. Kirk, Justice of the Supreme Judicial Court of Massachusetts.

In commenting on the performances of all four oralists, Justice Whittaker said, "These young men are the finest, the best trained, the ablest on their feet that it has been our pleasure to see in some time. In my four years on the Supreme Court, it has been rare

to see better arguments than we have seen tonight."

The Justice noted that the decision was a "razor-sharp" one, adding that making the choice between the two teams was "a task almost beyond the competence of anyone."

Explaining that issues involved in the conflicts of laws and civil procedure case were still quite unsettled, Justice Whittaker said that the court preferred not to express its views on the law. "These questions are still



Miller, Whittaker, Kirk, J. J.

very live," he said, "and may be before any one of us in the near future."

Members of the winning club who participated on the brief are Thomas A. Field, Wilmington, Delaware; A. Remy Fransen, Jr., New Orleans, Louisiana; R. Timothy Hanlon, Maplewood, Missouri; David C. Weisberg, Cambridge, Massachusetts; Jack C. Wood, Franklin, Indiana; and Charles M. Wyndham, III, Wilmington, Delaware.

Cardozo Wins Contest

Second-year members of the Cardozo Club took winning honors in the fourth Ames quarter-final contest of the spring Ames Competition.

By what one judge termed "a slight edge," the Cardozo court won over opposing counsel from the Kaplan Club, thereby gaining a place in next fall's semi-finals along with the Story Law, Casner Law and Casner Equity Clubs.

The Cardozo Club oralists were Gary O. Concoff, Los Angeles, California, and Robert E. Fast, LaBelle, Pennsylvania.

Forum Hears Dr. Rhine

By Robert C. Berry

Before a panel of fellow psychologists, Dr. J. B. Rhine of Duke University addressed the Harvard Law School Forum last Friday on the past few years' developments in the field of parapsychology, more commonly known as extra-sensory perception. A jammed Ames Courtroom crowd heard Dr. Rhine assert he feels a relationship has definitely been established between man and his environment which goes beyond man's sensory motor system. This capacity he called psychokinesis, meaning mind over matter, which capacity in turn gives rise to the parapsychical abilities causing the phenomena of his field.

These phenomena, he said, manifest themselves in a number of ways, generally breaking themselves into four categories. First, there is the awareness by one person of another's state of mind or being, often called mental telepathy. Clairvoyance, a second grouping, is the objective knowledge by a person of something that is happening, without any dependence on transmission from a second person.

Outnumbering in quantity these first two categories is precognition, the awareness of coming events, although this understandably is one of the hardest to accept. And the final category, spontaneous happenings of inanimate objects, is that which includes such phenomena as a clock stopping when a man dies.

The chief difficulty underlying all areas of parapsychology, according to Dr. Rhine, is the fact that these happenings are unconscious, not depending on a person's knowledge, but indeed affirmatively showing that a person does not know what he's doing. Because so little is known, Dr. Rhine admitted the results are often disappointing. Likewise, since this cannot be grounded in a concept of space-time but instead seems to be independent of such considerations, there is also the evident problem that this field is in disrepute among a majority of today's psychologists.

From the comments by the panel following Dr. Rhine's address, this rejection became more specific. Dr. Edwin Boring, Edgar Pierce Professor of Psychology at Harvard, Dr. Ulric Neisser of Brandeis, and Dr. Timo-

thy Leary, Lecturer in Clinical Psychology at Harvard, all chose to throw their brand of "cold water" on Dr. Rhine's efforts.

Dr. Boring conceded that parapsychology could not be proved or disproved, just as "you can't prove a universal negative." However, he looked with fear on ESP's playing so loosely with the idea of chance. "The concept of chance is a risky, dangerous concept," and it was his contention that if one does not know the conditions of ESP, one does not know if such a thing in fact exists.

Dr. Neisser questioned whether the results of the tests, valid though they may be, actually showed a psychological capacity. The lack of anything material, time-space for example, led him to conclude there might be some other answer to the phenomena than a causal connection.

Preferring to keep his remarks largely confined to what other people have said about parapsychology, Dr. Leary merely noted that Dr. Rhine had chosen a study that is unconventional and out of favor at this time. Nevertheless, he complimented the doctor and his colleagues for having expanded the awareness of the field of psychology in "stubbornly insisting we broaden our vistas."

Jerome S. Bruner, Professor of Psychology at Harvard, was moderator of the program.

Legal Aid Bureau Elects New Officers

David W. Bernstein, 2L, New York, New York, was elected president of the Legal Aid Bureau at a recent meeting of its members. Mr. Bernstein received his A.B. degree from Harvard in 1959.

The other newly-elected officers are Michael Whiteman, 2L, Great Neck, New York, vice president; Helmut Wallenfels, 2L, Worcester, Massachusetts, secretary; Charles F. Hosmer, 2L, Detroit, Michigan, treasurer; Andrew S. Dempsey, 2L, Cleveland, Ohio, senior director; Barbara A. Lee, 2L, Windsor, Connecticut, junior director I; and George E. Pike, Jr., 2L, Dewitt, Arkansas, junior director II.

Probe Defense at Forum

By Robert C. Berry

General Maxwell D. Taylor (Ret.) will address the Law School Forum on the topic, "A Blue Print of Defense", tomorrow evening at 8:30 p. m. in Sanders Theatre. Carl J. Friedrich, Professor of Government, will serve as moderator of the program that will also contain a panel discussion among General Taylor, Dr. Henry A. Kissinger, Dr. Hugh C. Wolfe and Dr. Harry Howe Ransom.

General Taylor has informed the Forum that among the considerations he hopes to raise on this program will be a brief review of the development of U. S. military strategy since World War II, a consideration of where the United States stands today and whether the future trend in defense will be favorable or not, and the need for citizen comprehension



of and proper attitudes toward defense.

He retired from the Army in 1959, where he had served as Army Chief of Staff from 1955 to that date. General Taylor has more recently been actively engaged as president of Lincoln Center for the Performing Arts. Since leaving the Army, he has also written *The Uncertain Trumpet*, an analysis of the United States defense establishment.

Throughout his career in the Army, General Taylor held various posts notable for their heavy responsibilities. During World War II he commanded the 101st Airborne Di-

vision, and on D-Day he was the first general to land in Normandy, parachuting with his men behind the German defenses. In 1945, he was appointed Superintendent of the U. S. Military Academy at West Point, and in 1953, after four years as American commandant in Berlin, he succeeded General James A. Van Fleet as commander of the 8th Army in Korea, at which time he also became commander-in-chief of the Far East and of the United Nations commands.

