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Report on African Conference

By Neal L. Chayet

Dean Erwin N. Griswold returned last Friday from Lagos, Nigeria, where he attended the African and Middle Eastern Conference on World Peace Through Law. The Dean was one of 76 delegates and observers representing 35 countries at the conference. The gathering was the third of four regional conferences designed to encourage world peace through law as well as to foster a stronger sense of unity among the nations of the world through the medium of open discussion and exchange of ideas. Conferences have also been held at San Jose, Costa Rica, and Tokyo, Japan, and the one remaining will be held next spring at Rome, Italy.

Dean Griswold, a member of the World Peace Through Law Committee of the American Bar Association, told the RECORD this week that the Conference was extremely interesting and fruitful, as it was the first time that members of the bar of the various African and Arab countries represented had met. He said that the groundwork was laid for increased cooperation between these geographic neighbors through a realization of the similarity of their legal systems and problems.

Meeting from December 3 to December 6, the conferees prepared and issued a consensus which, in the preamble, "exhorted the governments of all independent states in Africa to call further conferences for the purpose of establishing a permanent organization of African states for the promotion of the rule of law and amicable relations."

The basic goal of the Lagos conference and of the other three regional conferences is to

set the stage for a world conference on World Peace Through Law, expected to be held during 1962. A World Conference of Lawyers and a World Rule of Law Year are among other aspirations that have already passed beyond the formative stages.

The conferees issued a series of resolutions, both general and specific. In the latter category, it was resolved that an African Court of Justice and an Arab Court of Justice should be implemented as soon as possible. General resolutions, in addition to avidly sponsoring the World Peace Through Law Institute which will bring about these world programs, included the undertaking of a world-wide educational program which will provide for the facile exchange of lawyers, judges, law students and law professors. The resolutions also expressed a desire for a new system of reporting and digesting the deci-

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Justice William Brennan Will Judge Ames Final

The Honorable William Joseph Brennan, Jr., LL.B. '31, Justice of the Supreme Court of the United States, will preside at the Ames Competition Final Argument next semester at the invitation of Law School Dean Erwin N. Griswold.

The argument, currently expected to be scheduled for the middle of April, will see third year members of the Casner Law and Casner Equity Clubs vying for top honors in the last step of their three-year climb for the highest Ames prize.

Hearsay

The Dormitory Council, that protector of the students' gastronomical interests, has censured the practices and merchandising of the Harvard Student Agencies. Although the Dormitory Council had to take time out from its effort to become the student government at the Law School in order to find time to slap HSA's knuckles, we feel that the time was well worth it.

HSA, known intimately by dormitory residents in the form of the boy who (theoretically, at least) carries his basket of goodies into the halls each evening and announces his presence by a blast on his whistle, has what amounts to a monopoly of the food concession in the dormitories. The complaints against this service have ranged from "shoddy food" to "high prices" to "the dormitories at the end of the route get service only once or twice a week." But, even if we assume that a monopoly is justified, we question whether such service is a necessary incident of that situation. More importantly, why should HSA be the organization that is granted the monopoly?

HSA aids needy undergraduates. But there is reputed evidence that need is only one of the criteria that is used in selecting the boys who blow the whistles. (The present president of HSA is quoted as saying that "need is as important as ability in choosing agency managers.") If HSA is not fulfilling its purpose there is no reason for its continued favored position. Perhaps something should be done to guarantee that needy undergraduates will receive the entire benefit of HSA's efforts. At any rate, something must be done to improve the quality of the refreshments offered to law students.

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COMMENT

By Fenno

Part of the economic benefit derived from a liberal trade policy of low reciprocal tariffs is the competition-enforced efficiency that requires high cost producers to meet the lower price of more efficient producers. Certain U. S. industries as well as many labor unions will feel the impact of foreign competition encouraged by lower tariffs.

After declaring himself in favor of a more liberal trade policy, the President has stated that he will recommend a program of federal assistance for those unions and industries injured. His position may be political to obtain support from businessmen and labor leaders, but in any event it is bad. Such a program would not only put the government in another area of our economy but also reduce the benefits of free trade.

If the federal government is able to aid a particular segment of the economy and then terminate its so-called assistance, it has not recently demonstrated the ability. Once a federal program of aid begins, it continues whether or not the reason for the assistance remains. The entrenched bureaucracy and the particular group benefiting form an effective lobby to encourage continuation and expansion of the program.

Low priced foreign goods will require higher priced domestic producers to reduce their prices by lowering profits or costs, or change their field of economic endeavor. This will force inefficient producers or workers out of business, but that is the competitive system. Other than continued unemployment benefits, the government should not interfere with the natural results of competition.

