



*"America's Oldest
Law School Newspaper"*

VOL. 33

CAMBRIDGE, MASS., SEPTEMBER 28, 1961

NO. 2

Dean Griswold Reports

Dean Erwin N. Griswold wants to see several Institutes of Law established in the United States—to push full-time research on such neglected problems as disarmament and maintenance of peace, the laws of different nations and cultures, automobile accidents, crime and delinquency, and public and legal ethics.

The Dean estimated that less than one million dollars a year is spent on legal research, and most of this is done by teachers and others working part-time or intermittently on research. Expenditures for legal research, he estimated, are about one-100th of one percent of the \$8.4 billion expended last year on scientific research, including defense.

In his annual report to Harvard President Nathan M. Pusey, Dean Griswold contrasted the small research investment for disarmament studies with the necessarily large expenditures for defense research, the small expenditure for auto accident research with the large outlay for studying cancer. He proposed that research Institutes of Law be associated with several of the nation's law schools, supported preferably by private funds.

Teachers Are Burdened

Basic to the Dean's proposal is the fact that the American law teacher has been a "loner." He is burdened with heavy teaching assignments since there are insufficient funds for the employment of junior teachers. Legal scholarship has thus focused around personal teaching. This is not always desirable, Dean Griswold pointed out, for it "leaves little

room at all for juniors whose talents in the field of legal scholarship, commentary and leadership lie in other areas than teaching."

Further, Dean Griswold said, a method is needed in law schools whereby a "particularly able senior man may extend his influence and abilities."

Dean Griswold said that at present the law schools are unable to channel the idealism of the college youths who go on to study law. "The student is caught in the current which

(Continued on Page 6)

Republicans To Mix Tomorrow Night

A year of busy activity for Harvard Law and Graduate School Young Republicans will be launched tomorrow night as the political club offers its Fourth Annual Republican Mixer.

Planned to begin at 8:30 p. m. and continue until midnight in Harkness Commons, the evening of fun and frolic will feature a dance orchestra, potent punch and carloads of femininity from near-by institutions of higher learning.

All members of the club will be admitted free of charge. Non-members will be asked a reasonable gratuity; however, yearly membership cards will be available at the door for \$2.00, entitling the purchaser to entrance to the mixer as well as to all the other club events during the year.

The Republican Club this year is celebrat-

(Continued on Page 8)

Hearsay

The early declarations of F.C.C. Chairman Newton N. Minow lifted hopes for better television viewing, caused concern over government censorship of programming or engendered a wait-and-watch attitude on the part of the many law students who often spend hours examining America's newest "vast wasteland." At a recent seminar held at Northwestern University Law School, Professor Louis L. Jaffe added the sobering thought that this "wasteland" was popular.

Professor Jaffe claimed that "passive sponges" — people who sit idly in front of a TV set and look to it for all their information and entertainment — "are so completely bereft of culture that for them the quality of programs is immaterial." Television is part of the country's general culture and so naturally reflects some of its sins. To a large extent the limited supply of talent and the enormous programming of TV accounts for some of the mediocrity, Professor Jaffe stated.

Broadcasters want popular shows because sponsors are concerned with the number of potential customers exposed to their product. But in the competitive marketing field the consumer has the last say. If passive sponges with nothing better to do may make dull TV programs popular, a concerted effort by non-passive sponges to influence sponsors in their sales department might well cause some better programs.

If there is a choice to improve TV programming by informed consumer action or under the direction of Chairman Minow, the informed consumers should speak.

Harvard Law Record

CLARK P. GILES President
PAUL R. MATIA Editorial Manager
FRED K. LICKSTEIN Business Manager
CHARLES F. WAITE News Editor
STEPHEN F. ROBERTSON Features Editor
EMMANUEL H. SMITH Advertising Manager
JUSTIN W. HEATTER Executive Editor

ASSOCIATE BOARD

Neil I. Chayet, Robert A. Farmer, Harvey E. Greif, John L. Worden, III.

NEWS STAFF

H. Stephen Cranston, Peter R. Richards.

ASSOCIATION CORRESPONDENTS

Board of Student Advisers — John C. King; Bull and Bear — Dyer S. Wadsworth; California Club and Chancery Club — Hall Seely; Civil Liberties — Paul E. Freehling; Coffee Hour — William E. McCurdy, Jr.; Democrats — John A. Rava; Dormitory Council — David F. Patzman; Forum — Stephen P. Robin; International Law Club — William Waterman, Jr.; Law Review — Richard A. Posner; Law Wives — Mrs. Meredith V. Munro; Legal Aid — David W. Bernstein; Legislative Research Bureau — Paul N. Crane; Lincoln's Inn — Harold E. Fitzgibbons, Jr.; Patent Law — Neal L. Rosenberg; Phillips Brooks House — Richard B. Dyson; Republicans — Charles F. Waite; St. Thomas More — Mary Ann Abend; Southern Club — Eric A. Jonas; Student Bar — James R. McCall; Voluntary Defenders — Byron J. Johnson; Young Americans for Freedom — J. Alan MacKay; Yearbook — James M. Jeffords.

Published weekly on Thursdays during each academic year in the months September through December and February through April by THE HARVARD LAW SCHOOL RECORD CORPORATION, 23 Everett Street, Cambridge 38, Massachusetts. Subscription price: \$2.00 per semester, \$4.00 per year mailed; student subscription, \$2.00 per year distributed at the Law School. Individual copies 15c each at the Law School, 25c each mailed. Business and editorial offices, 23 Everett Street, Cambridge 38, Massachusetts. Telephone UNIVERSITY 8-7600, extension 418.

Permission is given for reproduction of any part of an article appearing herein provided that credit is given to both the RECORD and the author of the article.

Second class postage paid at Boston, Massachusetts.

COMMENT

By Fenno

The recent action of the United Nations in Katanga has disturbing aspects. There is a serious question as to whether it may not have been in excess of the powers granted to the United Nations by its Charter.

While the United Nations has broad authority to act to preserve the peace, it is not authorized to intervene militarily in internal disputes. A Security Council resolution cannot confer upon the United Nations power denied to it by the Charter. Yet in Katanga the armed forces of the United Nations have intervened in what appears, on the surface at least, to be an internal matter.

