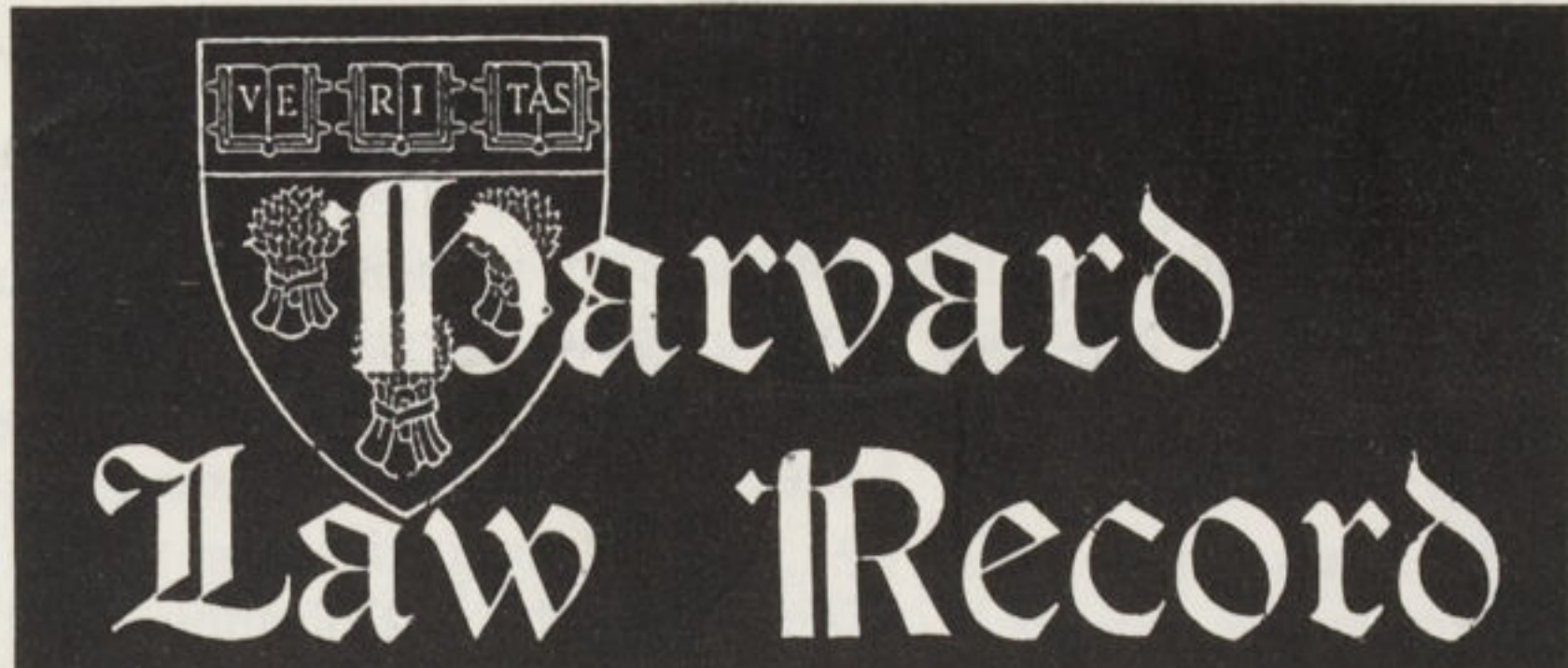


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Griswold & Sohn To Go To USSR

By Neil L. Chayet

Dean Erwin N. Griswold and Professor Louis B. Sohn will leave for Russia during the second week in May. The purpose of the visit is to attend the second informal United States-Soviet conference, usually referred to as the "Dartmouth Conference."

The first conference was held last year at Dartmouth College. The conferences consist of a group of private citizens representing both countries, meeting in an informal, non-governmental atmosphere in order to discuss important topics which are of mutual concern.

The American chairman is Philip Mosely, Russian expert at Columbia University and head of the Council for Foreign Affairs.

The Russian contingent will be chairmanned by Alexander Korneichuk, dramatist, academician, and member of the Central Committee. Also representing Russia will be Boris Polevoy, writer and member of the Supreme Soviet, and Fedor I. Kozhevnikov, distinguished jurist and former member of the International Court of Justice.

The conference will meet for one week, from May 21 to 28. The Crimea will be the site of the conference.

No formal conclusions will issue from these

Pound To Speak Monday

Dean Emeritus Roscoe Pound will deliver an address concerning "Law Day, 1961," on Monday, May 1, at 4 p.m. in the James Barr Ames Courtroom, Austin Hall. The meeting, sponsored by the Student Bar Association, is open to the public.

meetings, as the main purpose of them is to give interested prominent citizens of both countries a chance to participate in a free exchange of views, with the hope that increased understanding between the two nations will result.

At the close of the conference Dean Griswold and Professor Sohn will visit the University of Moscow Law School, where they will meet briefly with the Russian dean.

Tomorrow's Law Students Must Be Able To Write

Future Law School applicants will be tested on writing ability and general educational background to supplement the present Admission Test, Director of Admissions and Vice Dean Louis A. Toepfer announced. The new examination administered by Educational Testing Service of Princeton, New Jersey, will be given to applicants beginning this November at an afternoon session after the regular morning Law School Admission Test.

The 80-minute writing ability test is designed "to measure the candidate's ability to recognize common errors, to organize a connected piece of prose, and to rewrite a badly written passage," the Educational Testing Service reported.

The one-hour general background test is hoped to measure the applicants' actual knowledge in the fields of social science, humanities and natural science. The knowl-

(Continued on Page 18)

Hearsay

The United States has once again displayed its ineptness, lack of understanding and immaturity in its handling of foreign relations. This time we have displayed these qualities in the Cuban situation.

Running a government is undoubtedly a difficult job. But the difficulties and the bureaucratic bumbblings are no excuse for the policies and the actions undertaken in the name of our government; responsibility must ultimately lie with one man, the President. It is his prerogative to say whether and which policies are to be accepted. And when things go wrong, as they did in the Cuban situation, he must take the blame.

It is unfair to place all of the blame on the President's shoulders; he cannot be held for the inefficiency and the errant reports that filter up to him. But he can be held for the final decision he makes, whether it be based on these reports or not. In that determination he must exercise intelligence and a sound judgment.

These elements were lacking in the handling of the Cuban action. There is no doubt that we must make the world safe for democracy, not only in the world at large but more importantly in the Western hemisphere. If the United States finds it necessary to intervene — and it is clear that it should have — at least we could do it silently. Rumors, even if they be true, are one thing; an admission of direct intervention is another.

Another sad element in this debacle was the role played by the Central Intelligence Agency. That it could have concluded that the Cuban people were ready and able to rise up against the Castro regime is unbelievable. This type of error — especially since it was made by, of all things, the intelligence agency — can leave nothing but doubt as to how well we are informed on other matters.

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COMMENT

By Fenno

The Bureau of Prisons each year publishes statistics dealing with executions of prisoners in this country. Some of these figures are worth noticing. There were 57 executions in 1960, occurring in 20 of the 43 jurisdictions (including the District of Columbia and the federal government) which provide for legal execution. California, Arkansas, Texas, Georgia and New York accounted for 37 of the deaths. The crimes committed were murder, rape, kidnapping, robbery and aggravated assault by a life prisoner. All the prisoners were men.