The colossal price support program for agricultural produce should give people and government officials an example of what happens when government officials think they can control the economy better than the price system through competition.

Bircher Gives Views

By Charles M. Hamann

Representative John Rousselot, ultra-conservative Republican congressman from California, spoke to a standing-room-only luncheon crowd Saturday in the South Dining Hall of Harkness Commons. The Law and

Graduate School Republicans sponsored the meeting. Representative Rousselot confined his opening remarks to a minimum, subsequently permitting extended questioning from the floor. He prefaced his remarks with the hope that he could avoid the image of the

REPRESENTATIVE JOHN ROUSSELOT — AN INTERVIEW

Prior to Congressman John Rousselot's talk to the local Republican organization, he was corralled in the lower north lounge of Harkness Commons, at which time the RECORD was invited to ask him questions on timely topics. RECORD reporter Charles M. Hamann, who also covered the congressman's luncheon talk, reports the more interesting results of his half-hour conversation with the visiting legislator herewith. —Ed.

"My first-year voting record was rated 100% by the ACA [Americans for Constitutional Action]," Congressman John Rousselot proudly announced while an attentive entourage, including his personal secretary and several Young Republicans from the state and local Law School organizations, looked on benignly.

The 34-year-old representative from California's 25th district makes no excuses for his extreme brand of conservatism. A member of the John Birch Society, he described it as a "tremendously rational" society, made up of "very calm and dedicated people." He said that it was not the official stand of that organization that President Eisenhower was a communist or communist sympathizer despite rumors to the contrary.

Addressing himself to the possible impeachment of Earl Warren, a result which the society openly advocates, he disassociated himself personally from the movement. Nevertheless, he criticized those "who don't even want the issue discussed" on the floor of the House. Whenever anyone broaches the issue, these congressmen, usually liberal advocates of academic freedom, "shout you down as if you were a nut."

Leaning forward on the edge of the

folding metal chair on which he had placed himself, Representative Rousselot discussed the California political scene in some detail, including his own indefinite plans in 1962. Reports, including one in an announcement by the sponsors of his talk, that he had been gerrymandered out of his congressional seat, he said, were simply not true. His district had been made smaller but not radically revamped and he thought that the advantage of incumbency would offset an increased liability resulting from a higher Democratic margin should he choose to run again for Congress. However, he had reached no final decision as to whether he would run for Congress or for the Senatorial seat currently held by liberal Republican Thomas Kuchel and would not make one until sometime after Christmas, he intimated.

Continuing his discussion later over a tray of Harkness food, he said that before deciding to run for the Senate, he wants to discover if the party is ready to undertake a full-scale primary contest with a full-fledged discussion of philosophical differences. While his food cooled, he turned his remarks briefly to a discussion of the four-way GOP gubernatorial race. "If held today, Nixon would probably win [the primary] — I'm not so sure he'll win in June."

The anticipation of the crowd and the pressure of a heavy schedule forced the congressman to cut short his interview, but limited though it was, the time he gave the press represented a real sacrifice. As he rose to speak, he handed away his lunch practically untouched. All he had managed to down was one glass of tomato juice — red, at that.

typical politician who "approaches every problem with an open mouth" and commented on a national "resurgence" of political interest regardless of bias and on the "encouraging resurgence of conservative publications."

His first questioner asked whether he agreed with the message of bumper-stickers, allegedly placed on many California cars, which carry the slogan "Socialism is Communism." After some exchange about the reliability of the report, Congressman Rousselot stated that he thought it was more accurate to say that "socialism leads to communism" and became immediately embroiled in an effort to substantiate his claim. Referring to the Communist Party blueprint for capturing control of the American government, he noted that one-time party leader William Z. Foster had written that socialism is the first stage of communism, adding, "I assume he knew what he was talking about because he was a communist."

Captivated by Communism

"Socialists are not necessarily communists," the congressman said, but he expressed a "feeling that a socialist country is more easily captivated by communism." Turning to the past, the congressman said the Bolshevik Revolution in Russia was another affirmation of this claim. Admitting the seeming incongruity of labeling the Czarist government socialist, he said that, nevertheless, the Czarist government had prominent socialist features, including a large, bureaucratic central government.

While allowing the existence of "different degrees of socialism," Representative Rousselot expressed a "personal distaste for even so-called democratic socialism because it is easier to vote it in than vote it out." A socialist system, he said, curtails not only economic freedoms but individual freedoms as well. As an example he cited Sweden, where eighty percent of the housing is controlled by the government, and permission is required to move. Conceding that socialism provides some benefits for the average man, he asserted that socialist countries "would be just as well off with our system if they'd try it."