Civil Liberties Group Completes Projects

By Paul E. Freehling

Nine civil liberties projects have been completed by members of the Student Civil Liberties Research Service, reported retiring chairman Henry M. DiSuvero, 3L, San Francisco, California, at a recent election meeting. In addition, two projects are near completion and two more were almost finished when the questions of law with which they dealt were mooted.

Several students prepared a summary of the law of search and seizure for Massachusetts Assistant Attorney General Gerald Berlin. Another group researched free speech and the law of libel with respect to the suit brought against the *New York Times* for material appearing in an advertisement published in that paper soliciting funds for the defense of Reverend Martin Luther King.

Among other projects completed during the year were memoranda on the rights of Louisiana sit-in demonstrators, researched for CORE, and the right of a criminal defendant to waive a jury trial, prepared for the American Civil Liberties Union.

Members chose William E. Hellerstein, 2L, New York, New York, chairman. William I. Goldberg, 2L, Highland Park, Illinois, was elected vice chairman. The remainder of the executive committee, five project-coordinators, will be Stephen H. Cohen, 1L, Jackson Heights, New York; Peter W. Eccles, 1L, St. Albans, New York; Daniel Klubock, 2L, Cambridge, Massachusetts; Melvin S. Schwarzwald, 2L, Canton, Ohio; and David G. Trager, 2L, Mt. Vernon, New York.

H L S in International Program

By Prof. Arthur E. Sutherland

The Harvard Law School during the past year has been taking part in a program of international cooperation administered by the Maxwell School of Public Administration at Syracuse University, with the help of funds provided by the Ford Foundation. The plan is to send well-trained young graduates of American universities for practical administrative work in junior posts in the governments of various countries in Africa and Asia.

This enterprise began last year when the Ford Foundation, as a pilot project, provided the Maxwell School with the means to send one graduate to Ghana for a year, and possibly more, in government and teaching. Selected for this mission was Keith Highet of the Harvard Law School class of 1960. Mr. Highet, who had studied at Harvard College and at Oxford before coming to the Law School, began his service in the office of the Attorney General in Accra, Ghana. After several months of duty there he was asked to join the staff of the Faculty of Law at the University College of Ghana at Achimote, and the Accra Law School; he is now teaching in both these coordinate institutions.

Ford Provides Funds

The Ford Foundation, impressed by the possibilities of this sort of international cooperation, this year provided the Maxwell School with funds enough to send ten young Americans on similar missions. Eighteen Harvard Law School men applied for this enterprise, a few of them recent graduates, most, however, from the class of 1961. From a total of 120 applications in the United States, Professor Stephen Bailey of the Maxwell School selected ten men, of whom four are members of the class of 1961 at the Harvard Law School. In addition, one alternate was selected from the same class. Those receiving principal appointments were Robert H. Edwards, Middletown, Ohio; Ronald Russell, San Jose, California; Bevis Longstreth, Princeton, New Jersey; and William Zabel, Sioux Falls, South Dakota. William Shepard, Concord, New Hampshire, was selected as alternate. Unless the present plans for assignment are changed, Mr. Edwards is to go to

Bechuanaland, where he will be given broad experience in administration in a number of governmental fields — agriculture, irrigation, public health and similar matters. Mr. Longstreth's post will be in Tanganyika, where he will serve as assistant to a district commissioner in the conduct of regional administration, in magistracy duties, etc. Mr. Russell is scheduled to go to Sarawak, where his duties will be similar to those of Mr. Longstreth. Mr. Zabel decided to accept another professional appointment and so will not go. As of this time the offer of an appointment to Mr. Shepard, who was selected as an alternate, remains to be decided.

Those selected for these duties will be at their respective posts for at least a year. Thereafter, by joint agreement of the government in question, of the Maxwell School and of course of the man himself, their missions may be further extended.

Loss Appears Before English Companies Group

Professor Louis Loss has recently returned from a short visit to England. His purpose in making the trip was to testify before the Jenkins Committee, which was formed to make inquiry into the Companies Act, which is similar to our corporations acts, and to recommend possible amendments. The Jenkins Committee is a "blue ribbon" committee made up of bankers, lawyers and others, with a broad scope of inquiry. One of their prime interests is the Securities and Exchange Commission, with which Professor Loss was associated for 15 years, and as Associate General Counsel from 1948-52. The conclusions of the Committee will be published and their recommendations for amendments presented to Parliament in a short while.

Leach Gets Air Award

Professor W. Barton Leach has received the Educator's Award of the Arnold Air Society. The Award was given to Mr. Leach for his outstanding contributions to university level study of vital questions of national defense.

Future of G O P Told

Republicans cannot have a strong national party without strong local organizations first, Law and Graduate School Republicans were told last Thursday by a high party official.

Fred Scribner, General Counsel of the Republican Party, spoke before the local club on the topic, "The Future of the G. O. P."

"There is no magic formula for political success," Scribner told his listeners. "We need attractive, able candidates; issues must be put more clearly before the people; and we must have finances. But the odds are such that the game is well worth fighting for," he said.

Press Lauds President

Scribner, mentioned as a possible successor to Senator Thruston Morton as Chairman of the Republican National Committee, said that one of the current problems facing the party is the "honeymoon press" which has been continually lauding the non-existent accomplishments of the Kennedy administration during its first three months in office.

He compared the first 75 days of the present administration with the same first period of the Eisenhower administration. "In Ike's first 75 days, the Department of Health, Education and Welfare was created, the Korean stalemate was ended, there was an agreement with the Communists for an exchange of prisoners, NATO was strengthened, long-standing cases of income tax evasion were prosecuted, the farm program was instituted, \$500 million was cut from the Truman budget — and in all areas far more administra-

tion bills were acted upon by Congress than we have seen since January 20 of this year.

"Yet you read every day statements of the national commentators that we are 'moving forward' with 'many accomplishments,'" he said.

Scribner asked where the promised civil rights reform was, adding that the most significant piece of legislation advanced by the administration so far has been a "tongue-in-cheek proposal that farmers write their own farm program," a measure, he added, that even the Democrats admit has no chance of passage.

For the future, he said that the party must take neither an overly pessimistic nor an overly optimistic view. "But, when you realize that just 15,000 more votes in the right places would have resulted in Mr. Nixon's being in the White House, you can see that the job isn't hopeless," he quickly added.

Scribner said he felt that the most important first step to regain the White House included the election of a Republican governor in New Jersey this year, and in Pennsylvania, Ohio, Wisconsin, California, and perhaps Michigan next year.