Of those executed, 35 of the 57 were Negroes. 75% of the 30 executions conducted in Southern states were of Negroes. Over the past 30 years, there have been 3,724 executions, of which 2,008 were Negroes. The original eleven states of the Confederacy account for 1,917 of the deaths, of which 75% were Negroes. Georgia, New York, Texas, California and North Carolina, in that order, lead the nation in numbers of executions over the thirty-year period covered by the statistics.

The total number of executions has been declining over the years, despite the fact that only one state, Delaware, has abolished the death penalty since 1930. The annual rate is only about one third of the average of thirty years ago. Any other firm conclusions from these statistics are difficult.

Although Negro executions far exceeded those of whites in the South and elsewhere, socio-economic conditions of the Negro account for this fact to a great extent — although certainly not entirely. Furthermore, white executions alone in the South are equal in number to total executions in most other sections of the country. However, it should be noted that in the comparatively impartial federal system, only three of the 31 executions since 1930 have been of Negroes.

Dorm To Be Renovated

By Clark P. Giles

Ames Hall will be renovated and upgraded in terms of soundproofing this summer, Assistant Dean Wesley E. Bevins, Jr., announced.

All rooms in Ames Hall will be completely repainted. Windows will be relocated to make the opening sash as far distant as possible between rooms. One wall will be "beefed up" and have a plaster-covered-by-canvas surface. Doors will be gasketed to prevent sound transmission from the halls into the rooms.

These improvements are based on the experimental project in Ames Hall earlier this year and scientific tests conducted by acoustic engineers.

The two-room suites for two with only one entrance to the hall and the open double study-bedrooms for two located at both ends of Ames Hall will be altered to provide single rooms each with a separate entrance to the hall. The adjoining singles in Ames Hall will be converted into standard singles by removing the connecting door when the walls are soundproofed.

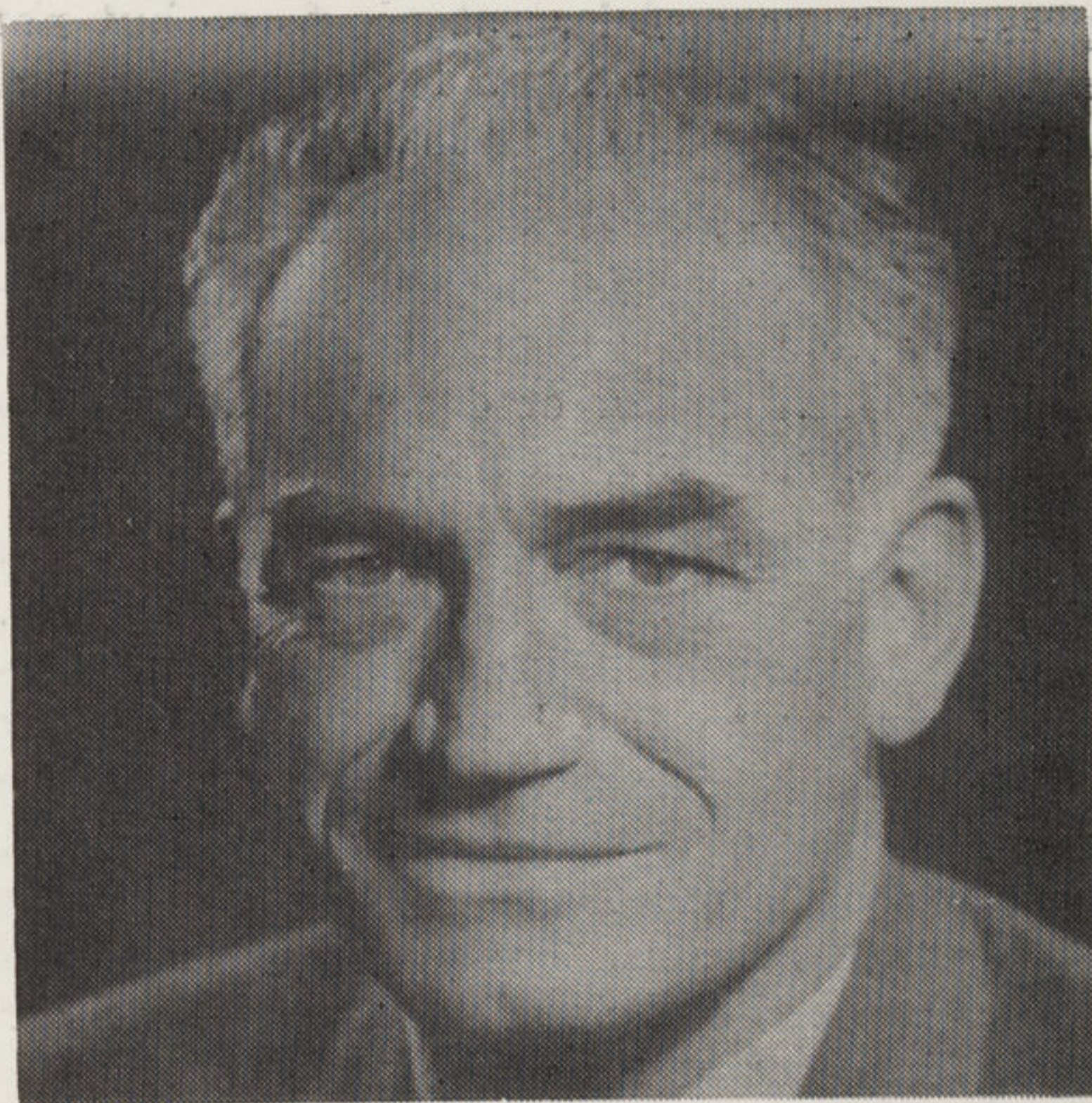
In the assignment of rooms the general scheme of a balance between upperclassmen and first-year men in each building was upset in order to assign to Ames Hall as many upperclassmen as possible who are presently residing there and who requested reassignment. If students assigned to Ames Hall release their contracts, the rooms will be allocated to first-year men rather than offered to upperclassmen on the waiting list until the normal ratio is reached.

"I expect that next year the contrast in cheerfulness and quietness between Ames Hall and the other dormitories will be quite striking, and I wish that we could have seen our way clear to have renovated all of them this year," Dean Bevins concluded.

Another Clerkship Listed

James H. Manahan, 3L, Madelia, Minnesota, has been appointed as a clerk for Associate Justice Frank T. Gallagher of the Minnesota Supreme Court.

SPEAKS TOMORROW



Senator Barry M. Goldwater (R-Ariz.), who will speak on "The First Hundred Days" of the Democratic administration tomorrow at 8:30 p.m. in Rindge Technical High School Auditorium. The Law School Forum is sponsoring him.

On Monday the Forum will present Eleanor Roosevelt at 8:30 p.m. in Sanders Theater.

Prizes Awarded For Ames Efforts

Awards for high scores in the spring round of the Ames Competition were announced this week by the Board of Student Advisers.

In the quarterfinal round, the award for the best oral argument went to Louis L. Hoynes, Jr., 2L, Indianapolis, Indiana.

