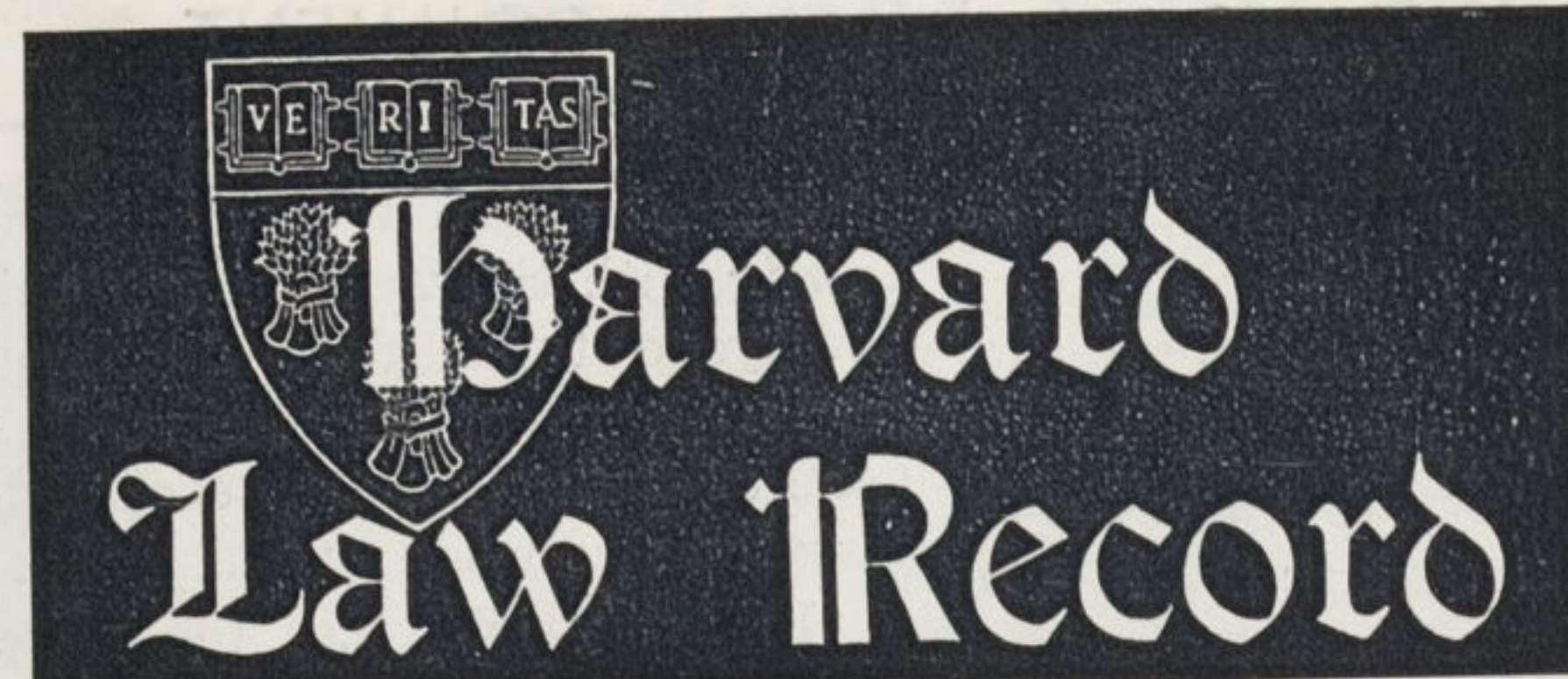




*"America's Oldest
Law School Newspaper"*

VOL 33

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NO. 1

Advisers Change Ames

Administrative and procedural changes in three areas of student activities coordinated by the Board of Student Advisers have been made for the coming year by members of the honorary organization.

First, in the area of the Ames and Williston Competitions, several administrative changes have been made that should benefit students. In the past the fall round of the first Ames arguments has run for five or six weeks. This year, however, the competition will encompass only four weeks.

In both the Ames and Williston rounds, much administrative work is required. The Board must schedule arguments, supervise procuring of judges, organize teams, interpret the rules of the various competitions and determine the validity of excuses from the first year competition. In addition, the Board members must pass on the eligibility of students who desire to compete in the upper rounds of the Ames Competition.

New Editorial Policy

The second area of change involves the preparation of cases for first year Ames arguments, for the qualifying rounds and in the Williston Competition. A new editorial policy is expected to improve the quality of cases.

Previously, a case was the work of an individual Board member whose work was examined by other Board members to correct obvious errors. Under the new system, a third year student will check cases being prepared by second year members to insure that the issues and fact situations are imaginative and suitable for first year arguments.

After the case has been more fully developed, a second year student will check the case to test its arguability. A similar editing system has also been devised to improve the standards of qualifying round cases.

In the third area of change, the Board will advise first year students in the use of research materials and in the presentation of legal arguments. Recently the Board held conferences in which second and third year students exchanged ideas on the techniques of advising. Board members hope that this interchange between recent advisees and their advisers will improve the quality of the advising sessions.

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New Students Given Welcome

By Peter R. Richards

An entering Law School class including such diverse elements as an Olympic Gold Medal winner, a husband-and-wife team, two former Harvard football captains, a father of three children and the past proprietor of a San Francisco espresso shop heard a welcoming address Sunday by Dean Erwin N. Griswold.

The Dean outlined an "almost unlimited" future for the 560 new students, telling them of opportunities in law firms, business, public life and many other fields.

The enrollment in the first year class was "rather more than we expected — and rather more than we wanted," Dean Griswold said.

(Continued on Page 9)

Hearsay

Students less academically distinguished than an honor grade average of 72 or better received no rank listing this July with their grades. Disclosure of rank lists was discontinued because of this list's misleading character.

The Faculty in "A Statement Concerning Grades" issued this June gave two reasons why rank lists were misleading: "(1) the lists did not reveal how often small differences in grade averages resulted in large differences in rankings; (2) the lists did not reflect the steady rise, especially since World War II, in the qualifications of the class as a whole." Examples cited were that in a recent class 65 students had an average grade in the 69 range and that a spread of only four points contained over half a class.

The Faculty declared that for qualities grades can measure the new system is "reasonably accurate and meaningful," but the change indicated that emphasis on rank lists tends to refine the grading process beyond its capacity.

Enthusiasm for non-disclosure of class rank included the student's copy of his draft deferment form. This copy allowed him to check its accuracy and to be as well informed of his own record as those deciding his military fate.

While some disclosure of a student's rank seems desirable, the emphasis both students and potential employers might place on rank rather than grade average and general qualifications of the class justifies the termination of disclosure of detailed rank lists.

COMMENT

By Fenno

Inflation and unemployment, along with the weather, are things everyone talks about but apparently does nothing about. And one of the principal causes of both is excessive wage rates.