It must, of course, be admitted that a great deal of doubt has been cast upon whether the Katanga situation is really a purely internal case of secession. If it is not — if reasonable evidence could be found that the Katanga regime is based not on popular support but rather on foreign support — then it would be another matter entirely; under such circumstances a good case could be made for United Nations intervention.

But one fact must be emphasized: foreign assistance does not prove that the secession movement is under foreign domination. United States history bears witness to this fact.

And should evidence be discovered which would justify intervention by the United Nations, such intervention should be undertaken with the resolve that equal treatment will be meted out in all future similar cases—including those such as Hungary. Those who demand equality must be willing to practice it; this is a lesson which too many United Nations members have not yet learned.

Regardless of one's opinion of the secession of Katanga, one can only hope that the United Nations will not worsen the unfortunate situation by taking ill-considered action.

Celebrate Williston 100th

Dean Erwin N. Griswold presented a plaque to Samuel Williston, Dane Professor of Law, Emeritus, in honor of his one hundredth birthday Sunday. The presentation to Professor Williston and his family took place in his home at 17 Berkeley Street, Cambridge.

Professor Williston's daughter, Mrs. Murray F. Hall, accepted the plaque for her father, who is the oldest living graduate of the Harvard Law School.

The plaque was presented on behalf of the Harvard Law School and the Harvard Law School Association. The inscription was written by Paul A. Freund, Carl M. Loeb University Professor.

Greatest Law Book

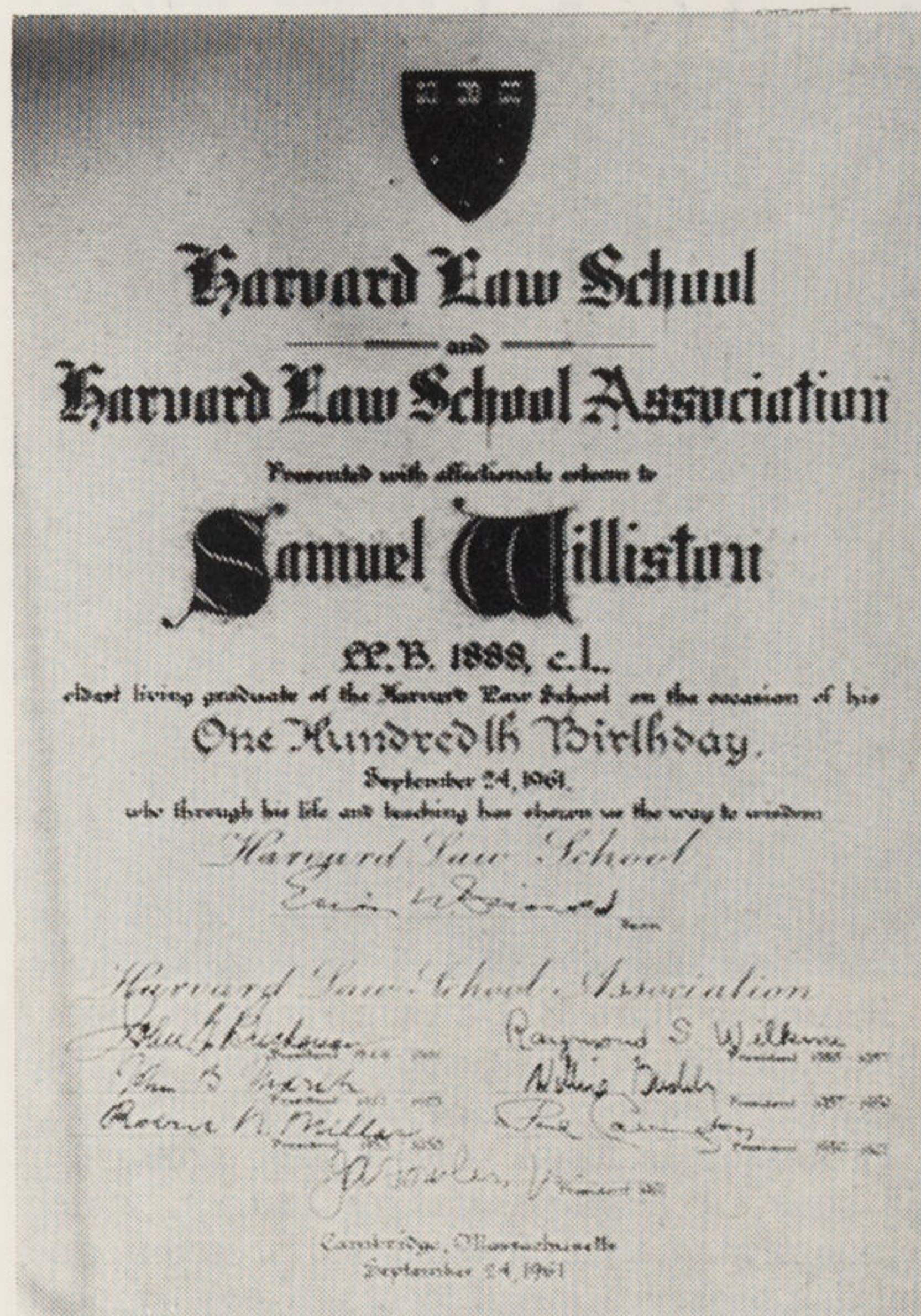
During nearly 50 years of teaching at the law school, Professor Williston achieved his greatest recognition in the field of the law of contracts and sales. His treatise on contracts has been called the "greatest law book of our times," and his work as Reporter for the Restatement of the Law of Contracts received tributes from the entire legal profession. Much of the uniformity in state legislation on commercial law resulted from his efforts. Laws which now appear on the statute books in three quarters of the states were based on drafts by him.

A native of Cambridge, Professor Williston was awarded his A.B. degree from Harvard in 1882 and received his A.M. and LL.B. in 1888. He was honored with the degree of Doctor of Laws by Harvard in 1910, Amherst in 1923, Yale in 1926, and Williams in 1938.

A special tribute to this great man of the law will be found in this week's RECORD Feature Section.

Yearbook Photo Changes

Yearbook editors have asked that students who obtained appointments for Yearbook photographs on either October 12 or October 19 obtain new appointments at the Yearbook office, 23 Everett Street. Photographs will be taken on weekdays from October 2 to October 18 between 9:30 a.m. and 4:30 p.m.