First-year awards were made to Nicholas A. Grace, Cambridge, Massachusetts, and John G. Kester, Oshkosh, Wisconsin, for the best brief. The best oral award resulted in a three-way tie between David J. Blattner, Jr., Milwaukee, Wisconsin; Boyd H. Ratchye, Billings, Montana; and George L. White, Newton, Massachusetts.

'Blueprint of Defense' Told

By Charles F. Waite

The American "blueprint of defense" must preserve a powerful strategic force but not necessarily a big missile force, a small but attentive Forum audience learned last Friday.

General Maxwell D. Taylor (Ret.) outlined to his Law School listeners the ideas he presumably told the President in Washington the next day at an emergency meeting to discuss current international crises.

General Taylor was joined on the Forum stage by panelists Dr. Henry A. Kissinger, Director, Defense Studies Program, and part-time advisor to the President; Dr. Harry Howe Ransom, Research Associate, Defense Studies Program; and Dr. Hugh C. Wolfe, Director of Publications of the American Institute of Physics. The program was moderated by Carl J. Friedrich, Eaton Professor of Government at Harvard.

Strengthen Alliances

In addition to the maintenance of a powerful strategic force, Taylor said his "blueprint" includes the revitalization of our present limited-war forces, the strengthening of our military alliances, and the "must use" of money in proper priority.

Panelist Kissinger, speaking on disarmament, said that "if we keep saying that if we don't disarm, we will die, then we will end up with unilateral, not balanced, disarmament." He added that generalizations in this field are very easy but that responsible proposals are very complicated. "Anyone who wants to make a contribution here cannot generalize," he added.

Strong Executive Urged

Dr. Ransom directed his remarks to refuting those who would limit the power of the President in international affairs. "In its formulation, our governmental system was aimed toward limiting executive power in order to preserve individual freedom," he said. "This is fine for thwarting domestic tyranny, but when the threat is from abroad, we need a strong executive."

Dr. Wolfe, who disagreed with Taylor on the importance of military strength, contend-

ed that "we should put more effort and money into disarmament.

"There may not be any way of achieving security, but we should not neglect the alternative of disarmament," he added.

St. Thomas More Society Holds Election Meeting

Members of the Saint Thomas More Society recently elected Mary Ann Abend, 2L, Syracuse, New York, president of the organization at their annual election meeting. John R. Burdick, Jr., 1L, Chicago, Illinois, vice-president; Diarmuid F. O'Scannlain, 1L, New York, New York, secretary; and Alfred J. Ross, 1L, Manhasset, New York, treasurer, complete the slate of newly elected officers who will serve for the coming year.

Record Elects New Board; Clark P. Giles, President

The Harvard Law School Record Corporation has elected a new Board of Directors for the coming fall term. Clark P. Giles, 2L, Salt Lake City, Utah, will serve as Chairman of the Board and President of the RECORD. The new president is a 1959 graduate of Harvard College.

Other officers and members of the board include Paul R. Matia, 2L, Fairview Park, Ohio, editorial manager; Charles F. Waite, 2L, Glendale, California, news editor; Stephen F. Robertson, 2L, Houston, Texas, features editor; and Emmanuel H. Smith, 1L, Tyler, Texas, advertising manager.

Justin W. Heatter, 2L, Monessen, Pennsylvania, past president of the RECORD, and Sidney S. Traum, 3L, Belle Harbor, New York, will continue as members of the Board. Heatter will also serve in the position of executive editor.

Elected to the RECORD Associate Board were John Axe, 1L, Allegan, Michigan; Neil L. Chayet, 1L, Brookline, Massachusetts; Robert A. Farmer, 1L, Lakewood, Ohio; Harvey E. Greif, 1L, Brooklyn, New York; and John L. Worden, III, 1L, Olean, New York.

Future of UN Discussed

By Charles F. Waite

Although the United Nations has been a disappointment to many people, it is a tribute to the institution that it has survived, a noted authority on international law told his Law School audience last week.

Benjamin V. Cohen, S.J.D., spoke on the topic, "The United Nations: Constitutional Developments, Growth and Possibilities" in the three evening talks of the Law School's 1961 Holmes Lectures.

Dr. Cohen, who has served as advisor to the American delegation to the U.N. General Assembly, pointed out that since its inception, the United Nations has encountered



Dean Griswold and Dr. Cohen

rough weather, and, he added, "there is very, very rough weather ahead."

In discussing the adequacy of the U.N. charter, he said that "we must be mindful of the world situation—men struggling to adjust themselves to rapid technological change, plus a large part of the world under totalitarian dictatorship and another significant part working for freedom from colonial influence at any cost.

Adjusting to Changes

"The whole world is adjusting itself to revolutionary changes," he added.

Dr. Cohen said that the United Nations must become even more a forum for the discussion and settlement of international disagreements. "One purpose of the U.N. is to give reaction to world situation and 'timely warning' of troubled times ahead," he said.

He urged that "it is time for the United

States to withdraw from self-judging and put itself under the jurisdiction of the International Court."

As to the solving of the problems of a potential nuclear war, here again Dr. Cohen said that the proper forum is the U.N. "The instinct of survival becomes, as it has never been before, a means to unite the peoples of the earth. Even the most hard-headed statesmen are coming to realize that no longer is war a way to end national differences," he said.

National Control Needed

Dr. Cohen concluded by saying that "history may report that the United States underestimated the amount of national control needed for ever-increasing interdependence; it may also show that the Soviet Union overestimated the amount. And it may further show that neither realized the need for mutual cooperation.

"Some ideas may fail, but I for one am unwilling to abandon hope in reason. We must put our faith in time to give it a chance," he said.

Griswold Nominated to Civil Rights Commission

Dean Erwin N. Griswold has been nominated by the President for membership on the Civil Rights Commission. Nominated to the Commission along with Dean Griswold was Spottswood Robinson III, Dean of Howard University Law School.

When interviewed regarding his nomination, Dean Griswold stated that due to the fact that final confirmation was still pending, he did not wish to express any views on the many controversial issues which are before the Commission. He did state that he hoped that he "could serve usefully" and that the position poses a "challenging assignment."

The announcement of the two new members of the Commission gave additional assurance that the Commission will be continued by Congress beyond its expiration date of November, 1961.

Sabbatical Plans Bared

By Robert A. Farmer

Law School professors who will be on Sabbatical leave next year are already planning for legal activities during their break from teaching.

Professor Mark DeWolfe Howe will continue with work on the second volume of his biography of Justice Oliver Wendell Holmes. Professor Robert E. Keeton will remain at Harvard, doing research and writing in the field of tort law. Professor Louis B. Sohn's plans are currently indefinite.

First Leave for Field

Professor Richard H. Field will enjoy his first Sabbatical leave from the Law School since he first started teaching 14 years ago. During the summer and extending throughout the first semester next fall, Professor Field will continue his work for the American Law Institute.

Professor Field is Reporter for an American Law Institute project to study the proper allocation of business between the federal and the state courts, with a view to the recommendation of changes in the law. The Ford Foundation is financing the work by a grant of \$175,000 for the five year project. The impetus for the study came in May, 1959, when Chief Justice Earl Warren suggested in a speech to the American Law Institute that the Institute undertake the first study in depth on the jurisdiction of federal trial courts in civil cases.