In many instances the price of labor has become ridiculous. A person of average means who wants work done can afford it only if he does it himself. And not only are wage rates high, but many employees deliberately take longer on each job than is necessary, thus further increasing the cost. In addition, much of the work that is done is sloppy. The "do-it-yourself" phenomenon is largely the result of these conditions.

Recently the demands of labor have grown even more exorbitant. Labor is now demanding a share of the profits. One is prompted to ask whether labor is also willing to share the losses. If not, why should it share the profits? What makes labor think it is entitled to an increase in wages every year regardless of increases in productivity?

Moreover, labor's excessive demands are contributing to unemployment. The construction industry has been depressed for several years because of prohibitive costs due to excessive wages, featherbedding, and the refusal to allow the use of labor-saving processes. The increasing use of automation can be largely attributed to the cost of labor: employers would not be so interested in replacing men with machines were it not for the high cost of labor.

It is high time labor leaders considered the welfare of the country as a whole rather than that of just their own members. Perhaps their thinking would be clearer if they concentrated on economics rather than politics.

No one shows any leadership toward solving this situation. Politicians, businessmen and union members are all afraid to speak out for fear of retaliation.

It's about time somebody did.

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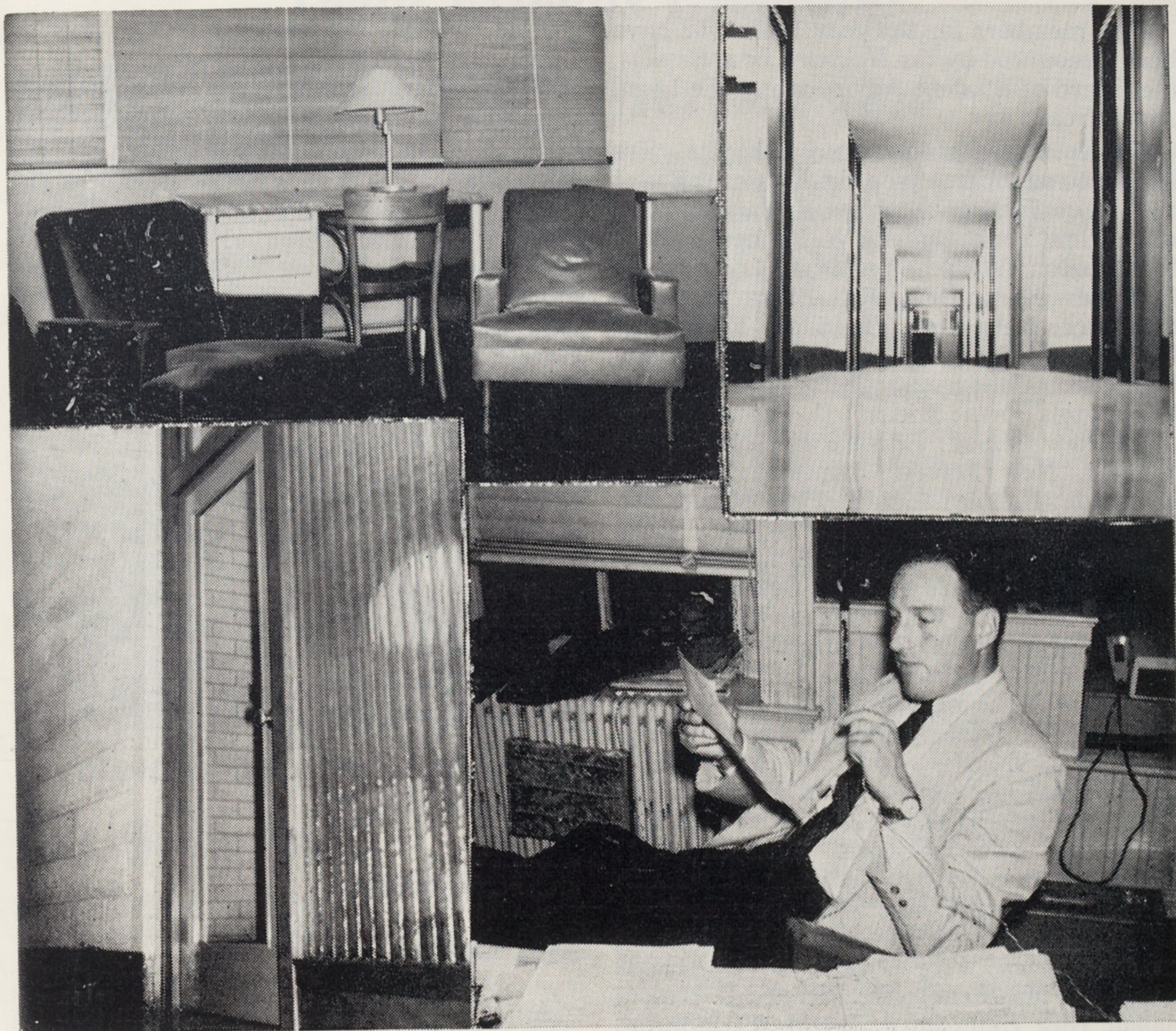
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Ames Hall Redecorated



At upper left, new "oversized" singles easily accommodate two easy chairs. At upper right, enamel-painted doors and freshly-waxed floors give a palacial appearance to Ames hallways. At lower left, individual floor lounges have been completely glassed in with wood-paneled doors. At lower right, Assistant Dean Wesley E. Bevins, Jr., who coordinated the entire operation, checks some last minute details of the remodeling.

By Charles F. Waite

Extensive renovation and remodeling of Ames Hall took place over the summer recess, signifying the start of a plan to improve all dormitory rooms in the Graduate Center complex.

Principal among the Ames changes were redecorating and individualizing of each room and complete soundproofing of the entire dormitory.

According to Assistant Dean Wesley E.

Bevins, Jr., who coordinated the entire operation, virtually all of the work was completed prior to the influx of returning students. Remaining only are work on the doors of "oversized" singles and purchase of suitable furniture for the larger rooms.

"Those who are remaining in Ames rooms they occupied last year will find that sound emission problems, if not fully remedied, are at least remarkably improved," Bevins said.

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Honoraries Name Members

New members for the year 1961-1962 have been announced by the *Harvard Law Review*, the Board of Student Advisers and the Legal Aid Bureau.