Centennial Plaque

Exercise To Cost Half as Much

There is good news this year for students who have secret desires to be like Charles Atlas.

In previous years those law students who wished to avail themselves of the University's athletic facilities during the winter months had to buy an activity card each semester. At \$20 each, this amounted to a total of \$40.

However, this year, as a result of a special arrangement among the Law School, the University and the Department of Physical Education, a "cold term" ticket may be purchased, entitling the recipient to full use of athletic facilities from December through Spring Recess.

The price is only \$20.

Professor Dawson Honored for Book



Professor John P. Dawson received honorable mention in the recent judging for the Faculty Prize of Harvard University Press.

Professor Dawson received the honor for his book, *A History of Lay Judges*, which demonstrates that French suppression and English preservation of local self-government during the medieval period had vital consequences in the political structures of modern Europe.

First prize went to Harvard Professor Sydney J. Freedberg for his two-volume work on *Painting of the High Renaissance in Rome and Florence, 1475-1521*.

Powell and Fried Join Faculty

A leading authority on property and the Reporter for the Restatement of Property, and a former law clerk to Supreme Court Justice John Marshall Harlan complete the list of new professors at the Law School this year.

The expert on property is Richard R. B. Powell, former Professor of Law at Columbia. After his retirement there he accepted visiting teaching appointments at other law schools, including Michigan and Cornell. He is currently teaching a full schedule at Boston College, but through the kindness of the

authorities there he is teaching a section of Trusts at Harvard.

Former law clerk to Justice Harlan, Charles Fried received his B.A. from Princeton in 1956. Following a year of study at Oxford, he entered Columbia Law School, receiving his LL.B. in 1960. He has been appointed Assistant Professor of Law at Harvard for a three-year term.

Oldsters at Hastings

Sixteen professors whose average age is 72 and who have been making lawyers out of law students for a combined total of more than 600 years marked another milestone as the 84th academic year at the University of California's Hastings College of Law opened last week. Six of them are Harvard Law School Graduates.

The 16 distinguished oldsters, comprising the famed "65 Club" at Hastings, are headed by Dean David E. Snodgrass, 67, a Harvard graduate, founder and youngest member of the unique faculty group.

The roster of Harvard Law School graduates at Hastings includes Lawrence Vold, 75, an authority on sales; Everett Fraser, 82, an authority on property; Judson A. Crane, 77, an expert on corporations and partnerships; George E. Osborne, 68, an authority on trusts, suretyship and mortgages; James A. MacLachlan, 70, an authority on property, creditors' rights and torts and a faculty member at Harvard Law School, 1924-60; and Dean David E. Snodgrass, 67, an expert on contracts and trusts.

Yearbook Expands

Staff of the 1962 Harvard Law School Yearbook will be enlarged with the addition of six first and second year students, according to Richard L. Hamilton, 3L, Appleton, Wisconsin, editor of the annual publication.

A new innovation in the Yearbook this year will be the use of color printing. In addition the staff hopes to expand both its advertising coverage and its sales.

The Yearbook will hold a smoker this afternoon at 2 p.m. in the Gray Room of Holmes Hall. Students with prior yearbook or similar experience are particularly invited.

Lawyers 'Incorporate' In Six States

Developments in separate moves to help self-employed professionals take advantage of the corporate income tax provisions available to businessmen are continuing in a number of states.

In six states, laws have been passed permitting professional men, including lawyers, to form professional associations or corporations. They are Connecticut, Florida, Georgia, Ohio, Tennessee and Texas.

Texas has paved the way for professional groups to qualify as associations taxable as corporations by allowing associations to exclude themselves from the state's Uniform Partnership Act.

The act contains a special provision which states that an association is not a partnership if the word "association" or "associates" is a part of the name, if its name certificate states that the association does not intend to be governed by the Texas Uniform Partnership Act and if "the business it transacts is wholly or partly engaging in an activity in which corporations cannot lawfully engage."

Florida Bar Association President Charles B. Fulton has appointed a committee to study ways and means of preserving necessary ethical standards while permitting lawyers and law firms to take advantage of the tax provisions under the state's new Professional Service Corporation Act.

Professor Westfall Speaks Tonight

Professor David Westfall will be guest speaker tonight at a dinner meeting of the Estate Planning Council of Worcester County. He will discuss *inter vivos* gifts in estate planning from the standpoint of determining how such gifts may help a hypothetical client achieve his estate planning objectives.

Professor Westfall will also consider the use of trusts to achieve the desired disposition of the client's income at a lower cost. Emphasis will be upon the influence of tax considerations in the selection of the trustee and the drafting of the trust instrument.

The meeting will take place at 7:30 p. m. following dinner at the Putnam and Thurston Restaurant in Worcester.

Bull and Bear To Hear Expert



Bradbury K. Thurlow, vice president of the brokerage firm of Winslow, Cohû and Stetson, and editor of the firm's market letter, will be the speaker at tomorrow afternoon's meeting of the Bull and Bear Club. Along with other matters of interest to the investor-speculator, Mr. Thurlow will discuss the current market outlook.

Mr. Thurlow's last visit with members of the Bull and Bear Club occurred last spring, when he spoke about opportunities to be found in so-called "special situations." The meeting will begin at 1:40 p. m. in the meeting room of Harkness Commons and will be open both to members and non-members.

Record Smoker

Students interested in joining the RECORD staff are invited to attend a smoker tomorrow afternoon at 2 p. m. in the Wheeler Room of Holmes Hall.

RECORD editors will be on hand to explain and discuss opportunities in news reporting, features writing and business areas of the publication's operation.

Dean Griswold

(Continued from Page 1)

says that the real measure of success is a clerkship with a prominent judge followed by an association with a large metropolitan law firm." Serving private clients, though as important as always, should not be "virtually the only avenue open to law school graduates."

It is for the law schools to show the rewards and personal satisfactions to be gained by the lawyer who works on the great unsolved problems of the twentieth century, Dean Griswold urged. But the openings must be available. "If we had Institutes of Law functioning at various places in the country, employing a sizable number of lawyers — though only a fraction of the number of persons engaged in research in the natural sciences and in medicine — we would not only provide an outlet for the idealism which many of our students bring to law school, but we would also bring about a significant change in the orientation of our legal instruction and thought."