"Then we'll have a sound basis for 1964," he concluded.

Scribner declined, however, to predict who would be the next Republican Presidential candidate. "A lot can happen between now and next year, let alone 1964," he pointed out. "We'll just have to wait and see what happens."



Would you hang this in your dining room? Harkness will. It's the new Miro.

Patent Proceedings Discussed

By Neal L. Rosenberg

Louis L. Orenbuch, Esq., and Nicholas A. Pandiscio, Esq., partners in the Boston patent law firm of Weingarten, Orenbuch and Pandiscio, were guest speakers on a Harvard Patent Law Club panel dealing with the role of the Patent Office.

Mr. Pandiscio initially explained the structure of the Patent Office and then proceeded to concentrate on the official and personal relations existing between the private or corporate patent attorney and the patent examiner. In response to each official communique from the examiner, the attorney must respond with his own official communique, carefully drawn to meet each formal objection pointed out by the examiner without limiting or reducing the scope of protection for the invention any more than is necessary to avoid the formal objection. Mr. Pandiscio pointed out that in such a situation the attorney who was once an examiner himself is better able to comprehend and appreciate the nuances of the formal grounds applied by the examiner.

Interference Proceeding

Mr. Orenbuch discussed one of the most complicated proceedings in patent law, interference practice. An interference is a proceeding instituted by the Patent Office for the purpose of determining the question of priority of invention between two or more parties claiming substantially the same patentable invention. One rule of the proceeding is that no litigant is allowed to prove that a non-litigant has priority over all the litigants. Mr. Orenbuch thought that such a ruling deprived the Patent Office of a potential gratuitous public defender, namely the litigant who, seeing that he could not prove his own priority, would attempt to prevent the others from securing a patent which could exclude him from the market. Irrespective of whether the first inventor is claiming a patent, it is the statutory duty of the Patent Office to deny the patent to one who is not the first inventor.

The complex interference proceeding is often expensive, vitriolic and an occasion for much perjury and fabrication of evidence. Among other measures taken by the Patent Office to aid in limiting possible fabrication

and perjury is an unusual rule that uncorroborated testimony of the inventor is inadmissible. Mr. Orenbuch suggested that the rationale for such a rule is out-dated in a corporate age in which the inventor is usually merely a salaried employee of a corporation, which will be too interested in its reputation to advocate or tolerate perjury.

In the elections which preceded the panel discussion, Neal L. Rosenberg, 2L, New York, New York, was re-elected president, and Eric S. Spector, 2L, Cincinnati, Ohio, was elected vice-president.

McNeil Athletic Club

Wins BB Crown

Sporting an undefeated record, McNeil A. C. won first place in League I of the Dormitory Council's basketball program. Winning first place in the novice League II was an unbeaten combination of graduate students, the Regents.

Roderick D. McNeil, 3L, Piedmont, California, captained the league-winning McNeil A. C. team. Team members were Harvey P. Dale, 3L, Great Neck, New York; John A. Dito, 3L, Oakland, California; Dale R. Harris, 2L, Marion, Illinois; Noel G. Posternak, 3L, Boston, Massachusetts; Samuel H. Seymour, 2L, Washington, D. C.; and Robert G. Witmer, Jr., 2L, Webster, New York.

William A. Gordon, 1L, New Orleans, Louisiana, supervised the basketball leagues for the Dormitory Council.

New Committeemen For Class of '61

Herman Wilson, Tyler, Texas, 1961 Class Marshal, announced that Richard J. Birch, 3L, Rockville Centre, New York, and Robert E. Jordan, 3L, South Boston, Virginia, have been appointed to the Class Committee. Messrs. Birch and Jordan replace David M. Foster, 3L, Jacksonville, Florida, and Wilmot R. Hastings, 3L, Swampscott, Massachusetts, who are unable to serve as they are not planning to reside in the area which they were to represent.

FEATURES SECTION

Austin Wakeman Scott

By Roscoe Pound

Scott's exceptional quality as a student caused him, as Professor Gray once told me, to be marked while a student for a great career as scholar, author and teacher, and to be chosen as a teacher at once upon graduation from law school. His fifty-one years of exceptional teaching thereafter have fully borne out what was expected of him from the beginning.

Although inexorable rules of retirement of teachers seem to have become settled policy of the time, it ought to be possible with no great exercise of administrative ingenuity to hold fast to the exceptional advantage of students of law for time to come by finding a place for such a leader among teachers and scholars where the *juventus cupida legum* could consult him and be set in the right paths of the law by him for some years to come.

Moreover, Scott is more than a teacher. He stands high on the list of great scholars and authors whose books have done much to make American law since the days of Judge Story. To the names of Story, Greenleaf, Parsons, Washburn and Williston, he has added his own.

Scott is a born teacher, seeming able to do easily from the start what others who have made some name for themselves as teachers have been able to do only after long and sometimes painful struggles. Indeed, he is a born teacher in two senses. Not only was he born with a natural gift of teaching, which he was able to cultivate, but he is the son of a great teacher and was brought up in an atmosphere of scholarly associations in a household of culture.

When I delivered a lecture at Rutgers many years ago, it was my good fortune to meet Dr. Austin Scott, then retired from the presidency of that university but still teaching. At that time he was teaching constitutional law to a class of college students. To attend his class was indeed an event. In my experience college courses in constitutional law, often a required course for undergraduates in the '80's of the last century, were of very doubtful value. In my case we were taught