The following second year students were invited to membership on the Editorial Board of the *Law Review*: Stephen E. Banner, Harrison, New York; Charles W. Bender, Seattle, Washington; William R. Bishin, Long Island City, New York; Richard C. Blake, Massapequa Park, New York; Theodore R. Boehm, Indianapolis, Indiana; James J. Brennan, San Francisco, California; Clifford J. Calhoun, Burlington, Iowa; Michael D. Capizola, Minotola, New Jersey; Edward H. Cohen, Haddonfield, New Jersey; James V. DeLong, Evanston, Illinois; Alan L. Feld, New York, New York; William T. Finley, Jr., Falls Church, Virginia; James F. Flug, Brooklyn, New York; Richard L. Goff, Seattle, Washington; Benjamin B. Grossman, Washington, D. C.; Bernard E. Harvith, Delmar, New York; John G. Kester, Oshkosh, Wisconsin; Lawrence A. Klein, Whitestone, New York; Norman H. Lane, Brooklyn, New York; Pierre N. Leval, New York, New York; Peter MacDougall, Los Alamos, New Mexico; Robert S. Malina, Brooklyn, New York; Charles R. Nesson, Newton Center, Massachusetts; Richard P. Schulze, Jr., Bethesda, Maryland; and Stanley Siegel, New York, New York.

The third year men invited to membership on the *Review* were Chester D. Dusseault, Needham, Massachusetts; Richard B. Dyson, Salem, New Hampshire; David M. Heilbron, San Francisco, California; Stephen A. Lefkowitz, New York, New York; Peter M. Panken, New York, New York; David M. Saltiel, Mattapan, Massachusetts; Daniel C. Schaffer, Brooklyn, New York; and Jerome E. Sharfman, Neponsit, New York.

The following second year students have joined the Board of Student Advisers: David M. Foster, Jacksonville, Florida; Gerald E. Frug, Oakland, California; Stanford J. Goldblatt, Chicago, Illinois; Stuart L. Goodman, Chicago, Illinois; Charles F. Leahy, Claremont, New Hampshire; Jay F. Leary, Union, New Jersey; Charles P. Normandin, Southbridge, Massachusetts; George A. Platz, Waukegan, Illinois; and John R. Heller, III, Kensington, Maryland.

Also invited to membership was Joel J. Cohen, 3L, Brooklyn, New York.

The following second year students have joined the Legal Aid Bureau: David R. Anderson, Augusta, Maine; David J. Blattner, Jr., Milwaukee, Wisconsin; Stephen H. Cohen, Jackson Heights, New York; Terry L. Crapo, Idaho Falls, Idaho; John H. Cutler, Great Neck, New York; Marie V. Driscoll, Buchanan, New York; Joel S. Hoffman, Woodmere, New York; Charles I. Kingson, New York, New York; Morton Klevan, Brooklyn, New York; Sheldon R. Lefkowitz, Beachwood, Ohio; Robert F. Levine, New York, New York; Guy C. Quinlan, Cambridge, Massachusetts; Loren R. Rothschild, Sherman Oaks, California; Carroll J. Savage, Camden, South Carolina; Edward I. Selig, Cambridge, Massachusetts; Richard F. Smith, Birmingham, Alabama; Florence E. Wagman, Mt. Vernon, New York; and Roger L. Zissu, New York, New York.

The following third year students were invited to join Legal Aid: Louis L. Hoynes, Jr., Arlington, Massachusetts; Rowland Stebbins, III, New York, New York; and Herbert W. Titus, Baker, Oregon.

ROTC Course

Still Open

An R. O. T. C. program that can still be entered by first year law students is currently outlined in the announcement of "Courses of Instruction Offered by the Faculty of Arts and Sciences."

Compression of this four year program into three years is entirely feasible if enrollment is accomplished at the start of the first year of law school. Credit may be established for prior military experience or for having pursued R. O. T. C. as an undergraduate.

The Harvard Army R. O. T. C. is a General Military Science unit and therefore commissions officers in all branches of service (except the Judge Advocate's Corps, Medical Corps and Chaplain's Corps).

Further information may be obtained from the Department offices at 25 Francis Avenue.

Dean Extends Greetings



Dean Griswold

Civil Liberties Planned

The Civil Liberties Research Service is now planning its second year of preparing memoranda and briefs on civil liberties problems. Last year the Service completed seventeen projects dealing with problems in criminal law, race relations and freedom of speech and religion. This year the Service has already received fifteen projects from members of the bar and organizations active in the field of civil liberties litigation.

The projects received are concerned with problems such as the constitutionality of the imposition of certain conditions on parolees, Bible reading in the public schools, the use of breach of the peace statutes against persons traveling on interstate buses, and military sponsorship of political programs.

The Service will hold a membership meeting on Tuesday, September 26, at 1:30 p. m. in the Harkness Commons Meeting Room. Membership in the Service is open to all second and third year students who are willing to work on at least one project during the school year.

To the Entering Students:

It is sometimes said that there are too many lawyers. This may be true; but it is even more clearly true that there are not enough good lawyers. We hope to help you to make yourselves into good lawyers. If you succeed, and you will, with very few exceptions, there are many ways in which your energy and talents and training can be made useful to your fellow men, to society — and to yourselves.

The study of law is not easy. It requires devotion and hard and sustained work. But it can be fun; and I hope that you will find here the intellectual stimulus and excitement which many of your predecessors have found. To be a good lawyer, one must learn to think clearly and precisely. One needs to know, too, the fruits of the experiences of men over many years, much of which is recorded in judicial decisions and in other legal materials. If you go at this task mechanically, as a mere matter of rote learning, it can become very wearisome and deadening. But there is no need to go about it that way, and it is clearly unwise to do so. Legal materials need to be learned, as a basis for further legal thought. But legal reasoning involves imagination and foresight. Your minds should be disciplined; but you should keep them free and free-ranging. Here, as much as in any other line of intellectual endeavor, there is need for the inquiring mind.

We hope that these three years will be good ones for you, that they will be a prelude to a successful career of useful service in one of the many lines of endeavor to which a legal training gives entree. We hope, too, that, when your careers are established, you will look back on your law school days with nostalgia, and with a feeling that here you learned how widely your mind could be opened and stretched, and how useful it could be made to be, in constructive endeavor.

On behalf of the Faculty, I extend to all of you friendly greetings and a sincere welcome into the ranks of the legal profession.

Erwin N. Griswold
Dean

Demos Expect Year of 'Vigah'

By John A. Rava

On the heels of its most successful year so far, the Law-Graduate Democratic Club has planned another vigorous program of political activities for the coming school year.

A steady stream of high administration officials and advisors — official commitments permitting — will assist in "nurturing the Harvard Democratic bud" during this non-election year.

Club activities will take various forms. There will be a series of programs featuring major speakers, but none of these is expected to equal last year's "Colossal Political Rally" at which 1800 persons listened to the Harvard Band and the rhetoric of five of the new administration's academic braintrust.

More informal and more frequent will be the popular luncheon meetings, again to be held in the Mallory Smith Room of Harkness Commons. These luncheon programs, featuring predominately Boston-based dignitaries, allow more time for questioning and meeting the speakers. Capacity crowds last year have led to the enlargement of the seating area this fall.