Ideals Are Stifled

"How many high ideals come into our law schools and are slowly stifled, largely unintentionally, I am sure, by our constant emphasis on large-scale, high-level practice as the natural and unquestioned objective towards which law school is undertaken?", Dean Griswold asked. "If we are to preserve for society the proper fruits of the freedoms which are given to us, must we not be careful to nurture the altruism and the love of fellow men which our students surely have in some measure, when they come to us? Would this task not be facilitated if there was available as one of the avenues through which a legal education might be utilized the possibility of a career in adequately supported and well organized research into the problems which our society has not yet resolved, national and international, civil and criminal, theoretical and practical, of many and varied sorts? If one looks backward at our legal history, the slowness of progress can be very discouraging. Is there any reason why our rate of progress in the future cannot be greatly accelerated if we really recognize the task and devote an appreciable measure of our energies to it?"

Dean Griswold also said in part:

"In the United States, there are tens of thousands of people working on the intellectual problems of the military. There are scarcely a handful who are assigned, full time, to the task of working on the intellectual problems of disarmament, or of peace through the extension and development of world law. These are not easy tasks. They will not be quickly resolved, even with great effort. How can we expect to resolve them with little effort, or with sporadic effort? If we have 10,000 people in the Pentagon, and in such organizations as the Rand Corporation, devoting their minds to problems of defense, should we not have at least a thousand working in and out of Government on the manifold problems of the maintenance of peace? I am not suggesting that there is anything wrong in having 10,000 (or more) persons working on the problems of defense. Nor am I suggesting that the maintenance of an adequate defense is not one of the elements in the maintenance of peace. I am suggesting that it is not the only element, and that the best thought on the problems of peace and disarmament will probably not come out of a military orientation.

Important to Society

"Or, let us turn to other fields. There are the problems of automobile accidents, and of crime and juvenile delinquency, and of families and children, of fair trial, and of standards of the bench and bar, and public service. How much substantial concerted effort has ever been devoted to these problems? What institutions in the United States regard themselves as charged with working out solutions to the legal aspects of these problems, and what facilities do they have? It is true that there have been reports on these problems by bar association committees, by temporary public commissions, by private organizations, almost invariably made up of people working on a part-time basis, and that there have been many devoted individuals who have dedicated their lives to these matters and have contributed brilliantly to them. But can we expect to solve these problems on a basis of intermittent, individual work? The problems of automobile accidents and of crime are surely as important to society, and no less difficult, than the problem of cancer. We devote hundreds of millions of dollars a year to carefully

organized research on the problem of cancer, even though no solution has been found or is apparently in sight. How much money have we spent in the past 50 years in seeking sound solutions of the problems of automobile accidents, or of crime, or of the many other problems in the legal area for which we have long lacked any sort of appropriate solution?

"Without any reflection at all on the many devoted individual efforts on these problems it can fairly be said that we have never had a structural situation in this country which made it possible to say that we have really begun to focus our minds and efforts on these problems in any organized sort of way."

Ministry of Justice

Describing the public approval 40 years ago when Judge Benjamin N. Cardozo urged the creation of a Ministry of Justice in this country, Dean Griswold asked: "Where in the United States is there a Ministry of Justice today — or anything like it? Where is the body, in the nation, or in the states, to which one can turn for effective self-supported research on problems of public concern, adequately staffed to attack the problems on a full scale, and produce recommendations for effective action? There are, it is true, legislative counsel and legislative research services in Congress, and in a few of the states. But these groups are almost always understaffed. Moreover, they are overwhelmed with immediate problems of detail, and rarely, if ever, have time to dig into large problems or take a long view of situations. A number of law schools, feeling the need, have come to call themselves legal centers. This is a step in the right direction, and there is no doubt that these schools would be prepared to take longer steps, if they could receive adequate support for the purpose. The development, though a sound and helpful one, has not yet been able to grow to meet the need.

Opportunity For Donor

"There is much to be said for this function being performed in and through the law schools. If it is done by a public body, there will always be problems — of staffing, of the projects to be undertaken, of annual or biennial budgets through a skeptical legislature, of pressures of one sort or another. In our situation, the law schools — and this applies, generally, to the state university schools as

well — have an independence and a standing which would enable them to proceed with maximum effectiveness. The task is a large one. It calls for support, not on a lavish scale, but on a scale far beyond anything which has been made available in the past. It would be better to have the support come from other than public funds. Here is a great opportunity for a donor, foundation or individual, who wants to think and act in this area in the grand manner."

Dean Griswold also called for a new conception of the role of the law school professor. "I do suggest that the idea of having a separate group, charged with responsibility for working on legal problems, and without immediate teaching responsibilities, or operating governmental responsibility, is one which is worth careful thought in this country. As I have indicated, I think that these two functions might better, in the United States, be performed through our law schools. The teaching and the research would be well coordinated, and each will contribute to the other. Nevertheless, we might well make substantial progress on many hitherto intractable problems if we separated the two, institutionally, much more than we have in the past."

Increase in Study

He called for an increase in study and research on comparative law: "There are many legal problems, of increasing concern to the United States, and to American lawyers, which involve legal systems other than the common law."

There has scarcely been a beginning in the study of the legal systems of Africa, Russia, South America, Communist China, and other vital areas of the globe, he said. The whole field of Moslem law is neglected in America. "But," Dean Griswold added, "one cannot be adequately informed in this field without spending full time, indeed a life-time, at it.

"Here is an area where the idea of an Institute of Law seems peculiarly appropriate. There should be some place in the United States where questions of this sort are systematically and thoroughly canvassed, where knowledge is accumulated, and where people can be trained for the tasks which will inevitably come. Such a place might well be at the Harvard Law School. We have the library facilities, we have the scholarly tradition, we have the administrative capacity

to organize and operate such an Institute on an efficient and effective basis.

"It would not be easy to find the personnel for such an Institute. Before we can even think about this, there is the question of finance. Law schools in the United States have largely been financed out of tuition charges made to students. Law schools have always had small endowments, and many law schools have virtually no endowment at all. It would not be fair or feasible to charge the students for the cost of maintaining and operating an Institute of Foreign and Comparative Law. Yet, the task should be done. We are, indeed, far behind many other countries in this, including Russia. The amount required is very small indeed, compared with other research expenditures made at the present time. Nevertheless, it is quite out of the question for any law school to cover the cost at the present time out of its current budget. (Last year, in the United States, the amount expended on scientific research, including defense, was 8.4 billion dollars. One tenth of one percent of this amount is \$8,400,000, which is close to ten times the amount spent by all law schools on legal research during this period.)"