ALI Is Nationwide

The American Law Institute is an organization of 1,500 lawyers, judges and law professors representing all fifty states. The Institute is responsible for the Restatements and also sponsors such projects as the Modern Penal Code. As an organization, the Institute merely makes its recommendations available but engages in no active lobbying. The recommendations of a disinterested group such as the American Law Institute carry more weight than the average "interest group."

Professor Field expects to be busier than a normal teaching schedule would require during his "vacation" and will make his base

at the Law School. After he has finished his study to recommend changes in the division of business between state and federal courts, in accordance with the usual practice he will submit his recommendations to the Council of the A.L.I. for approval. Eventually it will go to the floor at the annual meeting for final approval.

HLSA Council To Meet Saturday

The Harvard Law School Association Council will hold its annual meeting this Saturday on the Law School campus. President Nathan M. Pusey will address the afternoon session.

Paul Carrington, LL.B. '17, is president of the Association. James A. Fowler, Jr., LL.B. '19, *cum laude*, is first vice president, and Alvin J. Rockwell, LL.B. '33, is second vice president.

Henry R. Heyburn, LL.B. '49, serves as secretary, and Paul F. Hellmuth, LL.B. '43 (47), as treasurer. Assistant Dean William L. Bruce is assistant secretary and assistant treasurer.

Council Members Named

Members of the Council are Howard F. Burns, LL.B. '16, *cum laude*; Honorable R. Ammi Cutter, LL.B. '25; James A. Dixon, Sp. 1922-24; Herbert A. Friedlich, LL.B. '17; Alfred Gardner, LL.B. '22; Honorable Edward T. Gignoux, LL.B. '40, *magna cum laude*; Benjamin F. Goldstein, LL.B. '17; John Raeburn Green, LL.B. '17, *cum laude*; Luther L. Hill, Jr., LL.B. '50, *magna cum laude*; Henry L. F. Kreger, LL.B. '20; Honorable Dana Latham, LL.B. '22; A. Byrne Litschgi, LL.B. '48; Honorable J. Edward Lombard, Jr., LL.B. '25; Honorable Masaji Marumoto, LL.B. '30; Edward C. McLean, LL. B. '29, *cum laude*; Honorable Charles M. Merrill, LL.B. '31; Squire R. Ogden, LL.B. '23; Honorable David W. Peck, LL.B. '25; and Edward S. Pinney, LL.B. '21 (22).

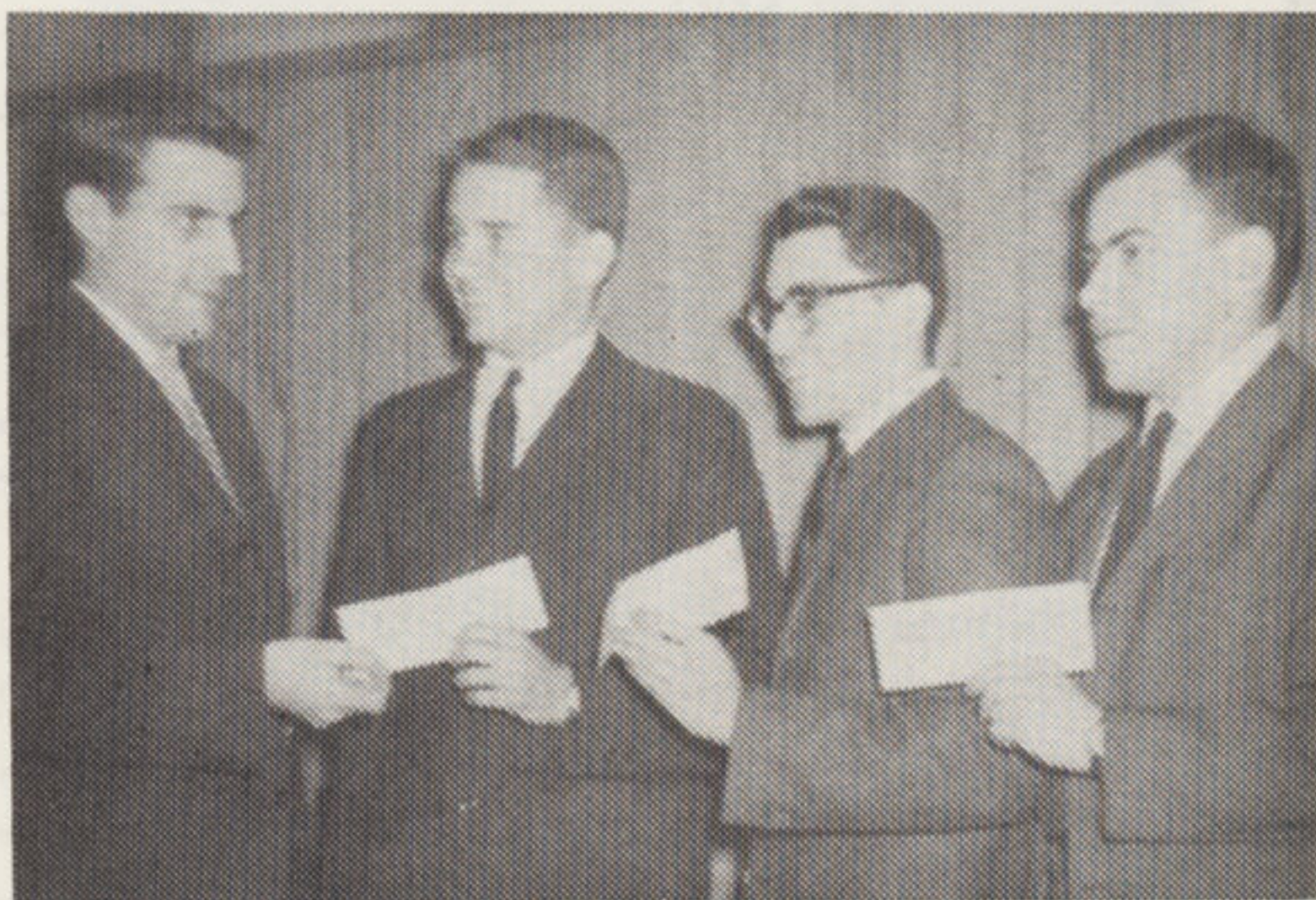
Many of the vice presidents representing affiliated Associations will also attend this meeting.

B & B Elects, Presents Awards

At this academic year's last meeting of the Bull and Bear Club, members elected new officers, and awards were presented to the investment contest winners and for the best "Ticker Tape" article.

Doyle Jackson Smith, Jr., 2L, Memphis, Tennessee, won first prize of \$50 in the investment contest. By judicious trading Smith turned his theoretical \$50,000 into more than \$93,000. Smith said most of his capital gain came from Brunswick stock.

Maurice L. Zilber, 1L, Shaker Heights, Ohio, won second place and \$15. Richard W. Zacks, 3L, Providence, Rhode Island, won the



Bull and Bear president Cassidy, left, presents checks to contest winners Smith, Zilber and Zacks.

third place prize of \$10. Mike Liles, Jr., 1L, Memphis, Tennessee, won a year's subscription to *Fortune* for the best "Ticker Tape" article. The prizes were presented by club president Frederic M. Cassidy, 3L, Madison, Wisconsin.

Dyer S. Wadsworth, 2L, New York, New York, was elected by acclamation as the new president of the organization. Wadsworth received his B.A. degree from Yale in 1959.