Support Candidates

Campaigning will be limited to the Cambridge City Council elections, when several candidates are expected to seek club assistance. With the approval of the membership, the club will work with other University and civic organizations to support some candidates in this officially non-partisan but highly political campaign.

Social activities, highlighted last year by an election night party, will take the form of coffee hours, a holiday eggnog party and several joint evenings with sister Democrats from Wellesley and Radcliffe.

Final outlet for club energy is the legislative research project, which will aid Democratic legislators in Massachusetts and elsewhere in preparing and drafting bills and in studying various legislative problems.

Although there will be no national campaign around which to focus political activity, 1961-62 offers several important and interesting contests in addition to the local city council election.

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Ames Hall

(Continued from Page 3)

"The visitor from another dorm will find the bright, new cheerfulness a reason for great envy," he added.

Barring any catastrophes (such as budget problems or slackening of alumni support), plans now call for one or more other dormitories to receive treatment similar to that given Ames during the summer of 1962.

"In a minimum of three years we hope to see all the buildings upgraded," Bevins said. "This may be a little wishful, but not wholly so."

Soundproofing design is the result of a number of years of study by the Department of Buildings and Grounds, architects and acoustical engineers, supplemented by experiments carried on with individual rooms last year.

The redesigning of end-room doubles into the new "oversized" singles is the result of studies by the Department of Buildings and Grounds.

Bevins said that the Dormitory Office has decided to hold off completion of furnishing these larger rooms until suggestions can be obtained from their new occupants. Letters have gone out to the fourteen students residing in these large quarters asking for their ideas.

Ames, however, was not the only dormitory to receive a face lifting. Venerable Hastings also bore the brunt of progress.

As a part of a general University program to decrease hazards from fires, Hastings's turn came this summer.

Changes and additions include iron balconies and ladder-type fire escapes. Emergency illumination and joining doors between entries on the top floor have also been installed.

Of particular interest to students with many books, new door locks and handles have been installed to permit one-hand door opening.

Further work on Hastings has been planned so as not to disturb occupants by having workmen going through rooms. Completion of the project is scheduled for October.

"In the meantime," Bevins pointed out, "the work should not, by and large, be noisy or a nuisance."

Forum Outlines Plans

This fall the Harvard Law School Forum opens its sixteenth season of discussion programs featuring prominent personalities discussing important issues of the day.

Begun by students of the Law School in 1945 as a vehicle for supplementing their formal study of the law, the Forum has since gained national recognition for its efforts to bring to the Cambridge community persons best qualified to represent the opposing sides of questions affecting the lawyer and the non-lawyer alike.

To serve this end, this year's Forum president, Stephen P. Robin, 3L, Washington, D. C., and his staff have instituted several procedural changes designed to place opposing views of the speakers in clearer relief than has been done in programs of recent years.

Speakers Exposed

The most direct of the changes will be the increased exposure of the principal speakers to incisive questioning from both the panel and the audience. The Forum staff believes that its efforts in this direction will be reflected in a more pointed discussion of the heart of the topic of each particular Forum than was possible under the previous formats.

As is now generally known, James Hoffa, scheduled to open the Forum season on September 29, last Thursday requested a postponement of his appearance due to the current internal crises facing his Teamster's Union.

However, the Forum is presently at work lining up other programs for the current season, including "Military Elite" with Douglas A. MacArthur and Clinton Rossiter, "What U. S. Stand on Friendly Dictators?"

with Owen Lattimore and David Lilienthal, "Aligning the Arts and the Audience" with Archibald MacLeish and Yul Brynner and "Future of Southern Liberalism" with Holding Carter and Ralph McGill.



Hoffa

The Forum sells a season subscription to its programs for \$5.00. Eight to ten programs comprise the series. Tickets for indi-



Mrs. Eleanor Roosevelt pauses to conjure up some gem of wisdom as she appears at the final Forum of last season.

dual programs are on sale for \$1.00 at the doors and at the Forum office.

First and second year law students interested in joining the Forum staff should look for announcements of the Forum's organizational meeting to be held in the early fall.

Program Wins Award

An American Bar Association "Gavel Award," part of a program established in 1957 to give national recognition to distinguished service on the part of communications media, has been presented to the Columbia Broadcasting System for its television program *A Real Case of Murder*, which featured Dean Erwin N. Griswold.

The program, highlighting the nature of the adversary system in murder cases in New York state, was presented on "CBS Reports" last season. The production was cited by former American Bar Association president Whitney North Seymour for "increasing public understanding of the processes of justice."

Bar Association Plans

The Harvard Law School Student Bar Association will begin its schedule of activities next week with the presentation of two programs.

On Monday at 4 p. m. in the James Barr Ames Court Room the organization will present the first of a series of films, *Defense of Unpopular Clients*, featuring lawyer Edward Bennett Williams. Professor Roger Fisher will comment on the film and its topic following the showing. Admission is free to members, with non-members being admitted for seventy-five cents.

On Wednesday at 4 p. m. in the Harkness Commons Meeting Room the Student Bar in cooperation with the Law School Placement Office will present the first of a series of talks on placement. Featured will be Abram T. Collyer, general counsel of John Hancock Insurance Company, and Leon Hickman, vice president and former general counsel of Alcoa. They will speak on corporate law practice.

This year the Student Bar will also sponsor general discussion meetings, hopefully leading to informal debates among law students on topics of current importance to the legal profession.

Topics are planned for research by one member who will report at the opening of a meeting; from that point on the floor will be open for discussion.

Subjects currently being considered include federal aid to education, the Newburgh welfare controversy and capital punishment.

Members of the Student Bar Association also receive the monthly publication *Student Lawyer Journal*, the first issue of which will reach members in about four weeks.

The Student Bar combines its programs and discussions with experience in planning functions and work on legal projects. Students interested in working for the organization are invited to contact President Stephen W. Schlissel, 3L, Long Beach, New York.

New Faculty Named

Five new men have been appointed to the Law School Faculty for the current academic year. They are William D. Andrews, James

H. Chadbourn, William O. Huie, James K. Logan and Norval Morris.

Mr. Andrews, an attorney with Ropes and Gray, Boston, will teach one section of Corporations I. Professor Chadbourn, visiting from U. C. L. A. Law School, will teach a first year section of Civil Procedure and a section of Evidence.

Professor Huie from the University of Texas Law School will teach two sections of Trusts and a course in Oil and Gas. Mr. Logan from the University of Kansas Law School will be the Thayer Teaching Fellow. He will teach a section of Property I.

Dean Morris of the Faculty of Law of the University of Adelaide, Australia, will teach sections of Criminal Law and Torts.

Special "Gallery" profiles of each of the new teachers are planned for future issues of the RECORD.

Californians Active

The California Club, the largest regional organization for students at the Law School, has planned an extensive schedule of activities for the coming year.

The organization has already aided first year students from the Golden State by passing out at registration copies of the state's requirements for admission to the bar.