Proceeding from his discussion of comparative systems, the representative attacked extension of government production of electric power, compulsory social security, the

federal minimum wage and federal aid to education. The original justification of federal dams and federal power — the right of the federal government to control interstate waterways — does not cover steam plants located a hundred miles from the nearest dam, he asserted.

Education Is Local Matter

A belief that minimum wage laws put more people "out of jobs" than into them was the basis of his opposition to them. If a minimum wage level is necessary at all, a state minimum wage, allowing for regional differentiation in labor values, is preferable to a federal one, and a local one perhaps preferable to both. He expressed a firm conviction that education was a purely local matter. Federal interference in the field of education, he stated, would tend to be "a dead weight," leading to federal control and the destruction of "the ability of local groups to determine what is best for their community educationally."

Before retiring from the Harkness battleground, Representative Rousselot defended the John Birch Society. His membership in that organization has been his chief claim to national fame and notoriety. "The John Birch Society is not fascistic in any respect," he said, adding, "It's true." He had not seen "adequate documents to justify the impeachment of Earl Warren," but decried the attitude of those representatives who say, "U-u-h" (with emphasis) every time the question is raised.

New Professor Named

Dean Erwin N. Griswold announced this week the appointment of Henry J. Steiner as Assistant Professor of Law, effective July 1, 1962.

Mr. Steiner, a native of New York, has been associated with the law offices of Sullivan and Cromwell since 1956. In 1957-58 he took a leave of absence to serve as law clerk to Justice John M. Harlan of the United States Supreme Court.

As a student at Harvard, he received the A.B. degree *magna cum laude* in 1951 and the LL.B. degree *magna cum laude* in 1955. In 1955-56 Mr. Steiner traveled in Europe on a Sheldon Traveling Fellowship.

Mr. Steiner, who is 31, currently makes his home in New York City.

Dorm Council Has Busy Week

Food Vendors Scored For Quality and Prices

By John L. Worden III

By a near-unanimous vote, the Law School Dormitory Council went on record last week as censuring, deprecating and condemning the practices and merchandise of the Harvard Student Agencies' food vendors in Law School dormitories.

The Council, which had hoped to replace HSA food vendors with a different caterer this past fall, due to numerous complaints in the dorms about the low quality and high prices of the food, thus joined several undergraduate houses at the College in criticism of HSA.

Different Caterer

Both the administration of the Law School and the Council have been receiving complaints for some time about the food, and the resolution called for the seeking of a different caterer, if "substantial improvements" are not immediately forthcoming.

In another action, Bernie M. Dworski, 2L, Silver Spring, Maryland, was named to renegotiate with the Post Office concerning a mail box in Harkness Commons. After previous contacts had revealed that postal officials were unwilling to consider the matter, the Council had voted by a slender majority against a motion to make a new endeavor for the mail box.

GOP Spokesman To Speak

Senator Thruston Morton (R-Kentucky), former chairman of the Republican National Committee and a leading "back-stage figure" during the 1960 Presidential election campaign of Richard M. Nixon, will address members of the Harvard Law and Graduate Schools Republican Club on Saturday, January 6. Senator Morton has often been hailed as one of the most articulate spokesmen for the Republican Party.

Last Issue

This is the last issue of the RECORD for the current semester.

\$100 Donated to Combined Charities Drive

The Law School Dormitory Council this week gave the Combined Charities Drive what has been described as "a big boost" by voting to donate \$100 to the drive. [The donation apparently was to be taken from those funds which the Dorm Council, by way of soft-drink machine notices, has informed dormitory residents would be used for their "comfort and enjoyment." — *Ed.*] In addition to this help, the Council representatives are handling the solicitations on their respective corridors.

Promising Returns

The first week of the drive showed promising returns, Council officials said. Sunday night totals came close to \$1,000. A major portion of cards given to each student have yet to be returned. The charities selected have proved to be popular choices. Most donors either selected one of the committee choices for their whole contributions or wished the sum allocated among the five committee-selected charities. The suggestions as to future donees will prove helpful in the conduct of next year's drive in determining those causes that particularly appeal to law students, a Council spokesman said. Those who have yet to return the cards are requested to do so. Duplicate cards and information regarding the drive can be obtained in the Phillips Brooks House Office at 23 Everett Street.

CHRISTMAS IN CAMBRIDGE

Langdell Librarian Earl C. Borgeson has announced the following schedule for library hours during the Christmas Recess:

December 20	8:30 a. m. to 11 p. m.
December 21	9 a. m. to 5 p. m.
December 22	9 a. m. to 1 p. m.
December 23-25	closed.
December 26-29	9 a. m. to 5 p. m.
December 30-January 1	closed.
January 2-3	9 a. m. to 5 p. m.
January 4	8:30 a. m. to 11 p. m.