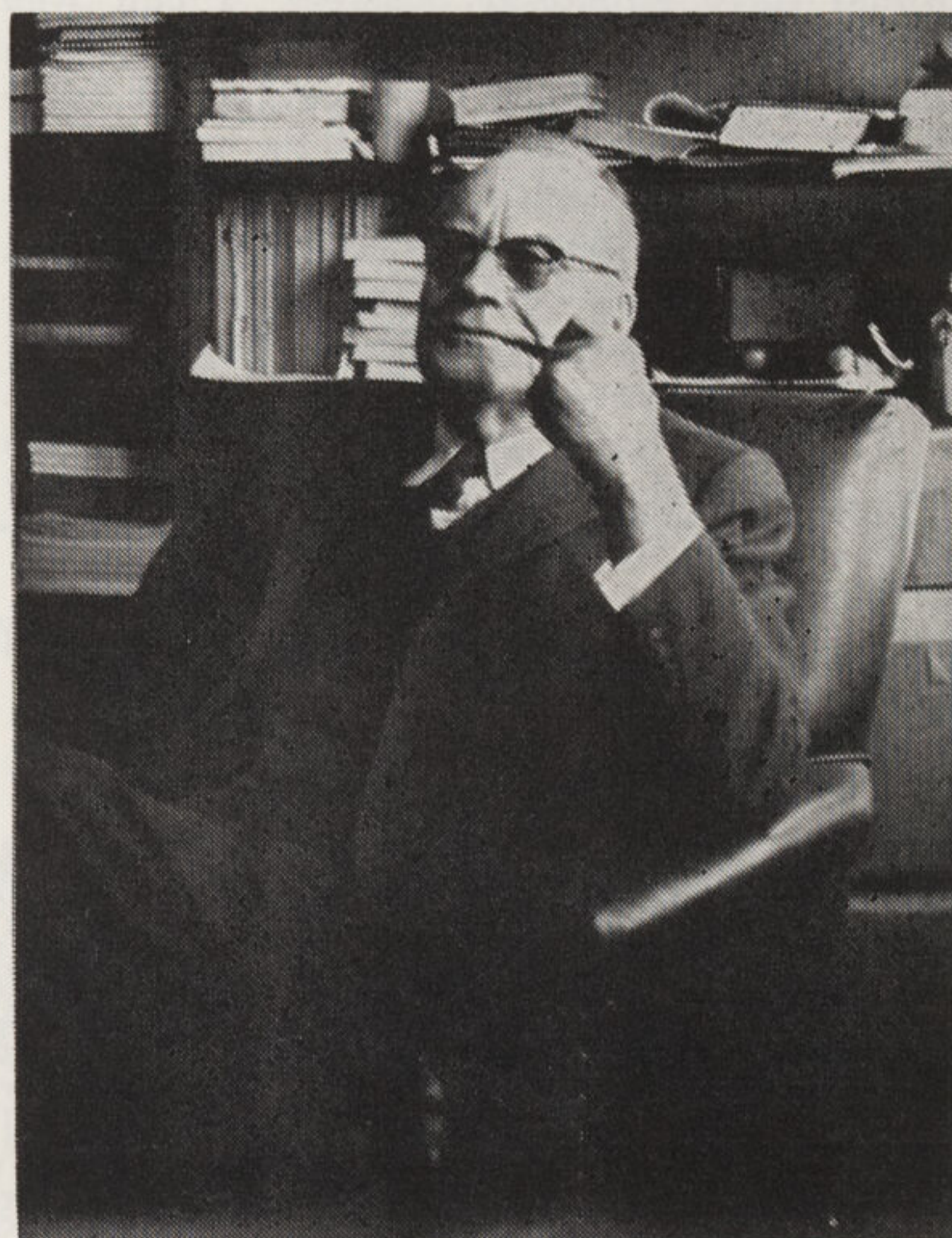
(Continued on Page 10)

By Charles F. Waite

For the past fifty years or so, a Harvard Law student attending an alumni function anywhere in the country most likely would have found himself surrounded by clamorous lawyers of all ages.

"How's Scotty," they would cry. "What's Scotty like these days? Is he still the same in class?"

Soon the group would be buzzing with talk punctuated by frequent shouts of laughter as



the older men compared their memories of Scotty's classes ten, twenty, thirty, forty and fifty years ago with the student's description of the latest Scotty sessions.

There would be a note of affection in their voices that disclosed their highest regard for a great teacher, a regard that has remained undiminished through the years.

After this year these same questions will not be asked.

On those few occasions when some alumnus fails to remember that even an institution

(Continued on Page 11)

(Continued from Page 9)
 from Cooley's *General Principles of Constitutional Law* (1880), which we proceeded to learn by heart and I have no doubt thought we understood fully. But later as a student of law I found what I thought I had learned had to be done over from the beginning. Hence I was not prepared for what I saw and heard in Dr. Scott's class. He was indeed a master teacher. A teacher of political science, he had a feeling for law. The text from which he taught was the Constitution itself. The dexterity with which he led the students to see what the text meant and why, and the possibilities of making it an effective instrument of government was beyond what I would have supposed possible. I can well understand how one brought up under such a father was made by daily contact at home to see and understand what he came upon later in a clear light and to expound it accurately, understandingly and convincingly. What I saw in that classroom at Rutgers generations of students in the Harvard Law School have been seeing for fifty-one years.

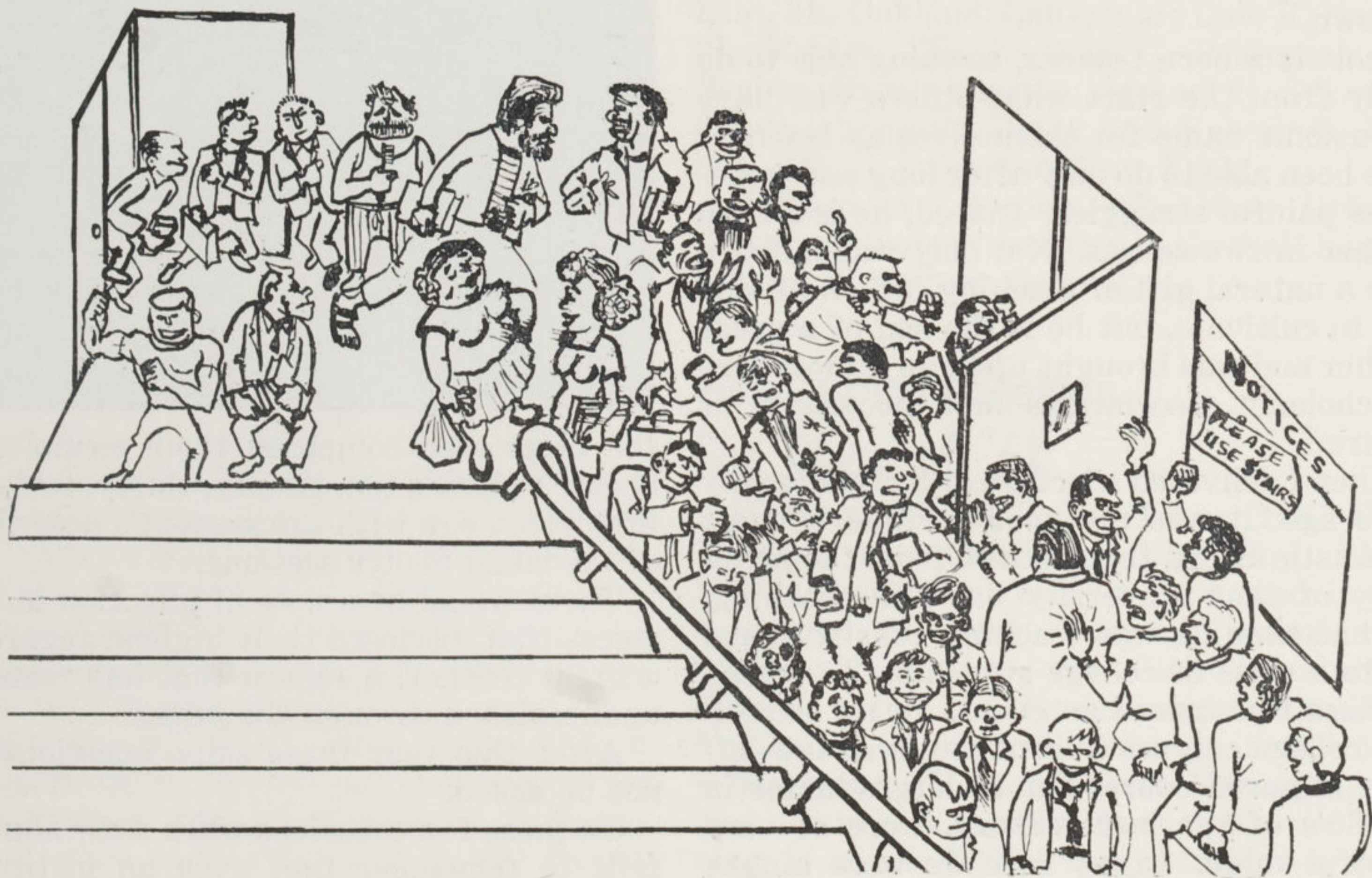
With the truly wonderful bringing up which he had for teaching law by the method