Restricted View

In concluding, Dean Griswold said that the problems of the law schools are "but a part of a larger problem, towards which Americans might devote more thought.

"Why do Americans so widely, including many lawyers, take such a restricted and self-centered view on many problems? Why do so many educated Americans complain bitterly about their taxes, at a time when more people have more money left after taxes than ever before in our history, and at a time when we never benefited as greatly from our taxes as now? Why, in this land of plenty — the affluent society — is there so much poverty, and so little effective work done towards relieving the individual incidence and the fundamental causes of that poverty? Why, in this land of the free, of which we are so justly proud, are there such severe restrictions on the rights of citizens in many sections of the country? Referring specifically to the legal profession, why have so many lawyers worked so assiduously in developing schemes of massive opposition to the effectuation of the nation's sense of moral values which is expressed in the Fourteenth Amend-

ment? Why should anyone want to deny to anyone else the full and equal protection of the laws, in every respect, in this great United States of America?"

Republicans

(Continued from Page 1)

ing the largest membership in its history with a special series of meetings and programs geared to events of national and international importance between now and June. For members only, a series of closed meetings with top Republican political figures is planned to explore the more specialized and technical political subjects.

In addition, a series of open meetings will feature such "hot" political figures as Senator John Tower (R-Texas), Congressman John Rousselot (R-California) and Republican National Committee Chairman William Miller.

The group will also present several public service programs throughout the year on timely subjects. One of these will feature three of the United States' delegates to the NATO conference to be held this winter in Paris. Appearing on the program will be Christian A. Herter, Sr., Elmo Roper and Dr. Oliver Schroeder of the U. S. delegation. Joining them on the panel will be Dr. Robert R. Bowie, head of the Harvard International Affairs Institute. Other programs on topics of current interest will be developed as the year progresses.

On the business side, the club adopted a new constitution which more clearly articulates the needs of the club. An enlarged newsletter is planned to include items of political note as well as news about the club, according to president Sheldon R. Taft, 3L, Columbus, Ohio.

Coming Soon

The RECORD is currently preparing articles based on interviews with two former Harvard Law School professors who are now occupying high positions in the President's inner circle — Stanley S. Surrey, Assistant Secretary of the Treasury for tax policy, and Abram J. Chayes, Legal Advisor to the Department of State.

FEATURES SECTION

The Oldest Grad

By Stephen F. Robertson

When the present-day student comes to the Law School, he is from the very beginning, purely and simply, indoctrinated. Not that he resents it; he loves it, as does that august body which is responsible for the indoctrination program, the Faculty. For the Faculty is, with the exception of a few mavericks, a product of Harvard's selective inbreeding. Thus it is that the traditions of the Law School endure, and the legends wax.

We are told of the "Golden Age of Harvard Law School" — the era of Langdell, Ames and Thayer; of professors like Gray, Beale and Warren; of the birth of the Socratic method; of the first *Review*. We tend to think of that age as the dim past, reachable only indirectly through secondary sources. But three men yet remain: Pound, Scott and Samuel Williston.

The name Williston is as correlative with contracts as is right with duty. Some say he invented the field, others cling to the more traditional view that it has a common law heritage. Yet his work has not been limited to the law of contracts. In 1929 he received from the American Bar Association a gold medal, the first such award ever presented, "for conspicuous service in the cause of American jurisprudence." Under the general heading of "American jurisprudence" falls his work with the Commission on Uniform State Laws as the draftsman of the uniform laws of Sales, Bills of Lading, Warehouse Receipts, and Stock Certificates.

Williston authored the definitive treatises on the law of Contracts and the law of Sales. He was Massachusetts Commissioner for the Commission on Uniform State Laws for two decades. And as Reporter for the American Law Institute's *Restatement of the Law of Contracts*, he did most of the actual drafting of it.

In addition, he was one of the Law School's great teachers. He taught Frankfurter, Burton, Augustus and Learned Hand, and Judge Swan, to name a few. Learned Hand called him "a modern Socrates." Frankfurter said of him, "He was the greatest artist as a teacher I ever encountered."



Honorary degrees have punctuated his career: Harvard, 1910; Amherst, 1923; Yale, 1926; Williams, 1938; Boston College, 1949. The citation accompanying the Yale degree reads:

As a distinguished representative of our dearest enemy, an eminent scholar whose learning is everywhere honored, for many years a leader in a great School of Law, we confer upon you the degree of Doctor of Laws and admit you to all its rights and privileges.

Samuel Williston was born in Cambridge on September 24, 1861. He entered Harvard College in 1878 and received his A.B. in 1882. As with so many who make their careers in law, he was at first undecided as to what vocation he should pursue. For a while he taught French and German. Then in 1885 he entered the Law School and received both the LL.B. and A.M. degrees three years later. He practiced law for two years in Boston, then began teaching at Harvard. He continued to do so, with few interruptions, until his retirement in 1939. But his activities did not then cease. His prolific writing continued, as did his law practice. At age eighty-five he represented Gene Autry in a contract disagreement with Republic Pictures.

New Admissions Test

WRITING ABILITY CHECKED

This year for the first time the Law School Admission Test, used as a part of the admissions procedure by most law schools in the United States, will be given in two half-day sessions.

As in past years, in the morning law school applicants will take a test of academic ability which is designed to measure some of the qualities of mind said to make for successful performance in the study of law.

Tests of Achievement

The afternoon session will include two tests of achievement. One of these is a test of writing ability which provides law schools with information regarding the applicant's command of written English. The other is a test of general background which measures the student's acquaintance with basic information in the fields of the humanities, natural sciences and social sciences.

The test of writing ability was introduced because the student of law and the lawyer must be able to communicate effectively in writing as well as by the spoken word. Since there is no time in most law schools for formal training in the techniques of correct and effective writing, the schools wish to ensure so far as possible that entering students are reasonably competent in writing skills. Although Harvard Law School professors have not voiced many complaints over the writing ability of their students, a great many officials of other law schools have been doing so.