Immediate social plans include a "beer bust with local lovelies" scheduled for this weekend. Officials have promised to post notices of time and place prominently on the bulletin boards.

Luncheon on Tap

During the following week a luncheon will be held to introduce members of the Faculty from California to club members.

Some time in October the club will hold elections to fill out the governing board. First and second year members will have the opportunity to serve as officers and help in running the club.

The club plans to continue its series of successful luncheons throughout the fall whenever interviewers or dignitaries of particular interest to students from the west coast are visiting the Harvard campus. There are also tentative plans for an evening cocktail party during the fall semester.

One of the more important services the club

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REGISTRATION BLUES



"It only hurts
for a little
while."



Never so many.



"Miss — Oh, Miss,
you're not
listening."

New Students

(Continued from Page 1)

He explained that students who failed to register and call-ups of military reserve units made almost no dents in the ranks of the entering class. The total of 1,990 applications set a new record — 17 per cent higher than ever before.

Dean Griswold cited the following statistics about the new class in what he called "the most cosmopolitan graduate school" in the United States:

Students come from 46 states, the District of Columbia, and five foreign countries (Canada, the United Kingdom, Panama, Venezuela and Viet Nam). The Dean added that the school would pay a "suitable bounty" for first year men from Arkansas, Idaho, Nevada or Wyoming, the only states not represented.

Members of the Class of 1964 have degrees from 127 colleges. The biggest group, 17 per cent, comes from Harvard College, with Yale, Princeton, Columbia and Stanford also sending large delegations.

The group has 35 master's degrees, one Ph.D., one M.D., seven Oxford B.A.'s and 98 members of Phi Beta Kappa. Undergraduate major fields include history (the largest category), government and political science, economics, English literature and many others.

The average age of the entering class is 22, and the range is from 19 to 29. Sixty-three students are married, and 122 have completed their military service. Twenty women make up four per cent of the total.

In addition to the statistics, Dean Griswold told the class about the more serious aspects of law study — from the functions of an attorney in society to the standards of ethics of the profession.

He warned new students to avoid the "slot-machine" or "punched card" approach of seeking absolute mathematical answers and truths in the law.

Another speaker was John C. King, 3L, Charleston, West Virginia, president of the Board of Student Advisers, who explained the Ames Competition.

Advisers

(Continued from Page 1)

The Board will also be involved this year in a revision of *Introduction to Advocacy*. This publication, a guide to legal research and brief writing, is prepared by the Board and has been widely distributed both at Harvard and at other law schools throughout the country. The Board hopes that law students will submit suggestions that will aid in revising the book.

In order further to improve its procedures, the Board has also scheduled monthly luncheons with members of the Faculty. It is thought that the luncheons will give Board members an opportunity to discuss pedagogical techniques with experienced teachers.

Students interested in joining the RECORD staff will be invited to attend a smoker next Friday to discuss RECORD operation with the publication's editors.

Legislative Researchers Schedule Meeting

Second year law students are invited to attend the membership meeting of the Student Legislative Research Bureau this afternoon at 2 p.m. in the Harkness Commons Meeting Room. The purpose of the meeting is to acquaint prospective members with the activities of the Bureau and to explain the process by which new members are selected.

Professor Albert M. Sacks, Bureau sponsor, will speak informally on the problems of statutory drafting. Bureau President Paul N. Crane will discuss the activities of the Bureau and will describe how students may apply for membership. Applicants will be required to prepare a trial project consisting of a statutory draft and an explanatory memorandum.

Translates Ideas

The Bureau, organized in 1952, attempts to translate the ideas of its clients into legislation which can confidently be enacted into law. This task is not one of merely adding a "whereas" and a "therefore be it resolved" to a concrete proposal. Rather, it is the task of developing a proposed general policy into a coordinated regulatory system which will serve desired ends.

The Bureau's annual publication, *Selected Drafts*, contains several projects undertaken during the year which the Bureau feels will be of interest to officials and civic groups throughout the country.

The membership procedure of the Bureau is coordinated with that of the Voluntary Defenders, so that students may, if they wish, apply to both organizations. In addition, the Bureau encourages participation in the qualifying round of Ames by giving members time off while they are preparing their Ames cases.

Harkness To Continue As Usual

Beginning its twelfth year, Harkness Commons dining hall will continue to be operated by Stouffer's Management Food Service, which began operations at the Law School a year ago.

Stouffer's Management is a division of Stouffer's Restaurants, which operates a

chain of restaurants throughout the northeast. Its Food Service also has been managing dining halls at M. I. T.

In commenting on the past year's operations under the Stouffer firm, Assistant Dean Wesley E. Bevins, Jr., said, "We are well pleased with the progress made during the last year by Stouffer's in terms of service, food quality and cutting down substantially the anticipated deficit."

Demos

(Continued from Page 6)

New York's mayoralty race will be the major political race during the academic year for the club. As an official Democratic organization the club will urge its membership and all New York Democrats in the University to avail themselves of absentee ballots and to support the candidates who won the Democratic primaries.

Last year the absentee ballot campaign conducted by the club proved helpful to hundreds of students from both major parties.

California in Spotlight

Later, California will be in the spotlight, where former Vice President Richard M. Nixon may try to defeat incumbent Democratic Governor Edmund G. ("Pat") Brown. The club will attempt to present informative programs on all these situations and on other topical and continuing political matters of interest throughout the year.

Students who have not already joined the club may do so at the first general meeting, to be announced soon.

NEXT WEEK

Dean Erwin N. Griswold wants to see several Institutes of Law established in the United States — to push full-time research on neglected legal problems.

These and other views were made public in Dean Griswold's Annual Report to Harvard University President Nathan M. Pusey. A complete review of Dean Griswold's views on disarmament, juvenile delinquency, fair trial and other subjects contained in his Report will be found in a special, expanded news-feature article in next week's RECORD.

FEATURES SECTION

Learned Hand: A Tribute

By Professor Paul A. Freund

Learned Hand was born to be a judge. Not that his vocation was ordained by inheritance, by the circumstances that his father and his grandfather wore the robe and that his cousin and he were to share for many years that extraordinary bench of the Second Circuit. ("Quote Learned and follow Gus" was Justice Jackson's even-handed advice to the bar when they met to honor the cousins.) Nor is it that Learned Hand was unfitted for callings of another kind. A student of James and Santayana, his speculative bent might have found fulfilment as a critical philosopher. His gift of tautly sustained eloquence could have been given scope as an essayist. The passionate and playful side of his nature, which so delighted his friends — in extrajudicial gatherings he loved to put an antic disposition on — might have been disciplined in another way for the stage. The poetry and precision of his mind might even have led him to become, as in moments of self-doubt he insisted he would want to be in another incarnation, an atomic physicist.