introduced in the Law School by Langdell, Professor Scott has proved able to make full use of his advantages and proved himself the law teacher of his generation.

But he has not only made a record as a great teacher of law, he has made himself a notable legal scholar and author. Indeed he has taken a first place in law writing. His great work on Trusts has a permanent place in the literature of Anglo-American law along with the writings of Story, Greenleaf, Parsons, Washburn, Williston and Beale. Withal, he is an effective thinker and writer upon the legal procedure of today, and a long list of notable articles in legal periodicals as well as successive editions of case books on Trusts and on Civil Procedure testify to his industry.

As teacher, scholar, author, lawyer and all around useful citizen, he is preeminently representative of the Harvard Law School at its best. In all these roles he is with the long line of great scholars and teachers who have found and expounded to generations of Americans the "immemorial and yet ever-growing fabric of our common law."

Commentaries



(Continued from Page 9)

such as the man called Scotty is not permanent, his questions will go unanswered.

For the man whom Dean Emeritus Roscoe Pound has called "Mr. Harvard Law School" retires this year after a record of teaching which spans more than half a century.

In 1909, when Dean Ames had to leave the

Law School, a call went out to the New York law firm of Winthrop and Stimson for a young lawyer to complete Ames' courses in Pleading and Equity.

It was in that year that this young lawyer, Austin Wakeman Scott, now Dane Professor of Law at Harvard Law School, began what was to become one of the greatest careers in

Profiles of Leaders

The new head of the majority party at the Law School is Gregory M. Harvey, a second-year student from Morristown, New Jersey.

Greg, born in Morris Township, N. J., Jan. 6, 1937, and a graduate of Morristown High School and Harvard College (A.B. in government), was chosen president of the Law School's Democratic Club, which has been renamed the Harvard Law-Graduate Democratic Club.

An old hand at politics, Greg campaigned for Stevenson in New Jersey in the 1956 elections and was a Stevenson supporter at the mock Democratic convention held here of students from all over

the country, which picked the two-time candidate by an overwhelming majority.

In addition to political activities at the Law School, Greg is a member of Legal Aid, Casner Law Club and Lincoln's Inn and teaches a public speaking course at Tufts University.

The function of the Democratic Club, he explained, is to provide programs for the membership featuring nationally prominent speakers and to participate in off-year elections as much as possible. For example, members will be campaigning for the Cambridge Civic Association's candidates, along with other Harvard political groups.

He pointed out that although the dominant view among club members is the liberal one, the membership represents all points of view within the Democratic Party. He finds that although the Democrats are the majority party at the Law School, the people are "much more interested in participation than many nominal Republicans."



"The most important function of the Republican Club at the Law School," according to president Sheldon A. Taft, "is to encourage awareness of current events and political affairs and to help people find themselves politically."

The second-year student was born in Cleveland, Ohio, March 2, 1937; graduated from The Columbus Academy, Columbus, Ohio; and received his B.A. in geology from Amherst in 1959.

In addition to the Republican Club, Sheldon is a member of the Bull and Bear Club, Lincoln's Inn and has participated in the Ames and Williston



Competitions.

The summers of 1957 and 1959 he spent doing general exploration work for mining companies in the Adirondacks in New York State and the La Plata Mountains in Colorado, respectively. Last summer he did campaign work in Ohio and attended the G. O. P. National Convention as a member of the Young Republicans.

He doesn't find that being a minority party at the Law School hampers local Republicans, commenting that the main purpose of the club is to stimulate political discussion through speakers.

He believes that, in politics, people start from the same basic ideals and should have an awareness of all the factors and use a reasonable, logical application of these factors to the particular issue at hand. "Where it leads you is your business," he concluded, "but of course we think it should lead you to the Republican viewpoint."

American law.

"Mr. Harvard Law School" . . . "Mr. Law of Trusts" . . . or just plain "Scotty" to his colleagues and students, Professor Scott's retirement at the end of this academic year ends a truly epic era at Harvard Law School.

The foremost American authority on the law of trusts has regarded the study of law as a serious business, and he has tried throughout his teaching career to make his students see how serious it really is.

"I've tried not to scare the boys," he quickly points out.

"When I was a student here I enjoyed learning law; it was great fun to engage with other young men in strenuous intellectual endeavor. I've always tried to make my classes feel the same way. The study of law ought to be enjoyable, not a grind. It should be good, clean fun."

Professor Scott's own legal education began in 1906, when he enrolled at Harvard Law School.

"It was an intellectual awakening," he says now.

His interest in the law developed while he was teaching mathematics at Rutgers Preparatory School. It was during this three-year period that he read all of Blackstone's *Commentaries*, a feat known to every law student at the Law School as a familiar part of the Scott legend.

Not only Blackstone, but also *Cooley on Torts*, *Stephen on Pleading* and *Austin on Jurisprudence*.