Informed Awareness

The inclusion of the general background test results from the conviction of the law schools that a lawyer should be more than a mere technician ignorant of the cultural and historical context within which the law functions. To take his proper place in the community, it is argued, the lawyer should have an informed awareness of the world around him and its relation to the past. Again, the law schools wish to ensure that their students have something of this quality upon admission.

Because the tests of writing ability and general background have just been intro-

duced into the program — although test experiments with these types of questions were used as early as 1959 — it will not be possible to supply law schools as much aid in interpreting them as has been true for the test of academic ability in the familiar morning session. However, as the number of candidates who have taken the tests builds up, interpretive information in the form of distributions showing percentages of candidates scoring below selected scores will be made available to candidates as well as to law schools.

School's Financial Report Revealed

Gifts to the Law School amounted to \$1,645,863.67 for the fiscal year ending June 30, 1961, the *Dean's Report* stated. Nearly \$680,000 of this amount was given to augment the Law School's endowment, while the remainder was for current use.

The Harvard Law School Fund celebrated its most successful year by raising an aggregate amount of \$565,964.75. Gifts were received from 7,948 donors, who represented 45.3% of the Law School graduates.

Scholarships and Loans

An aggregate amount of \$391,816.90 was made available in the form of scholarships and \$243,465.00 in the form of loans; thus the total financial aid extended by the Law School amounted to \$635,281.90. Loans were made to 413 students, and scholarships were awarded to 358 law students.

The operating surplus of the Law School for the year 1960-61 was \$89,925.82, but this was achieved only by utilizing all of the unrestricted gifts to the Fund in the amount of \$250,853.19.

Addenda

David S. Foster, 2L, Ithaca, New York, is a member of the Harvard Law School Board of Student Advisers.

Gallery

Every year, in the interest of international good will and in the hope of preserving our common law heritage, the Law School invites a professor from another Anglo-Saxon country to come here to teach. This year's guest is Mr. Norval R. Morris, Bonython Professor of Law and Dean of the University of Adelaide, Australia. Criminal Law is Dean Morris' specialty, although he enjoys teaching Torts as well. Coincidentally, these are the subjects he is teaching here. In addition, he will conduct a spring seminar on Human Rights and the Criminal Law. "We shall study the legal systems of several countries and see how they attempt to strike a balance between individual freedom on the one hand and criminal law and its enforcement on the other," he explains.

Mr. Morris is accustomed to dealing with legal systems other than his own, as he has been the Australian representative to the United Nations Commission on Human Rights for the past three years. "Twenty countries are represented on the Commission," he explains. "Its recommendations have been influential in the countries in which it has undertaken studies. No doubt the main reason for this is that the Commission is not overweighted with academicians. Chief justices and senior administrators comprise most of its members."

Traveling in such fast company has not deprived Dean Morris of an enthusiastic yet modest disposition. "But why should you know where Adelaide is," he chuckled when the interviewer inquired sheepishly as to its location. (It is one of the four largest cities in Australia.) Tall and wavy-haired, he admitted to a sun tan, acquired in Tahiti and Honolulu while in transit to Boston.

Junkets to exotic places are not new to Dean Morris. He has been to New Zealand, Japan and the Philippines for the United Nations. Recently he visited Ceylon in his capacity as Chairman of the Royal Commission on Capital Punishment. The occasion was an investigation to determine whether or not Ceylon should abolish capital punishment. Despite an unusually high homicide rate in the country, the Commission voted two to one for abolition.



Mr. Morris was born in New Zealand but at the tender age of six weeks was carried off to Australia. There is no history of lawyers in his family. "In fact," he admits, "my interest in law did not develop until after I had begun studying it." Once developed, his interest continued through the LL.B. and LL.M. degrees at the University of Melbourne, despite an interruption of four years for military service. Since law is an undergraduate course of study in Australia, most people would have stopped right there. Instead Dean Morris moved on to the London School of Economics, where he studied law and criminology and received his Ph.D. in 1949. While in England he spent a year in "convict prisons" — prisons for criminals serving especially long sentences — gathering material for a doctor's thesis on criminal enforcement. This field work resulted in a book, *The Habitual Criminal*.

Returning to Australia, Mr. Morris clerked in a law office for a while, became a barrister, handled "a few cases" and then settled down to teaching at the University of Melbourne.

But by 1955 he was off again, this time to the United States and Harvard Law School as an Ezra Ripley Thayer Teaching Fellow. Back at Melbourne, he barely had time to collect his belongings before setting off for the University of Adelaide as dean. Yet somehow he found time to spend a summer in Geneva as an Australian delegate to the United Nations Congress on the Prevention of Crime and Treatment of Offenders. And of course he has dotted various English and Australian law reviews with articles on criminal law and criminological problems. How Dean Morris makes room for all his activities is anybody's guess. "Yes, I'll be doing research for a couple of articles while I'm here," he says. "Next June I shall be off to Singapore for two months of teaching and prison work."

But the law does not sap all of the Dean's energies. He has three boys, ages twelve, eight, and four. "The second one says he wants to be a lawyer, but I'm not convinced. I think if I were a plumber, that's what he would want to be. The other two have absolutely no interest in law whatsoever."

Dean Morris has high praise for the Law School. "In my opinion you can get a better education here than anywhere else in the English-speaking world. I can't speak for the rest of the country because of the great diversity of standards. The facilities here are of course excellent, but it is the quality of students plus the tradition for hard work and intellectual effort which are the determining factors."

RECORD SMOKER

★ Information on opportunities in

News Reporting

Features Writing

Business & Advertising

★ Refreshments

★ Congeniality

2 p. m. Tomorrow

Wheeler Room

Holmes Hall

SQUASH RACKETS

Largest Variety in New England

Tennis & Squash Shop

67A Mt. Auburn St., Cambridge
Opp. Lowell House — TR 6-5417

GINO'S

MODERN BARBER SHOP

1638 Mass. Ave. EL 4-9790

4 Chairs — Quick, Expert Service
"A Pleasant One Block Walk"

Secondhand Law Books

LAW SCHOOL AIDS

Bought — Sold

HARVARD BOOK STORE

1248 MASS. AVE., CAMBRIDGE
OPP. LAMONT LIBRARY TR 6-9069

Rite-Way
CLEANERS

Our Professional

Dry Cleaner

KI 7-8008

4 Hudson Street
(off 1672 Mass. Ave.)

The COOP OPTICAL DEPARTMENT



Offers you accurate and prompt service on all prescriptions. Broken lenses and frames replaced.