Other officers for next year, all elected by acclamation, are Paul E. Freehling, 2L, Chicago, Illinois, vice president, investment contest; Keith A. Libbey, 2L, Grand Rapids, Minnesota, vice president, "Ticker Tape"; Ralston W. Steenrod, 1L, Louisville, Kentucky, secretary; Edward M. Gowney, Jr., 1L, Bergenfield, New Jersey, treasurer; and

David Berman, 1L, Hollywood, Florida, and Mike Liles, Jr., 1L, Memphis, Tennessee, members-at-large.

Law Students Receive Fellowships

George E. Cooper, Baltimore, Maryland, and Bernard Nussbaum, New York, New York, have been awarded Frederick Sheldon Travelling Fellowships.

Cooper intends to go to Nigeria and Israel to study these developing societies, and Nussbaum intends to travel through Asia and Africa.

Frank Knox Memorial Fellowships have been awarded to Jonathan Mallamud, New York, New York; Arnold K. Mytelka, Jersey City, New Jersey; George H. Shapiro, Atlanta, Georgia; and Herbert W. Yanowitz, Sharon, Pennsylvania.

All the Knox Fellowship winners will study at the University of London, England. Mallamud will be at the School of Oriental and African Studies. Mytelka will study English law and town planning. Shapiro will be at the London School of Economics to study the English experience with compulsory arbitration of labor-management disputes. Yanowitz will be at the London School of Economics to study the English experience with legislative investigating committees and how to conduct these inquiries without violating civil liberties.

ILC Elects New Officials

William Waterman, Jr., 2L, Wilmette, Illinois, has been elected president of the Harvard International Law Club for 1961-62. Waterman is a graduate of Harvard College, Class of 1959.

Other officers selected for the coming year are John P. Wilson, 2L, Mountain Lakes, New Jersey, vice president; James Becket, 2L, Lakeville, Connecticut, secretary; and Henry Hammond, 2L, Cambridge, Massachusetts, treasurer.

Commencement Activities Planned for June 14-15

Some 490 members of the Law School's Class of 1961 will receive their diplomas from Dean Erwin N. Griswold at a luncheon to be held at Holmes Field June 15.

Other events on the 15th will include a business meeting of the Council of the Law School Association, at 9:30 a.m. in the Tercentenary Hall in the Yard and an address at 1:30 p.m. by President Nathan M. Pusey.

On the evening of the 15th, council members will hold a cocktail party and dinner for the faculty at Harkness Commons. Speakers will include retiring Professor Austin W. Scott, Associate Dean A. James Casner, Vice Dean Louis A. Toepfer and Allen T. Klots of the Law School Association. Paul Carrington, LL.B. '17, president of the Association, will be the chairman.

On Tuesday, June 14, the Law School graduates will have luncheon with alumni at Harkness Quadrangle. Amelio Collado, chairman of the Harvard Foundation for Advance Study and Research, will be the chairman.

Casner To Address Trust Conference

Professor A. James Casner will address the annual Southern Trust Conference to be held in Jackson, Mississippi, on Friday, May 5. Professor Casner's topic will be "Estate Planning with Respect to Property Having Special Characteristics."

Professor Casner has recently returned from Newark, New Jersey, where he delivered the Vanderbilt Lecture before a meeting of the Harvard Law School Association of New Jersey. The title of his address was "The Social Significance of Present Day Family Dispositions."

Graduate Classes Plan Reunions

About 30 members of the Law School's class of 1911 will have the final alumni reunion of the academic year June 13 and 14.

The events, under the chairmanship of Claude R. Branch, *cum laude*, Boston, Massachusetts, will include a dinner at the Museum

of Science. Members of the 50th reunion class will present a fund to the Law School.

Other reunions scheduled for May include the class of 1941, with Louis C. Wyman, *cum laude*, Manchester, New Hampshire, as chairman, May 5-6; class of 1936, with James Barr Ames, *cum laude*, Boston, Massachusetts, as chairman, May 12-13; and class of 1931, with Robert I. Hunneman, Boston, Massachusetts, as chairman, May 19-20.

This is the final issue of the current semester. The RECORD will resume publication in the fall.

New Officers Selected By Forum Staff

The Harvard Law School Forum Monday night held its annual election of officers. Stephen P. Robin, 2L, Washington, D. C., was elected president for the fall semester of 1961. Robin is a graduate of Princeton, where he received his Bachelor of Arts degree in 1959.

Other officers elected are David Berman, 1L, Hollywood, Florida, planning vice president; Stephen A. Szilard, 1L, Cambridge, Massachusetts, administrative vice president; Peter A. Sears, 1L, Wayne, Pennsylvania, secretary; and William R. Granik, 2L, Washington, D. C., treasurer.

Defenders Hold Banquet

Professor Caleb Foote, Walter E. Meyers Visiting Research Professor of Law, delivered the featured address at the annual banquet of the Voluntary Defenders.

He called for obtaining more empirical data on the effectiveness of sentencing, jury system, probation and parole practices. He decried the lack of any empirical study of the effect of the exclusionary rule on state law enforcement, despite the fact that there has been much theoretical study.

YR's To Hear Goldwater

The Harvard Law and Graduate Schools Republican Club will co-sponsor an address by Senator Barry M. Goldwater (R-Ariz.) next Tuesday afternoon in Sanders Theater.

FEATURES SECTION

Law Day: The Meaning of Law

By Justice Tom C. Clark

In these unsettled times, regardless of profession or daily concern, we must all give some attention to "The Meaning of Law," the theme of this issue of the Harvard Law RECORD. Although any attempt to unfold for the Holmesian abstract man the lawyerly



niceties which might spring from that phrase would be weary for me and unprofitable for him, it is sensible to relate the meaning of law to the everyday functioning of government — a common denominator of universal understanding.

The layman's initial concept of law is likely to be Austinian, accepting it as a command from the sovereign. So considered, respect for and obedience to law comes largely through the mores of the people. In practical everyday life, apart from its inhibitive effect, the law's true force lies in its control of the official acts of government officers, as well as courts and boards. Indeed, recognition of that fact prompted the phrase "government of laws — not of men," a phrase which has become the watchword of democracy. The world today sorely needs more of the rule of law. However, there are some leaders who

are opposed to the advancement of the idea of a "government of laws — not of men." They have tagged it as merely a political slogan. To believe them is to bend too easily before adverse winds and is hardly the way to promote that end.

Motivated by and dedicated to this principle, all of us as Americans must contribute to its greater realization by practicing it in our daily lives, at the ballot box, at the town hall, and in all civic enterprises, to the end that in the selection of men to administer the law an intelligent choice may be made. In this manner the real object of our democracy — achievement of the equality of rights through representative government — will not only be realized in our individual lives but will serve as a showcase to the world.

Law Day: Its Growth and Meaning

By Stephen F. Robertson

Man has recognized May 1st as a holiday for centuries. From the pagan fertility rites, to May poles, to May Day in Red Square, people have found many reasons for celebrating that day of the year. It has been suggested that each of these reasons has developed from its predecessor: Christianity abolished the fertility rites but retained the holiday as a sort of tribute to the wonders of spring, and the Soviet Union abolished Christianity but set aside May Day as a sort of tribute to the wonders of communism. If this be so, then the latest addition to these celebrations remains true to tradition; for Law Day U.S.A. is undeniably a reaction to the May Day rodomontades of the communist world.