"I didn't have much to do, so I began reading Blackstone during my leisure time," Scotty explains.

"I found it fascinating and read it cover to cover. Consequently, my legal vocabulary was better than that of the other students when I came to Law School.

"Reading Blackstone almost convinced me that I should study the law. But I wanted to make sure, so I worked one summer with a law firm in Newark to see what the real practice of law was like."

James Barr Ames, John Chipman Gray and Jeremiah Smith were still teaching at Harvard when the young Scott entered as a first-year law student. Samuel Williston and Joseph Beale had hit their stride. They were all great teachers, and their pupil learned well.

Scott relished his law study from the start.

"The easiest, pleasantest work I ever did was while I was at the Law School. It seemed to me a natural, sensible way of dealing with human life."

Dean Ames apparently liked young Scott's work too, for he gave him a grade of 93 in Trusts. It is said that when Ames read Scott's examination paper, he commented that it read more like a textbook than an examination written by a student.

But Professor Scott also shared some of the problems of modern-day law students. "I was always a little nervous when I spoke up in class, though I did so fairly often. It's much easier when you are teaching a class — much less to worry about."

Scotty's students sometimes wonder today whether any of his professors told him there were two types of a certain trust, asked him to name one of them, and then said after a slight pause, as Scott does now, "Well, if you can't name one, can you name the other?"

In 1909 Scotty was graduated from the Law School, having served on the *Law Review*. He had intended to become a practicing attorney, but he found, after taking over Dean Ames' classes, that the teaching of law was much to his liking. And so he readily accepted an invitation to stay on as Assistant Professor of Law.

Although he was at least ten years younger than any of the nine other members of the faculty, he was quick to show himself to be, in Dean Pound's words, "one of the four great teachers of law I have known."

A member of the first class he taught, now a prominent trusts man, has described Scott's advent as a teacher in the following words:

"I first saw Austin Scott when he marched down an aisle in the Law School in the first-year course on Pleadings to take over the work of Dean Ames. Austin had finished his studies in the Law School the spring before with high accomplishments.

"It was no small thing to be asked back so promptly to take over the teaching duties of the Dean, but he seemed not in the least perturbed.

"I still have a vision of him approaching the professor's desk with determined chin, surmounted as always by a benign, perhaps a bit tolerant, and perpetual smile.

"He was a success from the beginning and, of course, has remained to be one of the great teachers of all times."

During that first year of teaching, Professor Scott commuted between Boston and New York. By the fall of 1910 he had moved to Cambridge and had been appointed Assistant Professor of Law. Four years later he became Professor of Law, in 1920 he was appointed Story Professor of Law, and in 1938 he was made Dane Professor of Law.

To the legal world, of course, Professor Scott is *the* authority on trusts. His scholarly accomplishments are too well known to need any elaboration. In addition to being the American Law Institute Reporter for Trusts, he is Co-Reporter for Restitution and for Judgments; author of *Fundamentals of Procedure in Actions at Law* (1922), *The Law of Trusts* (2d ed., 1956) and numerous articles; editor of *Cases on Civil Procedure* (1914) and *Cases on Trusts* (1951); and joint editor of *Cases on Civil Procedure* (1950). Just last year his latest work, the one-volume *Scott's Abridgment of the Law of Trusts*, was released to the waiting desks of countless lawyers and law students.

Professor Scott was married in 1914 and has two sons, Austin, Jr., and Gordon, both Harvard Law School graduates and both respected law teachers in their own rights.

Outside of the Law School and his family, one of Mr. Scott's principal interests has been the Harvard Coöperative Society, of which he has been vice president and legal adviser.

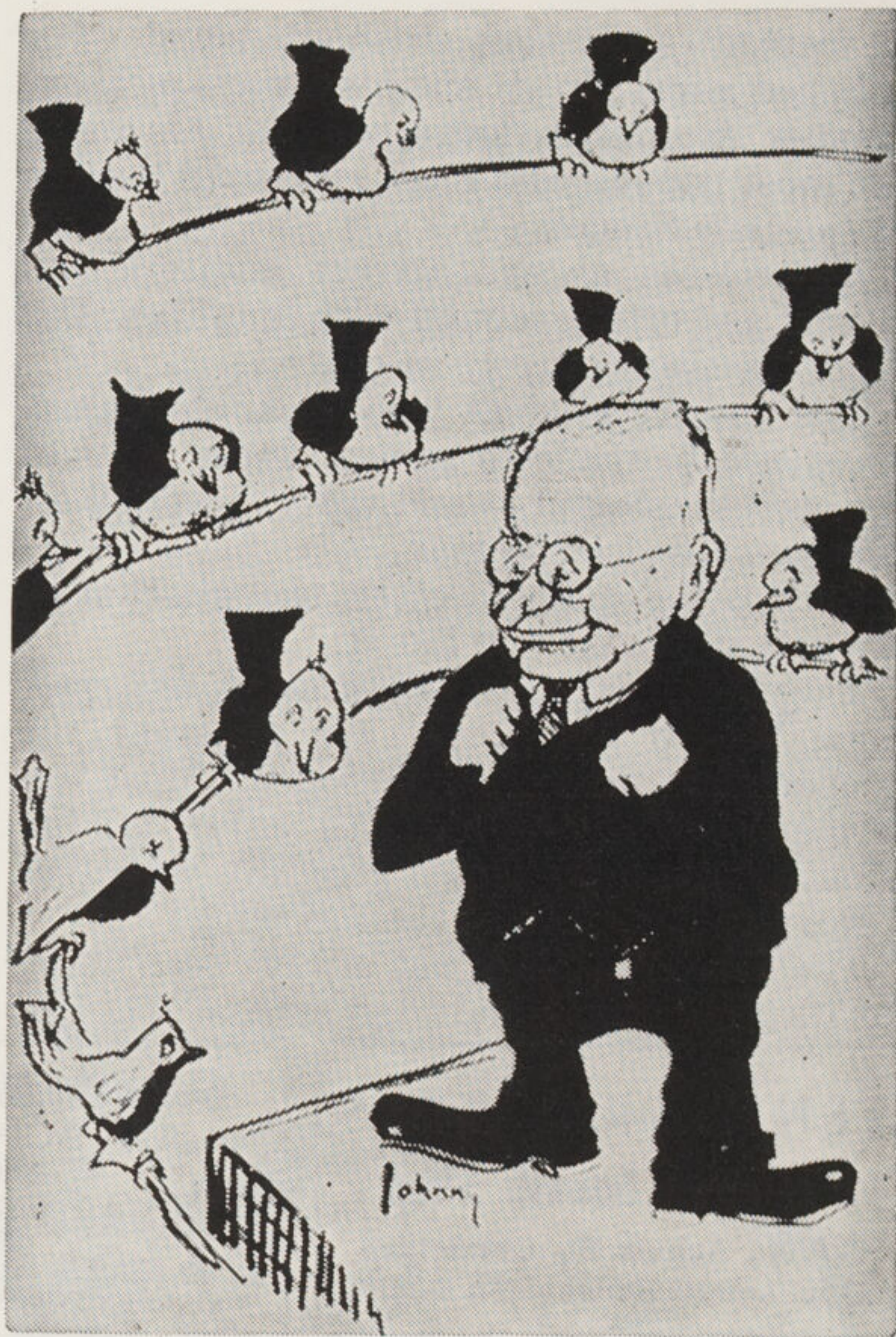
Students today are much the same as they were when he first started teaching, Scotty thinks. They state the cases a little better now and are somewhat more confident because of their greater maturity.