And yet who can doubt, reading his beautifully wrought opinions and sensing the aesthetic satisfaction that comes from the final mastery of almost intractable materials, that nature meant him for a judge? One is reminded of the Frenchman's comment on Lord Mansfield: "*Il s'amuse de juger.*" Humane, scrupulous, resourceful, searching, he sought to find principles of order that would compose the anarchy of human experience without suppressing the vitality of diversity and disarray. He had the artist's touch, and it is not surprising that in his skeptical world of values craftsmanship stood very near the summit. Speaking on the occasion of his eightieth birthday he said:

Win or lose, the day will come when "the great globe itself, yea, all which it inherit, shall dissolve and . . . leave not a rack behind"; and on that day it can be said of each of us: "Thou thy worldly task hast done, home art gone, and ta'en thy wages." That is the nature of all things; though, little as we may like to acknowledge it, it is irrelevant to their

value and their significance; for permanence as such has neither value nor significance. All that will then matter will be all that matters now; and what matters now is what are the wages we do take home. Those are what we choose to make them; we can fix our pay; the splendor and the tragedy of life lie just in that. Values are ultimate, they admit of no reduction below themselves; you may prefer Dante to Shakespeare, or claret to champagne; but that ends it. Nevertheless, I believe you will agree to put among the most precious and dependable of our satisfactions the joy of craftsmanship. In that I include all efforts to impose upon the outside world an invention of our own: to embody an idea in what I shall ask your leave to call an artifact. It is not important what form that may take; it may be in clay, in bronze, in paint or pencil, in a musical score or in words; it may even be in a sport; it may be in the mastery or exercise of a profession; it may be in a well-balanced nature, like Aristotle's "Great-Souled" man; or it may be in redeeming the world. It is enough that we set out to mould the motley stuff of life into some form of our own choosing; when we do, the performance is itself the wage.

It is not surprising that Learned Hand was a judge's judge, a lawyer's judge, a student's judge. Within the profession, as John Morley said of Mill, to respect him became a mark of one's self-respect. His distinction in no way derived from judicial heroics. Quietly and firmly he moulded the law in such specialties as admiralty, patents, and unfair competition. One cannot recall his ever holding an act of Congress unconstitutional, though opportunities were not wanting in his more than fifty years of judging. He did, to be sure, rule in the Schechter case that the labor provisions of the N.R.A. were invalid, but the noteworthy aspect of that decision was that he did not pronounce a doom on the Act as a whole and in fact he sustained the

trade-practice regulations that were later overturned by the Supreme Court. In World War I he protected the radical monthly, *The Masses*, from suppression under the Espionage Act (and was reversed on appeal), but construction of the Act and not its unconstitutionality as applied was the basis of decision. And in World War II he wrote a much-controverted opinion sustaining the validity of the Smith Act. The philosophy of his Holmes lectures on the Bill of Rights is indeed reflected in his decisions.

His judicial credo — to use too formal a term for what was essentially a mood — was expressed in a letter to the senior judge of another circuit, marking the latter's twenty-five years of judicial service: "In this quarter century how much the whole character of the job has changed! And how much what is thought to be the proper function of a judge! You and I do not accept those changes; we believe that judges are to be the means of carrying forward the continuity of political institutions, not of making them over. Let us be loyal to that conviction, confident that, if the show is to go along at all, our duty will in the end seem as important as even that of those who seek to rebuild this world nearer to their heart's desire."

Coming from someone less sensitive, such a conception of the judge's station and its duties might be taken as an apologia for the wooden and pedestrian. But for Judge Hand, to be detached was not to be aloof. Rather, I believe, he meant to prescribe for judges something of the counsel which Matthew Arnold offered for literary critics: that they do two things, enter sympathetically into the experience of a work of art and then withdraw. Substitute for a work of art another form of human experience, whether it be a contract, a collision, or an act of the legislature, and the counsel is not inapt. To remain immersed is to run the risk of becoming bemused and sentimental; to remain aloof is to court the danger of obtuseness and pedantry. The judge, like the critic, must perceive the peril that lies in pursuing one virtue alone.

The more remarkable appreciation of Learned Hand is that which has come for this supreme craftsman from outside his own profession. It is as if, amid the jarring clamors of the zealots of the world, there has emerged a wistful admiration for the voice of moderation, a clinging faith that perhaps the

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qualities of the gifted judge are not irrelevant to the troubles of our time; a hope that beneath the raucous slogans of the partisans a sensitive ear may listen for undertones of common speech; an awareness that civilization, like the legal order, is not to be nurtured arduously for all by uprooting it conveniently for some. This ampler legacy from a life in the law may be but dimly seen, yet it is somehow perceived.

And so I venture to think that Judge Hand's impress, deeply cast upon the law, is in the mysterious ways of thought and feeling, trembling on much else besides.

"Where the light of the life of him is on all past things, Death only dies."

Californians

(Continued from Page 8)

will offer this year is the aiding of members to find employment. During the summer, contacts were made with officers of Harvard Clubs in northern and southern California. Plans are underway to establish a more timely, expanded and effective method of finding both summer and permanent jobs in California for Harvard law students.

Membership cards will be available at the "beer bust" and at the first luncheon. Dues will be \$2.00 for the whole year, according to president Stuart D. Buchalter, 3L, Beverly Hills, California.