Law Day was born four years ago, by presidential proclamation, as an idea of the American Bar Association. Its stated purposes were threefold: to foster an increased respect for law, to encourage responsible citizenship and to make more meaningful to Americans their heritage of individual freedom under law by contrasting our system with that of communism.

Since its inception, Law Day has grown by leaps and bounds, and it is now widely celebrated throughout the country. This year a joint resolution was passed by Congress and signed by the President, making Law Day a permanent addition to the calendar.

Observances take many forms: court tours, mock trials, speeches, citizenship examinations in high schools. At the Law School, Dean Pound will deliver an address on "Law Day, 1961." The ABA has put out a booklet of speeches and editorials apropos of Law Day.

Meaningful Ceremony

One of the more meaningful ways Law Day has been observed is by conducting naturalization ceremonies in district courts, followed by a reception for the new citizens, sponsored by a local civic group. Participating in such a ceremony last year, Mr. Justice Harlan spoke these words:

American citizenship in this era also carries with it deep responsibilities for all thoughtful persons, requiring of them an informed interest in public affairs. Too often such responsibilities are associated only with those who happen to be in public office. It is not uncommon to hear said such things as that "the President, the Congress, the Governor, the State Legislature, or one or the other of the numerous regulatory agencies will protect us," or that "our basic liberties are guaranteed by the Constitution and, failing all else, are secure in the hands of the courts." . . . It is sometimes forgotten that the Constitution and Bill of Rights are not a self-executing guaranty of liberty. Their strength as the charter of our liberties depends upon two things — a willingness at all levels of government to follow their principles, and the determination of an enlightened and self-reliant people to preserve the institutions which the Constitution establishes, and to respect their just authority. This is what is meant by the expressions "ordered liberty" and "the rule of law."

Law Day slogan contests abound and have produced such stirring aphorisms as: "Where There Is No Law There Is No Justice," "Law Can Launch Peace Into World Orbit: Let's Win The Case For World Peace Through Law!", "Rule By Law And Rule Out War,"

and "Seek Truth Before Justice; For Surely From Truth, Justice Will Follow." (One was submitted the slogan, "Where Justice Fails, The Law Prevails," but it was eliminated for lack of good faith.) Query: Can Law Day survive such slogans? Answer: It thrives on them.

But despite its obvious merit and flourishing growth, Law Day U.S.A. is susceptible to the same fate as any other patriotic observance: pretty speeches, praiseworthy editorials, fancy displays, but total failure to communicate the day's meaning. Before 1918, the Fourth of July meant community picnics, a county fair, and a booming business for flag-makers. People took pride in celebrating that patriotic holiday. Now the Fourth of July has meaning only to one segment of the population — and to that section it means evading police and parents long enough to set off a package of Chinese firecrackers. Four wars in this century, three hot and one cold, have sapped the patriotic fervor of this country. The problem, then, is how to put across the worthy message of Law Day.

Meaning of Law

"The meaning of law" is a broad topic but can perhaps be divided into two subtopics: a definition of law, in brief form but precise enough to convey a meaning even to lawyers; and a discussion of the crucial role which "the rule of law" plays in any society which provides its citizens with individual freedoms. This should be an ambitious enough undertaking for any article on Law Day.

Definitions of law have varied from Coke, who said "law is the perfection of reason," to Mr. Bumble (in *Oliver Twist*), who said "the law is a ass, a idiot." Samuel Johnson surmised that "it is one of the maxims of the civil law, that definitions are dangerous" but nevertheless went on to provide a classic definition: "the law is the last result of human wisdom acting upon human experience for the benefit of the public."

Of course there have been facetious definitions, as that of the Lord Chancellor in Gilbert and Sullivan's "Iolanthe":

The Law is the true embodiment
Of everything that's excellent.
It has no kind of fault or flaw,
And I, my Lords, embody the Law.

Perhaps Gilbert and Sullivan did not act improperly in treating definitions of law lightly. For laws are in fact the inevitable result of social organization, and to the extent that we are never without them, a general definition is of scant value. We can change the law, make new laws and repeal old ones, obey or violate the law, but we cannot eliminate law. Absence of law is anarchy, which is the breakdown of social organization.

Since every nation has laws, a more useful exercise than defining law in general is distinguishing different types of law or systems of law. Law is naturally related to the other requisite of social organization, government. In fact, law can be defined as the method whereby government implements its policies. Thus legal systems are a reflection of the form of government of a society. Mr. Justice Clark emphasized this when he chose to define the meaning of law in terms of "the everyday functioning of government — a common denominator of universal understanding."

Product of Cold War

Since Law Day U.S.A. is a product of the Cold War, it is the intention of its sponsors that the American systems of law and government should be contrasted with those of the communist states. Granted that voters in the Soviet Union cast their ballots overwhelmingly in favor of party candidates, and even that some Russian techniques of criminal rehabilitation are more progressive than those found in parts of the United States, we can be complacently confident in the superiority of our own legal structure (but not so complacent when it comes to proving this fact to the uncommitted nations of the world). The reason for this superiority has

been pointed out with tiresome regularity but will be repeated here for the sake of continuity. The Soviet legal system is arbitrary; it is subordinated to political expediency. The rights of the individual are regarded as inferior to the will of the leader. The legal system cannot guarantee that minority groups — or even majority groups — will not be persecuted. In short, the Soviet citizen lives under a rule of men, not of laws.

By contrast, the American citizen lives under a rule of law. True, laws must be made and enforced by mere men, and "laws are made to be broken," but still "the rule of law" has meaning. It may only mean that we have become so accustomed to living under "the rule of law" that to deviate from it would so disrupt our natural aversion to change that we would oppose it. Whether or not the cynical view is the correct one does not affect the fact of its existence; "the rule of law" refers not to a cause, but to an effect. Whatever the reason, we live under a legal system which is *not* arbitrary, which almost always subordinates political expediency to itself, and which continually strives — and usually succeeds — to preserve individual liberties. Legal systems are made by man; they are not perfect because man is not perfect. But some are better than others, and the American system is better than the communist system.

Tyranny of Judges

"Where laws end, tyranny begins," said Pitt the Elder. To be more accurate he might have said, "Where the uniform application of laws ends, etc . . ." The man in the street is likely to be somewhat skeptical of "the rule of law"; a lawyer's casual reference to "judge-made law" would complete his suspicions regarding the "tyranny" of judges. There is a real need to educate the public as

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to the function of the courts in making laws as well as enforcing them. The doctrine of separation of powers is perhaps popularly regarded as a rigid and inflexible one, allowing of no intervention by the courts into the legislative field. The widespread dissatisfaction with various Supreme Court decisions over the past twenty-five years may stem largely from this misunderstanding. Law Day provides an excellent opportunity for the legal profession to undertake such a program of re-education. Perhaps if Law Day programs were to stress the functional aspects of our legal system and the reasons for them, thereby dispelling the esoteric aura with which the average citizen regards the system, then Law Day might avoid the stigma of representing nothing more than patriotic platitudes. No doubt many of the uninitiated agree with Shakespeare:

Between two blades, which bears the
better temper;

Between two horses, which doth bear
him best;

Between two girls, which hath the mer-
riest eye;

I have, perhaps, some shallow spirit of
judgment;

But in these sharp qualities of the law,
Good faith, I am no wiser than a daw.