"But the students here have always been good; they have always worked hard; their attitude has always been one of extraordinary eagerness to learn," he adds enthusiastically.

Still, even Harvard Law students need encouragement to think and to express their own thoughts on the problems that are presented. Many a student has glanced up during his recitation, seen a look of apparent displeasure on Scotty's face, backtracked and started off in another direction only to find that he was right the first time.

In addition to teaching, Professor Scott has also done a good deal of administrative work, though it seems that this is little known.

In 1911, at the age of 27, he took a year's leave of absence to become Dean of the College of Law at the State University of Iowa.



"You birds. . ."

In 1915-16 he was Acting Dean of Harvard Law School.

When Dean Pound retired, Scott was pressed to take over his duties (though Scotty will mutter a dissent, this is the way it was) but refused in order to devote his full time to teaching and study.

It was during World War II that the Law School owed its very existence to Professor Scott. When practically all of the faculty had gone into military or government service and the student body had dwindled to sixty or seventy students, it was largely through the efforts of Professor Scott that it was able to stay open at all.

During this period he taught some four different courses, including Property, which he had never taught before. Those connected with the Law School speak with gratitude of the burden Scott took upon himself during those difficult years in order to preserve the continuity of the institution.

Students at the Law School have been fortunate to know Professor Scott primarily as

a teacher — and one without equal. His polished mind, his wit and his always pleasant manner account in large part for his being the most popular and most respected teacher at the Law School.

His classes always attract auditors and alumni and often resound with laughter. But Scotty is always firmly in control.

The unwary student who is caught unprepared will be made to squirm under some of the most masterful — and witty — verbal artillery yet devised by man.

Such is the spell of Scotty, though, that he can actually make you like it.

The faculty's great admiration and personal regard for Scotty are apparent the moment his name is mentioned. Most are former students of his. All enjoy talking about him and will often gleefully volunteer a story or two, such as the following:

The Scott household has always been noted for its good nature and high spirits. Though

both the Scott boys have become law professors, when they were younger their tastes ran to different fields.

One day they were happily engaged in splashing each other with wet paint. When the elder Scott discovered what they were doing, he addressed himself first to Gordon, then three years old.

"You are too old a boy to be doing such childish things. You should be ashamed of yourself."

Turning then to five-year-old Austin, Jr., he continued, "And as for you, Austin, *a fortiori!*"

That Scotty has succeeded in making his classes fun is clear to anyone who has attended one of them and heard the reaction of the assembled students to the veritable herd of Scottisms:

"Doesn't that case just make your hair stand on end." . . . "That was a very good answer — if I had only asked the question

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that goes along with it." . . . "You say you don't know? If I asked you what you knew, we'd never get anywhere." . . . "Don't you birds know anything about that?" . . . And, of course, "If you can't name one, can you name the other?"

Scotty's monumental legal contributions are well known, as are the many stories about him. But at the Law School his reputation as a teacher towers above everything.

It will be very difficult for those who have learned under Scotty's wing to accept the fact that there will be no more Scotty sessions where, for example, the one-time math teacher will urge his students to do "this simple calculation — and just be glad it isn't *compound* interest!"

But just as the ivy which has grown to cover Langdell Hall is a plant not easily torn away, so is Scotty an institution at Harvard which is not easily separated from the school and the law he loves so well.

"I like the Law School pretty well," he says, nodding his gray head as if to emphasize the gentle understatement. So well, in fact, that he intends to remain on in his familiar office on the second floor of Langdell Hall to do work and research on various projects he has outlined for the future.

Yes, Scotty, if you can say in gentle understatement that you like the Law School "pretty well," the RECORD will certainly be permitted to return that understatement with an "*a multo fortiori*" understatement: The Law School likes you pretty well, too.

Republicans Host State Group

The Law and Graduate Schools Republican Club played host Saturday to the College Caucus of the Annual Meeting of the Massachusetts Council of Young Republican Clubs in the Mallory Smith Room of Harkness Commons. Jerry B. Fulmer, 3L, Franklin, Pennsylvania, presided over the meeting.