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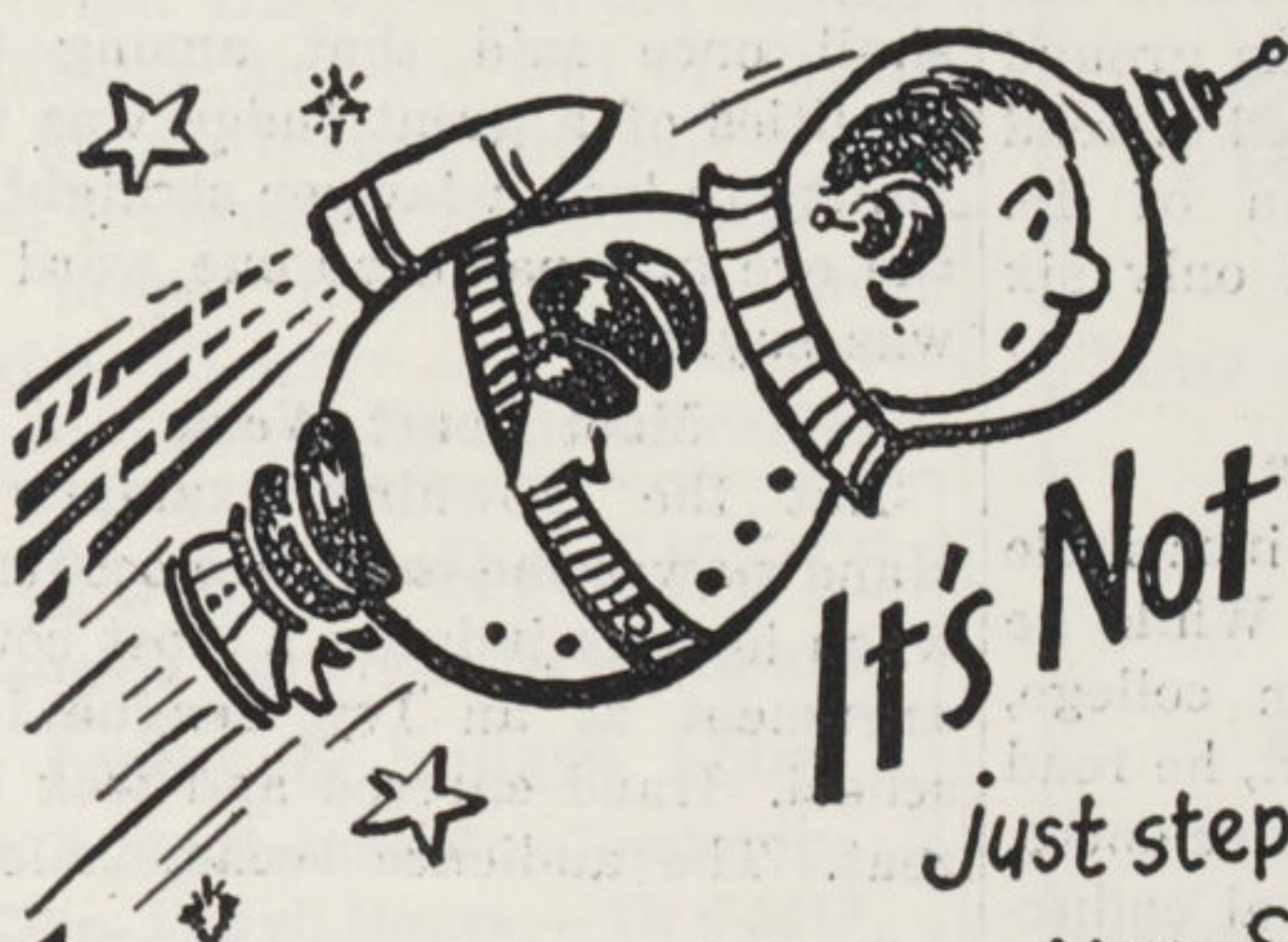
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Hand: A Living Legend

By Stephen F. Robertson

When Judge Learned Hand died this summer, one of the most influential legal minds of this century, as well as one of the legal profession's most colorful personalities, departed from a world in which he had already become a legend. Cardozo called him "the greatest living English-speaking jurist." The Supreme Court quotes him more than any other lower court judge. Holmes expressed the hope, while Hand was still a federal district court judge, that he would some day be elevated to the high court. Justice Frankfurter has worked for years toward that end. On at least one occasion, in 1942, President Roosevelt gave serious consideration to appointing Hand to the Supreme Court, but finally rejected him on the ground of age. Roosevelt appointed instead Justice Rutledge, a man of 48. Ironically, Rutledge died only six years later.

Seeks Knowledge

Judge Hand had an insatiable appetite for knowledge. While he majored in philosophy in college, and made law his vocation, he read constantly in the natural sciences. He also had great physical endurance. Until a few years before his death, he would walk four miles to his office in the morning, regardless of the weather. Of these walks he once said, "I shall continue the practice until that final morning when, fittingly, I shall fall back-

ward head over heels down the courthouse steps."

Hand had an impressive countenance: he was a stocky man, with a full head of hair, a perfectly square jaw, and great bushy eyebrows, beneath which emanated a piercing gaze which marked the downfall of more than one lawyer who came before him. Although he was a sensitive man, his courtroom demeanor was frequently gruff. He despised any attempt to flatter the court and interrupted many such attempts with a shout of "Rubbish!" and a bang of his fist. Once when an attorney obviously in love with his own voice was holding forth before his bench, Hand passed a note to one of his colleagues which read, "John Marshall once said that among the qualities of a great judge was the ability to look a lawyer straight in the eye and not hear one word he was saying."

Moot Court Work

But the crowning example of Hand's awesome eminence occurred when he was judging a moot court argument at an Ivy League law school. Hand entered and took his seat. The audience became silent.

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The first student rose to present his argument. He took one long look at Judge Hand and keeled over in a dead faint. Needless to say, the incident took place at Yale Law School.

Billings Learned Hand was born in Albany, New York, in 1872. (When he was 30, he officially discarded his first name.) His grandfather was a Congressman and a judge in New York state. His father served on the Court of Appeals of New York. Young Learned attended Harvard College, sported a sweeping beard and mustache and thus became known as "the ancient Mongolian," edited the *Harvard Advocate*, and was Class Day Orator at his graduation ceremonies, at which he received his B.A. summa cum laude. Despite his family's proclivity for law, Hand was undecided as to what to do upon graduation, finally drifted into law school mainly be-

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cause his cousin Augustus, with whom he had always been very close, had done so. At the law school Hand was an editor of the Law Review and graduated cum laude in 1896.

He entered a law firm in Albany and was made a partner within two years. Dissatisfied with small-town practice, he moved to New York City in 1902, married shortly thereafter, and practiced there for seven more years. That was long enough to bring him to the attention of President Taft's attorney general, who had him appointed to the federal district court in 1909.

Brief Foray

Hand entered politics briefly as a Bull Moose and ran for the position of chief justice of the New York Court of Appeals on the Progressive Party ticket in 1913. Upon losing, he retired permanently from the political arena. In 1924 he was elevated to the Second Circuit.

During his lifetime Judge Hand wrote some 2,000 judicial opinions. Nevertheless, he wrote them with painstaking thoroughness. "I write opinions with my life's blood," he once said. His law clerks, almost all of whom were former editors of the Harvard Law Review, were directed to check each citation, however apparently irrelevant, and then Hand would re-check it. Every opinion went

through three or four drafts. The end result was prose style of great merit and legal analysis which went far beyond a mere parroting of the arguments of counsel. And, of course, some of his opinions have changed the course of American law.

The Alcoa decision has been called a landmark in antitrust law. His ruling in 1943 that the Associated Press was monopolistic has been hailed as "one of the most important legal cases in the history of the American press." And in the esoteric and technical fields of copyright and admiralty law, Hand's pen has left a permanent mark.

Non-Judicial Writings

But in spite of the great esteem in which his opinions are held, there are those who believe that Judge Hand's greatest contributions lie among his extra-judicial writings. His views on the subjects of liberty and the Bill of Rights are known beyond the pale of the legal profession. His comments on the proper function of a judge might well serve as a guideline for his successors. In his Holmes Lec-

tures, delivered at Harvard, Hand chided the Supreme Court for acting too frequently as a "third legislative chamber" and thereby stirred up quite a controversy. But Judge Hand was no doubt none too perturbed. Not long ago, he said:

If I were to do it all over again, I think perhaps I would be a physicist—open new vistas, move in step with the world. You know, I used to hope I might be able to garner a harvest of wisdom. That has turned out to be a mistake, for I cannot see much further into the tangle of life than I could fifty years ago. I'm less disappointed than I should have thought. Indeed, there is solace in a companionship where all are groping their way equally in the same fog.