Even Solon, the great lawgiver, is supposed to have said:

Laws are like cobwebs, — for that if any
trifling or powerless thing falls into
them, they hold it fast; while if it be
something weightier, it breaks through
them.

Naturally, there could be no explanation to the public of the intricacies of specific legal doctrines. But if the average citizen can be made to understand the necessity for the important role which judges must play in the making of laws, then his respect for the judiciary, and our legal system in general, would be greatly enhanced.

Element of Respect

This element of respect is important, for if we expect to preserve "the rule of law," we must do more than suffer its existence in our midst. Apathy for the law breeds contempt; familiarity with it breeds respect. Furthermore, a better knowledge of the law might kindle a brief spark — very brief, to be sure — of pride in our heritage of individ-

ual liberty. Learned Hand put it in his usual eloquent manner:

Liberty lies in the hearts of men and women. When it dies there, no constitution, no law, no court can save it. No constitution, no law, no court can even do much to help it.

Charles Evans Hughes expressed a similar sentiment:

You may think that the Constitution is your security — it is nothing but a piece of paper. You may think that the statutes are your security — they are nothing but words in a book. You may think that the elaborate mechanism of government is your security — it is nothing at all, unless you have sound and uncorrupted public opinion to give life to your Constitution, to give vitality to your statutes, to make efficient your government machinery.

Security of Liberty

Of course, Chief Justice Hughes was using "security" in a different sense than is the usual meaning of that word today. Hughes was referring to the security of individual liberties. Today we speak of the security of life and limb, of home and hearth, of job and salary. Pacifism is merely an extreme form of the craving for this latter type of security. "Better Red than dead!" they cry. But however compelling the logic of such phrases may be from the standpoint of the "modern" conception of security, this is not part of the American heritage. Somewhere in our history floats the ringing speech of Patrick Henry:

Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty or give me death!

Of course it can be argued that Henry was a radical even in his own day. "Treason!" his colleagues said. Today it is not treason, because we are now an independent nation. But even today, in most circles, such belligerent remarks would be regarded as somewhat asocial. For Law Day, the road to true success appears to be long and rocky.

Profiles of Leaders

A second-year student from Baker, Oregon, is president of the oldest and only law school Voluntary Defenders group in the country. George L. Kirklin, a Harvard College graduate in mathematics, is married and the father of a daughter.

George explained that the 30 members of the Voluntary Defenders handle some 300 cases a year.

All second-year students are eligible for membership. Those who attend a meeting in the fall are given a test and then screened in interviews, narrowing the field to 15 members from each class.



The work of the defenders is divided into interviewing incarcerated indigents who have requested legal aid, working with the Massachusetts Defenders Committee on trial work in District and Superior Courts and writing and researching memoranda for appellate work for those convicted in lower courts.

Under Rule 11 of the Supreme Judicial Court, any senior law student may appear in court if given permission by the dean of his school, if he is working under the general supervision of a member of the bar.

In addition to his legal work with the Defenders, George is continuing his mathematical experience by holding a part time job at the Smithsonian Astrophysical Observatory.

The Legal Aid Society is "an extremely rewarding experience. It trains us in interviewing clients and in the practical handling of cases; it also is an opportunity to provide a real public service," according to its new president, David W. Bernstein.

The Society, incorporated in Massachusetts

to give legal advice and aid to those who could not otherwise afford it, was founded in 1913 and is composed of 38 second and third year students, ranking next below the *Law Review* and the Board of Student Advisers.

Each member has two office hours a week and handles the cases of all those who seek aid during that time. About 1,000 cases a year are thus handled, with some 200 pending at any one time.

A large proportion of cases concern domestic relations, and those seeking such aid are required to consult with the local family social service before taking legal action.

David attended Brooklyn Friends School and Harvard College (A.B. in economics) before coming to the Law School. Born in New York, David was married in 1959.

The Bernsteins have set up house temporarily in Cambridge, but their permanent address is 1185 Park Avenue, New York City.

An avid golfer, David finds no time for the sport here. He has been a member of the Bull and Bear Club.



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The Art of Adequate Brevity

By Frank W. Grinnell

Speech calls for listeners. Writing calls for readers. Verbosity causes boredom; and the late Dean Inge said, "The influence of boredom on history is very much underestimated." The rising bar of the future needs to cultivate brevity, which is an individual art or habit natural in some but capable of cultivation in others partly by experience in reading stimulating samples of thoughtful brevity — of which I submit a few that happen to come to mind.

It is common in these days to belittle Calvin Coolidge, but, whatever you think of him, detach yourself and think of some things he said which are more important than he is today. When he was given an honorary degree at Amherst, he was described as a man of "adequate brevity." Here are a few samples of this art.

"Expect to be called a stand-patter, but don't be a stand-patter. Expect to be called a demagogue, but don't be a demagogue. Don't hesitate to be as revolutionary as science. Don't hesitate to be as reactionary as the multiplication table. Don't expect to build up the weak by pulling down the strong. Don't hurry to legislate. Give administration a chance to catch up with legislation." — From his address on his election as President of the Massachusetts Senate January 7, 1914.

"Politics is not an end but a means. It is not a product, but a process. It is the art of government. Like other values it has its counterfeits. So much emphasis has been put upon the false that

the significance of the true has been obscured and politics has come to convey the meaning of crafty and cunning selfishness, instead of candid and sincere service.

"The State is not founded on selfishness. It cannot maintain itself by the offer of material rewards. It is the opportunity for service.

"There will come out of government exactly what is put into it. Society gets about what it deserves. It is the part of educated men to know and recognize these principles and influences and knowing them to inform and warn their fellow countrymen. Politics is the process of action in public affairs. It is personal, it is individual, and noth-

ing more." — From an address on "The Nature of Politics."

"The fundamental needs of humanity do not change. They are constant. These influences so potent in the development of Massachusetts cannot be exchanged for a leadership that is bred of the market-place, to her advantage. . . . The men of the day of John Adams and James Bowdoin had a vision that looked into the heart of things. They led a revolution that swept on to a successful conclusion. They established a nation that has endured. . . . Their counsel will not be mocked. The men of that day almost alone in history brought a revolution to its objective. Not only that, they reached it in such a con-

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Mr. Grinnell received his A.B. in 1895 and his LL.B., cum laude, in 1898, both from Harvard. He has served on the Board of Governors of the American Bar Association, in its House of Delegates, and on numerous professional and legislative advisory committees in Massachusetts.

dition that it there remained. . . . Their success lay entirely in the convictions they had." — From the address at Harvard Commencement, June 19, 1919.

Samples from Other Men

In *The Forgotten Man's Almanac* (published in 1943 by the William G. Sumner Club of Yale), which contains a quotation from Sumner for every day in the year, we find the following:

The only security is the constant practice of critical thinking.

The seduction of power is just as masterful over a democratic faction as ever it was over king or barons.

In former days it often

happened that "The State" was a barber, a fiddler, or a bad woman. In our day it often happens that "The State" is a little functionary on whom a big functionary is forced to depend.

Lord Acton said, "Ignorance of history in an uncritical age is the most insidious channel by which error penetrates."