Assails Corporate Hanky-Panky

By David Berman

The consolidated balance sheet hides more managerial blunders than any other document in America, Lewis Gilbert told the Bull & Bear Club on Friday, December 1, in his talk on "The Responsibilities of the Corporation to the Shareholder." Holding up and identifying the annual reports of several large American corporations, Gilbert showed that many of them were not broken down to show the income, expenses, profits or losses of their diverse subsidiaries; as a result, he said, it is impossible for the shareholder lacking inside information to examine the operations of the company or to form an opinion on the quality of a large part of its management.

Gilbert, a native New Yorker who has long been concerned with the rights of minority shareholders and has authored several books on the subject, has taken the lead in attempting to "reform" the policies on stockholder relations of many large companies in which he holds only minute interests. In many cases he has been successful. Talking about annual reports, Gilbert sarcastically attacked corporations which attempt to hide "unpleasant truths" from the shareholders by putting embarrassing earning figures in almost unreadable type. He also showed examples of reports which consisted largely of bright but relatively meaningless predictions of the company's future. In addition to urging clearer and more honest reports, he suggested that companies should publish reports of shareholder meetings and distribute these to all shareholders; the purpose of such a report would be to record criticisms of management that might not otherwise become known to the many holders who cannot attend the meetings.

Cumulative Voting Advocated

But the annual report was only one aspect of relations between management and shareholder covered by Gilbert in his address. Long an advocate of cumulative voting, he pointed out that in some circumstances this procedure could protect large as well as minor interests. He cited the Alleghany Corporation as an example of a firm whose management had fought against cumulative voting; he alleged, however, that if voting in

Alleghany had been cumulative, Allan Kirby could have successfully resisted the "raid" by which the Texas Murchison interests gained control of the corporation last year.

During the question period, Gilbert was asked whether it was not true that minority shareholders frequently represented a speculative interest more concerned with immediate yields and the current market value of the company's stock than with the long-range interests of the company. He denied that this was the case and said, "I have always been concerned with the long-range prospects of the companies in which I hold shares."

Law Examination Rituals Featured in Magazine

By Charles F. Waite

The cover story in the current (Autumn 1961) edition of *Harvard Today*, a semi-annual magazine published by the Harvard University Office of Development, is entitled "Those Famous Law School Exams." Written and illustrated through photographs by Frank Pemberton, managing editor of the magazine, the article succeeds — through research, interview and observation — in giving an accurate and penetrating analysis of the twice-yearly ordeal which is the Harvard Law School examination.

The cover picture, a rare blend of portraiture and photojournalism, shows retired Professor Austin W. Scott with a Mona Lisa smile as he grades a stack of blue books taller than himself. In other photos interspersed throughout the eight-page feature, law students will recognize themselves or their friends going through concentration, horror, agony, contemplation, anger and absolute relief as the exams proceed from a quiet start to an enervated conclusion.

The article, which includes several anecdotes by Vice Dean Louis A. Toepfer as a part of a penetrating interview, tries to explain the purposes and nature of the Law School's examination procedures and policies. The law student who reads the article will be pleased to find that this almost impossible goal has been well achieved.

Patent Grants Explained

By Neal L. Rosenberg

Elmer Gorn, associate general counsel of Raytheon Company, recently discussed with the Patent Law Club the statutory requirements for a valid grant of the "legal monopoly" accorded by Letters Patent. Gorn introduced the topic by delving into the history of monopolies, noting first the general public antipathy to "favor" monopolies granted by monarchs or legislatures on the basis of whim or favor rather than merit, and then pointing out, as an exception to this general antipathy, the approval with which the public views the patent grant. Whereas a "favor" monopoly takes something out of the hands of the general public and puts it in the hands of a private person, thereby limiting the commercial opportunities and the business openings for the rest of the public, the patent grant puts into private hands only that which the public never had before, that is, a novel and useful invention which was created or discovered by the rewarded individual and which probably would not have been disclosed to the public for a long period of time but for this individual and the incentive contained in the patent status for him to disclose his work product.

Must Fall Into Classes

Turning then to the statutory requirements, Gorn explained that, first of all, the subject matter of the invention must fall into one of the several classes set up by the statute, such as process, machine and composition of matter. The class of process includes a new use of an old invention where the new use is non-obvious, non-analogous to the old use and generally not suggested by the prior art or the nature of the old invention.