Patronage Refund
Third Floor
Take Elevator
TR 6-3000

**THE
COOP**

Mathematics of Joint Ownership

By Charles F. Waite

The two principal ways in which two or more people can concurrently own a single piece of land—joint tenancy and tenancy in common—differ in two important respects affecting the interests of each owner upon his death and upon his transferral of that interest to another.

A joint tenancy differs from a tenancy in common first in the fact that the former is subject to a right of survivorship while the latter is not. The second distinction between the two types of ownership provides the subject for this discussion. If a tenant in common sells or in any way transfers his interest to another person, that person becomes the new owner of that interest in a tenancy in common with the remaining tenants; however, if a joint tenant sells or transfers his interest to another, he is said to have "severed" the joint tenancy as between himself and the other joint tenants. Such severance results in the creation of a tenancy in common as between the new tenant and the aggregate of remaining tenants, but the members of the latter group still remain as joint tenants in respect to each other.

Mathematically, a severance of one of n joint tenants results in a $1/n$ interest being transferred to the new tenant. Since he holds this interest in a tenancy in common with the aggregate of the joint tenants, none of the latter group has a right of survivorship as to the new tenant's interest; on the death of the new tenant, his interest goes to his devisees or heirs. (Of course, each joint tenant retains the right of survivorship as to the interest of each of the other joint tenants.)

After the severance, each of the $n-1$ joint tenants has a $1/(n-1)$ interest in an $(n-1)/n$ share of a tenancy in common with the new tenant. This is equal to the original $1/n$ interest each joint tenant had prior to the severance. However, the situation changes upon the death of any of the joint tenants.

Let us call the situation where there has been no severance *Situation A*, and the situation where there has been a severance *Situation B*; and let us refer to the tenant who does not sever in *Situation A*—but who does sever in *Situation B*—as the "severing tenant."

Upon the death of one joint tenant in *Situation A*, each surviving joint tenant has added to his previous $1/n$ share a $1/(n-1)$ share in the $1/n$ interest of the deceased joint tenant; in *Situation B*, each surviving joint tenant has added to his previous $1/n$ interest a $1/(n-2)$ share in the $1/n$ interest of the deceased joint tenant. In *Situation A* each tenant's interest is increased by $1/(n-1)(n)$; in *Situation B* the increase in each tenant's interest is $1/(n-2)(n)$. The increase in *Situation B* is $1/(n-2)(n-1)(n)$ greater than the increase in *Situation A*.

In general, after the death of any m joint tenants, each of the surviving $n-m$ tenants has an increase over the interest he had after the death of $m-1$ joint tenants of $1/(n-m)(n-m+1)$ in *Situation A*; the increase in *Situation B* is $(n-1)/(n-m-1)(n-m)(n)$. The increase in *Situation B* is greater than the increase in *Situation A* by $(n+m-1)/(n-m-1)(n-m)(n-m+1)(n)$. The total amount of interest held by each tenant is $1/(n-m)$ in *Situation A* and $(n-1)/(n-m-1)(n)$ in *Situation B*, with the amount in *Situation B* $m/(n-m-1)(n-m)(n)$ greater than that in *Situation A*. It would seem, therefore, that a joint tenant is benefited if a severance is effected by one of the other joint tenants.

However, in *Situation A* there is an increase as shown above upon the death of each joint tenant, including the one we are calling the "severing tenant." But in *Situation B* the death of the "severing tenant" results in no increase in the interest of any joint tenant, since the severing tenant had transferred his interest to the new ten-

ant. Likewise, the death of the new tenant produces no increase in any joint tenant's holdings, since his interest passes to his devisees or heirs. Still assuming n original joint tenants (and $n-1$ joint tenants after severance)—after $r-1$ deaths of joint tenants plus the death of the "severing tenant," each of the $n-r$ surviving joint tenants has a $1/(n-r)$ interest in *Situation A*; but in *Situation B* each joint tenant takes nothing by the "severing tenant's" death, and instead continues to hold the same interest he had prior to the "severing tenant's" death, i.e., $(n-1)/(n-r)(n)$. Where before the "severing tenant's" death each joint tenant held an interest $m/(n-m-1)(n-m)(n)$ greater in *Situation B* than in *Situation A*, after the "severing tenant's" death each holds an interest $1/(n-m)(n)$ less in *Situation B* than in *Situation A*, where $r=m$. Further, the absolute value of the difference between the interest in *Situation A* and that in *Situation B* is greater after the "severing tenant's" death than before by $(n-2m-1)/(n-m-1)(n-m)(n)$. In other words, if a severance were initially effected by the "severing tenant," each remaining joint tenant would be worse off to a greater degree after the death of the "severing tenant" than he would have been better off prior to such death, in comparison to how well off he would have been had there been no severance at all; however, the situation changes again after the time when the total number of deaths (m , including that of the "severing tenant") equals $(n-1)/2$, at which time—if n is an odd number—the absolute difference between *Situation A* and *Situation B* is the same whether the surviving tenant has died or not. After that point, each surviving tenant is still worse off, but to a lesser degree, if the "severing tenant" has died than he would have been better off had the "severing tenant" not died.

Recent Books

THE MAKING OF THE PRESIDENT: 1960. Theodore H. White. Atheneum, New York, 1961.

The American presidential election of 1960 has been the subject of much good reporting by both journalists and authors. This book by Mr. White is just that, a job of good, albeit far from excellent, reporting. In it he displays the reporter's characteristic talent for remembering the minutiae of the larger settings — for example, the telephone bill on election night for Bobby (now Attorney General Robert F.) Kennedy's telephone (about \$10,000). The impressions which Mr. White relates in this manner add immeasurably to the story he has to tell. Unfortunately, his reporting is lacking in another characteristic which all reporting, to be excellent or even competent reporting, must have — objectivity.

After reading *The Making of the President: 1960*, the question comes to mind as to whether the "1960" in the title is indicative of the fact that similar books will be forthcoming every four years hereafter. If it is, for the sake of the Democratic Party we hope that Mr. White will not be the author. His accounts of the glorious victory won by Mr. Kennedy could only have the effect of influencing voters to vote Republican. Everything Mr. Kennedy did was perfect — from the jackets he wore to the milk he drank on election night. (Only once in the battle did he lose his temper, according to Mr. White.) Kennedy's brilliance is carried to the point of White-washed hero-worship.