Thomas Allen and the "Berkshire Constitutionalists" in the Pittsfield Petitions to the General Court of 1776 and 1778:

"Every man by nature has the seeds of tyranny deeply implanted within him so that nothing short of Omnipotence can eradicate them. . .

"That knowing the strong bias

of human nature to tyranny and despotism, we have nothing else in view but to provide for posterity against the wanton exercise of power, which cannot otherwise be done than by the formation of a fundamental constitution."

At the Massachusetts Heritage dinner in 1954 Bishop Wright (then of Worcester) said, "Through their courts as our forefathers constituted them, the American people themselves protect themselves against themselves."

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Wed.) Tunes of Glory.

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

EXETER — General Della Rovere
— 2:00, 4:15, 6:30, 9:00.

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 — Not As A Stranger —
12:45, 4:55, 9:05. Happy Anni-
versary — 11:15, 3:25, 7:35.

Professor Berman To Study in Russia

By Robert A. Farmer

It took a personal touch from Premier Nikita Khrushchev, but Professor Harold J. Berman is at last close to realizing his ambition of visiting the Soviet Union for an extended period of study. In order to bypass Soviet red tape, Mr. Berman approached Khrushchev at a reception given by Cleveland industrialist Cyrus Eaton last September in New York. Within two weeks the Soviets had acted favorably on his request.

The Professor and his wife and four children plan to leave in June for a one-year visit to Moscow, where he will study Russian law at the Institute of State and Law, part of the Academy of Sciences. Originally he had hoped to be included in the cultural exchange by which Soviet and U. S. universities would trade students and teachers. Under this program Harvard is to exchange with the University of Leningrad, Yale with the University of Kiev, Columbia with the University of Moscow, and Indiana with the University of Tashkent. Implementation of these exchanges was postponed by the Russians on

account of the U-2 incident, and consequently Professor Berman will be the first American professor to spend a year in Russia. It is possible that he will be invited to lecture on American law at Moscow University.

Professor Berman, who is 43, had his law school education at Yale interrupted by World War II. It was at this time that he felt Russia was going to play a major role in world affairs in the future, and he determined to educate himself in this field. He took a Russian grammar along with him into the army, where he served in Signal Intelligence as a cryptanalyst. After the war he returned to Yale Law School and was given permission to do some of his work in Russian law. "Immediately," he says, "I was hailed as an expert, since there were only one or two others in this field." Two of his articles on Russian law were published in the Yale Law Journal while he was still a student.

Professor Berman has traveled widely and has concerned himself with foreign trade problems, particularly with the idea of establishing a framework for trade between planned and free economies. He hopes that his trip will not only add to his own knowledge but perhaps contribute to a mutual understanding of legal systems.

The Last Forums of The Year

Friday, April 28, 8:30 p.m.

Rindge Technical High School Auditorium

Senator Barry M. Goldwater

"The First 100 Days of Kennedy"

PANELISTS

Seymour Harris, Professor of Economics

Mark DeWolfe Howe, Professor of Law

Harold Berman, Professor of Soviet Law

Monday, May 1, 8:30 p.m.

Sanders Theatre

Eleanor Roosevelt

"Unrest Within The Democratic Party"

PANELISTS

Robert C. Wood, Professor of Political
Science at M.I.T.

Patrick McDonough, President of the
Boston City Council

Admission Test

(Continued from Page 1)

edge test will be of interest to law schools because of their recognition that "a lawyer should be more than a mere technician ignorant of the cultural and historical context within which the law functions," ETS claims. The present Admission Test measures only a person's mental power or capacity and not actual knowledge, Vice Dean Toepfer stated.

The three tests, scores of which are to be reported separately, will be used by the Law School on an experimental basis for the next three years, Vice Dean Toepfer reported.

Dormitory Council Elects Officers

George L. Kelley, Jr., 2L, Belle Harbor, New York, has been elected president of the Dormitory Council. Kelley, a 1959 graduate of Dartmouth College, will serve as president for the coming year.

John R. Burdick, Jr., 1L, Chicago, Illinois, is the newly elected vice president. David F. Patzman, 1L, Kansas City, Missouri, will serve as secretary. Nickolas G. Ciriello, 1L, Waterbury, Connecticut, will fill the position of treasurer.

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(Further information is available at the Placement Office, 23 Everett Street.)

THIRD YEAR STUDENTS

Edward I. Rothschild, Esq., Rothschild, Hart, Stevens and Barry, 105 South La Salle Street, Chicago, Illinois. This firm is engaged in a general civil practice. Interested students should communicate with Mr. Rothschild.

Warren C. Lane, Jr., Esq., Thayer, Smith and Gaskill, Room 565, 340 Main Street, Worcester, Massachusetts. This firm is engaged in a general practice. Interested students should send a resume to Mr. Lane.

Jack E. Tracy, Esq., June, Fletcher and Whipple, 340 Main Street, Worcester, Massachusetts. This firm is engaged in a general practice. Interested students should communicate with Mr. Tracy.

Ervin L. Welch, City Manager, Kettering, Ohio. The City of Kettering is seeking a young lawyer to fill the position of Law Director. Applications should be directed to Mr. Welch.

David Luce, Esq., Administrator of the Courts, Office of the Administration of the Courts, Anchorage, Alaska. This office is planning to revise the rules of the various Alaska courts. Interested students should communicate with Mr. Luce.

Joe Schapiro, Esq., Hamilton, New York. Mr. Schapiro reports an opportunity in a diversified practice in a rural county in New York State. Interested students should write to Mr. Schapiro.

James E. Fahey, Esq., Skaggs, Hays and Fahey, 1000 Kentucky Home Life Building, Louisville 2, Kentucky. This firm engages in general civil matters. Interested students should communicate with Mr. Fahey.

Russell P. Herrold, Esq., Vorys, Sater, Seymour and Pease, 52 East Gay Street, Columbus 15, Ohio. This firm has a general practice. Interested students should communicate directly with Mr. Herrold.

Clerkship Opportunity, Office of the Attorney General, Wilmington, Delaware. Any students interested in this opportunity should leave their names at the Placement Office.

Milton C. Boesel, Jr., Esq., Ritter, Boesel and Holden, 240 Huron Street, Toledo 4, Ohio. This is a relatively small firm engaged in general business law. Interested students should contact Mr. Boesel.

Instructorships, Legal Method Program, The Law School, University of Pennsylvania. Interested students should see Professor Caleb Foote here at the Law School for further information about this program.

Donald C. Brandt, Esq., 212 Russo Building, Fredonia, New York. Mr. Brandt would like to take on an associate. He is engaged in a

general practice. Interested students should send detailed information about themselves to Mr. Brandt.

SECOND YEAR STUDENTS

Paul G. Rodewald, Esq., and John G. Buchanan, Jr., Esq., Buchanan, Ingersoll, Rodewald, Kyle and Buerger, Pittsburgh, Pennsylvania. This firm is engaged in a general practice covering all aspects of law except criminal. Students interested in a summer clerkship with this firm should leave their names at the Placement Office no later than 2 p. m., Monday, May 1.

J. Paul Bright, Jr., Esq., Cross and Shriver, Mercantile Trust Building, Baltimore 2, Maryland. This firm is engaged in a general practice. Interested students should communicate with Mr. Bright.

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