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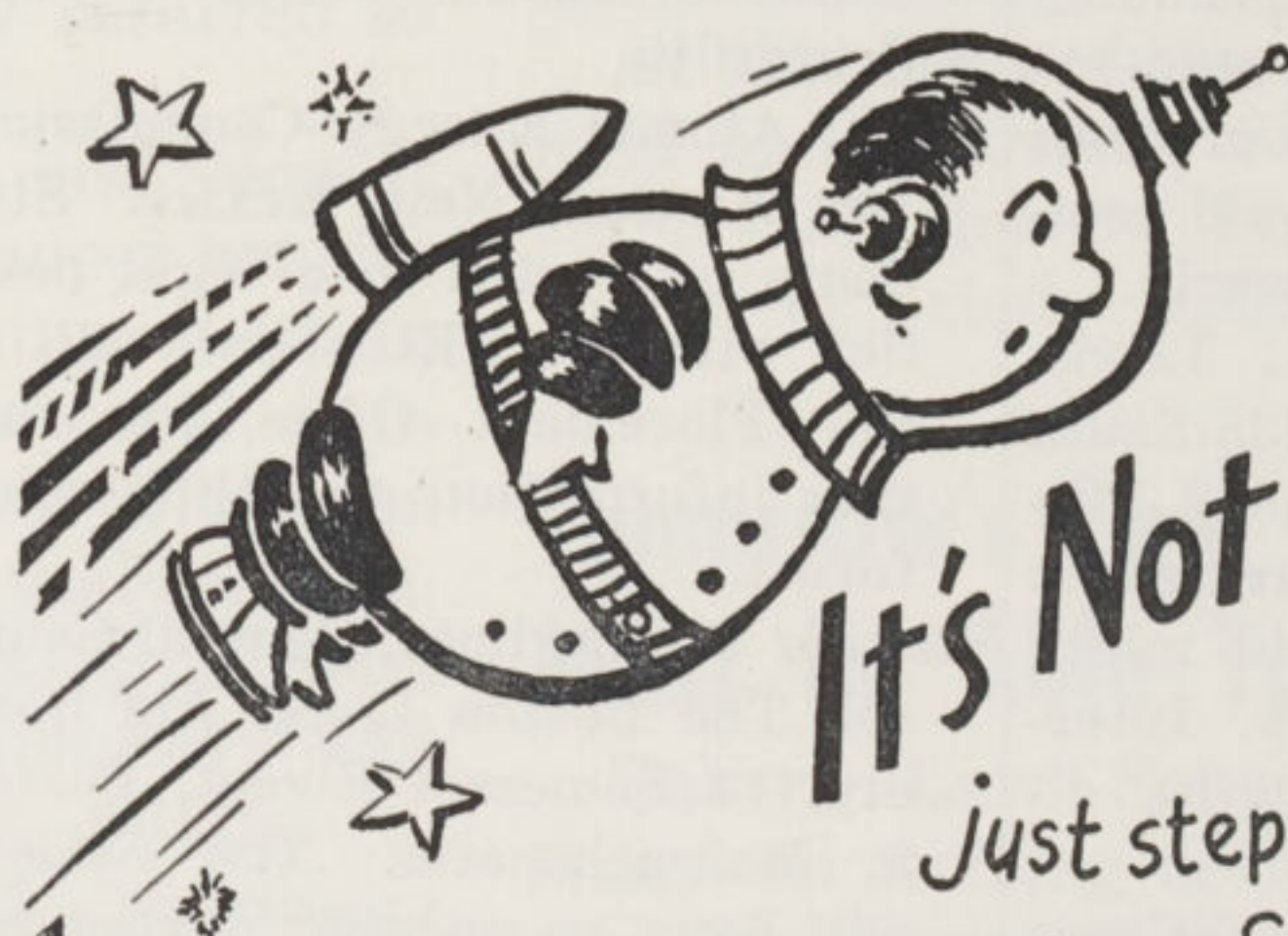
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Placement Opportunities

THIRD YEAR STUDENTS

Albert H. Sealy, Jr., Esq., Smith and Schnacke, Talbott Building, Dayton 2, Ohio. This firm has an opening for a graduate who will be available not later than September, 1961. Interested students should communicate directly with Mr. Sealy.

Mr. Solomon Huber, Solomon Huber Agency, The Mutual Benefit Life Insurance Company, 60 West 55 Street, New York 19, New York. This company expects to have an opening for a law graduate at or about June 30. Interested students should write to Mr. Huber.

Stanley Schwartz, Jr., Esq., Schwartz, Gurevitz and Schwartz, 50 West Gay Street, Columbus 15, Ohio. This firm is engaged in general practice, excluding criminal law. Interested students (those in the top 25% of their class are preferred) should communicate with Mr. Schwartz.

Victor E. Furman, Esq., Lewis, Overbeck and Furman, 135 South La Salle Street, Chicago 3, Illinois. This firm is interested in interviewing students who might like to locate in Chicago. Interested students should write directly to Mr. Furman.

Law Offices of Joe M. Kyle, Citizens Bank Building, Takoma Park, Maryland. There is a vacancy in the office of the County Attorney for Montgomery County, Maryland. Interested students should send inquiries to County Attor-

ney, County Office Building, Rockville, Maryland.

Claude W. McLeskey, Esq., McLeskey and McLeskey, 33 North High Street, Columbus 15, Ohio. This firm is interested in interviewing students in the top 40% of their class. Interested students should write to Mr. McLeskey.

Edward H. Hammond, Esq., State Reporter, Court of Appeals of Maryland, Berlin, Maryland. Mr. Hammond is looking for an Assistant State Reporter. Interested students should leave their names at the Placement Office and should write in detail about themselves to Mr. Hammond.

Donald T. Senterfitt, Esq., Ackerman, Turnbull, Senterfitt and Eidson, 506 First National Bank Building, Orlando, Florida. This firm is engaged in general civil and trial practice. Interested students should write to Mr. Senterfitt.

U. S. Atomic Energy Commission, Los Alamos, New Mexico. Students interested in a legal position with the AEC should call at the Placement Office for further information and application forms.

Raynor M. Gardiner, General Counsel, The Boston Legal Aid Society, 14 Somerset Street, Boston 8, Massachusetts. The Society will have an opening during the summer for volunteers who will be expected to work five days a week for a period of at least two months. Inquiries should be made in person at the office of the Society.

Associate-in-Law Program, School of Law, University of California. The position offered is a one-year appointment for the academic year 1961-62. Interested students should arrange to see Professor Keeton here at the Law School.

SECOND YEAR STUDENTS

Charles J. McDonough, Assistant District Attorney, Office of the District Attorney of the County of New York, 155 Leonard Street, New York 13, New York. This office offers a volunteer program for students who stand in the upper half of their class. This program is of eight weeks' duration commencing June 12, and it requires full time participation from 9:30 a.m. to 5 p.m. without financial reward. Interested students should obtain application forms from the Placement Office and submit them to Mr. McDonough before April 21.

Raynor M. Gardiner, General Counsel, The Boston Legal Aid Society, 14 Somerset Street, Boston 8, Massachusetts. The Society will have an opening during the summer for volunteers who will be expected to work five days a week for a period of at least two months.

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3:35, 5:45, 8:00.

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ASTOR — One Eyed Jacks —

9:30, 11:50, 2:10, 4:30, 7:00, 9:20.

EXETER — The Two Way Stretch

— (Thru Fri.) 2:15, 4:10, 6:00,

7:45, 9:35. (Starts Sat.) General

della Rovere.

KENMORE — League of Gentle-

men — 1:14, 3:20, 5:30, 7:35, 9:40.

TELEPIX — Blue Angel — 11:55.

1:55, 3:55, 5:55, 7:55, 9:55. Pur-

suit of Perfection — 11:30, 1:30,

3:30, 5:30, 7:30, 9:30.

UPTOWN — On the Waterfront

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