In general outline, the book covers the candidates' strategies, the indecisive Wisconsin and the much more decisive West Virginia primaries, the nominating conventions, and the long struggle from the conventions through the television debates and the election itself. Throughout, Mr. White's words reflect the superb organization of the Kennedy machine. The

compound at Hyannisport is depicted in the opening chapter as it ground through the final hours of election night. Behind those few hours lay the work of months, men and millions. In fact the Kennedy victory was attributable to his organization and attractive personality. The details which the organization handled are nearly unbelievable. It provided mimeographed copies of the Kennedy speeches for the reporters so that they could sit back and enjoy the goings-on; it kept the extensive information files on whom to contact where; and it executed the arrangement whereby the men of the communications media would take turns flying in the candidate's private plane.

On the other side of the campaign is Mr. Nixon, the poor, suspicious, downcast figurehead of the hapless Republican Party which had always been divided between the regulars, who ran it, and the "people", who came in every four years just in time to nominate a presidential candidate. Nixon, the man who had no roots deep in American life because his family had only recently moved to California and who had to sell newspapers and ice cream while he was a child, began the campaign as an *outsider* in *someone else's* home and had to spend election night in a *rented* hotel room. His faults? He trusted no one other than his wife; he did not trust nor keep informed the

gentlemen of the press; he had to make all campaign decisions by himself; he was poor. From the treatment that Mr. Nixon receives in this book, one would almost hope that he would run in 1964 so that one could help his cause.

Some of the rare insights which Mr. White offers are of interest. Among the more intriguing of these are the following:

Mr. (now President John F.) Kennedy's favorite snack at almost any time of day, in the air or on the ground, is tomato soup.

Joseph P. Kennedy flew to New York the morning of the day on which his son made his acceptance speech to the Democratic National Convention, called an old friend and arranged to view the speech on the friend's television set. The friend was Henry R. Luce, the head of the expansive Time-Life corporation.

The corruption and generally poor condition of the Democratic Party in Massachusetts is attribu-

CRONIN'S

114 MT. AUBURN ST.

Famous for Steaks

Chops & Sea Food

Tenderloin for Two
on Sizzling Platter

\$6.50

Porter House Steak for Two

\$5.50

— SAMPLE DAILY SPECIALS —

Soup or Juice

Roast Rump of Beef

French Fries — Tossed Salad 99¢

Rolls & Butter — Beverage

Dessert

Beers — Wines — Liquors

Tel. EL 4-1366 Jim Cronin, Mgr.

BRATTLE Theater

Harvard Square TR 6-4326

September 24-30

"BREATHLESS"

Rackets Restrung

One-Day Service

TENNIS & SQUASH SHOP

67A Mt. Auburn St., Cambridge

Opp. Lowell House — TR 6-5417

to
by
he
res
pe
at

ch
st.
ese

'.)
ost
on

ew
on
ce
al
nd
he
nd
of
a-

ly
tic
u-

61

Well, he was not the President yet although he would be before

R. N.



Placement Opportunities

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

Boston: Richard M. Wyman.

Richard M. Wyman, Esq. (2 p.m. today.) Thursday, October 5.

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

New York: Dewey, Ballantine, Bushby, Palmer & Wood. C. Gorham Phillips, Esq. (2 p.m. today.) Thursday & Friday, October 5 & 6.

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

New York: Willkie, Farr, Gallagher, Walton & Fitz Gibbon. S. Weldon O'Brien, Esq. (2 p.m. today.) Thursday & Friday, October 5 & 6.

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

Pittsburgh: Aluminum Company of America. John B. Henderson, Esq. (2 p.m. today.) Thursday, October 5.

Salt Lake City: Fabian & Clendenin. Peter W. Billings, Esq. (2 p.m. today.) 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.

New York: Olwine, Connelly, Chase, O'Donnell & Weyher. Leo P. Arnaboldi, Jr., Esq. (2 p.m. Friday, September 29.) Requirement: Firm interested in students in top one-third of class. Friday, October 6.

New York: Simpson, Thacher & Bartlett. Maxwell Evarts, Esq., & Eastman Birkett, Esq. (2 p.m. Friday, September 29.) Friday, October 6.

Richmond: Hunton, Williams, Gay, Powell & Gibson. George D. Gibson, Esq., & H. Merrill Pasco, Esq. (2 p.m. Friday, September 29.) Friday, October 6.

Chicago: Snyder, Chadwell, Keck, Kayser & Ruggles. Erwin P. Snyder, Esq. (2 p.m. Friday, September 29.) Requirement: B average. Saturday, October 7.

Houston: Baker, Botts, Andrews & Shepherd. C. Brien Dillon, Esq., & William C. Harvin, Esq. (2 p.m. Friday, September 29.) Tuesday, October 10.

San Francisco, Los Angeles: McCutchen, Doyle, Brown &

ELSIE'S

Noted for the Best Sandwiches
To Eat in or Take Out
The famous Special Roast
Beef Sandwich

•
KNACKWURST — BRATWURST

with Sauerkraut
OR POTATO SALAD
•

71 Mt. Auburn St., Cambridge, Mass.
Elsie & Henry Baumann EL 4-8362

Enersen. William W. Schwarzer, Esq. (2 p.m. Friday, September 29.) Tuesday & Wednesday, October 17 & 18.

FEDERAL SERVICE ENTRANCE EXAMINATION

Applications must be filed by September 28 for the test given October 14; by November 2, for November 18; by December 21, for January 13; and by January 25, for February 10.

FIRST YEAR

Boston: Bingham, Dana & Gould. Part-time job as marine investigator. Interested students should contact Placement Office.

Printed in

**BOSTON, LOS ANGELES
LONDON**

**THE
CHRISTIAN
SCIENCE
MONITOR**

AN INTERNATIONAL
DAILY NEWSPAPER

**Interesting
Accurate
Complete**

International News Coverage

The Christian Science Monitor
One Norway St., Boston 15, Mass.

Send your newspaper for the time
checked. Enclosed find my check or
money order. ☐ 1 year \$22.
☐ 6 months \$11 ☐ 3 months \$5.50

Name

Address

City

Zone

State

ENTERED AS SECOND CLASS POSTAGE. BOSTON, MASSACHUSETTS.