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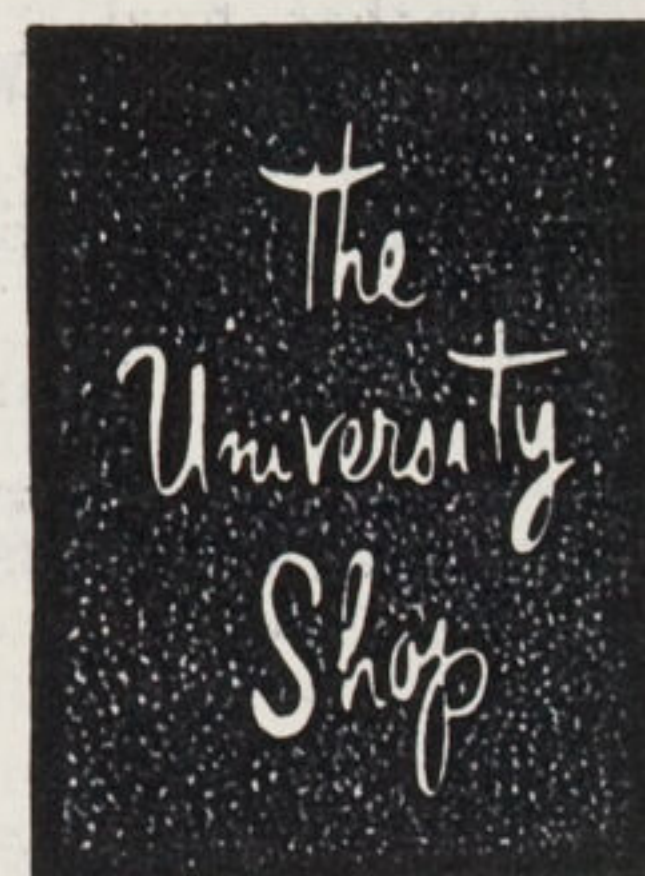
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(Further information is available at the Placement Office, 23 Everett Street. Interviews are listed in the following order: city, name of firm, interviewer, deadline for contacting Placement Office, date of interview.)

THIRD YEAR INTERVIEWS

Chicago: Hopkins, Sutter, Owen, Mulroy & Wentz. Thomas R. Mulroy, Esq. 2 p.m. Friday, September 22. (Wednesday, September 27.)

Cleveland: Jones, Day, Cockley & Reavis. 2 p.m. today. (Wednesday & Thursday, September 27 & 28.)

Milwaukee: Foley, Sammond & Lardner. Lynford Lardner, Jr., Esq., & William J. Kiernan, Jr., Esq. 2 p.m. today. (Thursday & Friday, September 28 & 29.)

New York: Beekman & Bogue. Daniel A. Demarest, Esq. 2 p.m. Friday, September 22. (Friday, September 29.)

Cleveland: Baker, Hostetler & Patterson. James P. Garner, Esq. 2 p.m. today. Average of 68 or better. (Friday, September 29.)

New York: Shearman & Sterling. Robert L. Clare, Jr., Esq., & Michael V. Forrestal, Esq. 2 p.m. Monday, September 25. (Friday, September 29 & Monday & Tuesday, October 2 & 3.)

New York: Clark, Carr & Ellis. James E. Pratt, Esq. 2 p.m. Friday, September 22. (Friday, September 29.)

New York: Casey, Lane & Mitten-dorf. John R. Mahoney, Esq. 2 p.m. Friday, September 22. (Friday, September 29.)

New York: Szold, Brandwen,

Meyers & Blumberg. Alan G. Blumberg, Esq. 2 p.m. Friday, September 22. Average of 72 or better. (Saturday, September 30.)

New York: Patterson, Belknap & Webb. Richard G. Moser, Esq. 2 p.m. Monday, September 25. (Monday, October 2.)

New York: Kaye, Scholer, Fierman, Hays & Handler. Sidney J. Silberman, Esq., & Frederick R. Livingston, Esq. 2 p.m. Monday, September 25. Average of 74 or better. (Monday, October 2.)

New York: Cleary, Gottlieb, Steen & Hamilton. Lyman M. Tondel, Jr., Esq. 2 p.m. Monday, September 25. (Monday & Tuesday, October 2 & 3.)

Boston: Herrick, Smith, Donald, Farley & Ketchum. Augustus W. Soule, Jr., Esq. 2 p.m. Tuesday, September 26. Average of 69 or better. (Tuesday, October 3.)

Washington: Hogan & Hartson. E. Barrett Prettyman, Jr., Esq. 2 p.m. Tuesday, September 26. (Tuesday, October 3.)

Chicago: Winston, Strawn, Smith & Patterson. Neil McKay, Esq. 2 p.m. Tuesday, September 26. (Tuesday & Wednesday, October 3 & 4.)

New York: Chadbourne, Parke, Whiteside & Wolff. W. H. Mathers, Esq., J. F. Costelloe & D. L. Deming. 2 p.m. Wednesday, September 27. (Wednesday, October 4.)

Boston: Choate, Hall & Stewart. William A. Dupee, Esq., & Rhodes G. Lockwood, Esq. 2 p.m. Wednesday, September 27. (Wednesday, October 4.)

New York: Dewey, Ballantine, Bushby, Palmer & Wood. C. Gorham Phillips, Esq. 2 p.m.

Thursday, September 28. (Thursday & Friday, October 5 & 6.)

New York: Rosenman, Colin, Kaye, Petschek & Freund. Walter J. Petschek, Esq., & Max Freund, Esq. 2 p.m. Thursday, September 28. Law Review, Board of Student Advisers, or Legal Aid. (Thursday, October 5.)

New York: Davis, Polk, Wardwell, Sunderland & Kiendl. D. Nelson Adams, Esq., & C. Payson Coleman, Esq. 2 p.m. Thursday, September 28. (Thursday, October 5.)

Philadelphia: Drinker, Biddle & Reath. John Markel, Jr., Esq. 2 p.m. Thursday, September 28. (Thursday, October 5.)

New York: Curtis, Mallet-Prevost, Colt & Mosler. Albert J. Parreno, Esq., & John P. Campbell, Esq. 2 p.m. Friday, September 29. (Friday & Saturday, October 6 & 7.)

San Francisco, Los Angeles: McCutchen, Doyle, Brown & Eversen. William W. Schwarzer, Esq. 2 p.m. Friday, September 29. (Tuesday & Wednesday, October 17 & 18.)

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