The second requirement is novelty. A novelty requirement distinguishes that which is really an addition to the knowledge of our country from that which could have been discovered by one faced with a particular industrial problem by mere resort to the literature and prior patent disclosures available to him or by an investigation into other public knowledge already existing in this country.

The third requirement is utility. This re-

quirement is designed to eliminate from the patent reward those work products which really add nothing to the wealth of this country because they violate the public morality (such as pure gambling devices) or are in fact inoperable (such as perpetual motion machines).

The final and most difficult requirement is invention. This goes to the question of whether the usual commercial incentive would have induced the creation of the device or whether the extra monopoly-inducement of a possible patent was essential. If an ordinary mechanic skilled in the trade could have created the device, then no extra reward beyond the usual competitive pressures is required.

Medico-Legal Students Hold Demonstration Trials

Members of the third year Medico-Legal Seminar at the Law School have begun a series of four demonstration trials of cases involving medical evidence and testimony. The first of the trials, which are held in the small courtroom of Austin Hall, took place yesterday evening with H. Stephen Cranston, El Cajon, California, and Albert P. Zabin, Cambridge, Massachusetts, acting as counsel for the plaintiff, and Walter I. Nathan, Brooklyn, New York, and Stanley S. Arkin, Los Angeles, California, as defendant's attorneys.

Yesterday's case, tried before a jury chosen from the audience, involved a suit by a former employee of defendant hospital, who alleged that she had contracted skin cancer while working in the hospital's x-ray department as a result of defendant's failure to inform her of the danger and to provide proper protection devices.

Respected practicing radiologists cooperated with the seminar students by appearing as expert witnesses. Dr. Henry H. Lerner, M.D., of Boston, appeared for the plaintiff, and Dr. Keith Rabinov, M.D., of Boston, for the defendant. The experts testified, under courtroom conditions, on the basis of their expert knowledge. Both are familiar with x-rays and cancer of the skin.

'Fate of the City' Explored at Forum

By Donald W. Kramer

Two professors and a metropolitan redevelopment director surveyed "The Fate of the City" at the Law School Forum December 1 and saw an expanded and revised federal development program as the only ray of hope in an otherwise bleak picture.

While disagreeing on a basic approach to the problem and on important definitions, Harvard History Professor Oscar Handlin, Boston Redevelopment Director Edward J. Logue and MIT Economics Professor Lloyd Rodwin looked to Washington for a large-scale capital investment to prevent a continued decline in the nation's urban areas. "It was not just Harvard that won the 1960 election," Logue said. "It was also the cities, which will have an extra \$2 billion to play around with."

The major problem facing cities today, Rodwin stated, is not in the central city, where major redevelopment projects are being undertaken in most areas. The real problem is the "gray areas" between the central city and the suburbs. He quoted estimates of \$150 million per square mile, or \$64 billion a year for 12 years, as the necessary outlay for full rehabilitation. Handlin decried the lack of creativity in approaching redevelopment, while Logue asked whether anybody really cares about the future of the city.

The three agreed that the present federal programs — which they said could not be called a policy — aided the suburbs far more than the cities. They looked for changes in the Federal Housing Administration authority to channel more money into the central city itself.

The panel differed sharply on the value of a "metropolitan authority" approach to solution. Logue favored an effort to fragmentize the city to get specific neighborhood support for specific local projects. He said he saw no real examples of better municipal services resulting from metropolitan government. Rodwin said an "area approach" was essential to solving strategic problems such as traffic control or air pollution. Handlin hoped for metropolitan consolidation to wipe out

municipal boundaries so that crippling local autonomy could be reduced.

Nobody Wins Appeal, But All Have Good Time

By F. Bruce Abel

A "reasonable man" witnessing the final act of the Ames Model Court events Monday night would have followed the Model Appeal's oral arguments with no difficulty, but after hearing the decision of the judges, his head would have been about as clear concerning the law in Ames as if he had stayed home with his Carbolite Smoke Ball.

To the consternation of Professors Louis Loss and Norval Morris — counsel for Aircraft Pictures, Inc., and Willis R. Hill, respectively — the three-judge panel headed by Federal District Judge Bailey Aldrich decided that they had seldom heard such fine forensic skill, that the appellee had some good points and that the appellant did too. Then they left.

As lower court counsel Arthur E. Sutherland and Lewis H. Weinstein observed from the sidelines with obvious delight Monday night, Professors Loss and Morris proceeded to enthrall the capacity gathering of first year students with lucid arguments and humorous remarks every bit as enjoyable as their predecessors had displayed at the trial itself.

Professor Loss argued that the correct interpretation of the words "daring feat," in an advertisement offering \$35,000 to anyone who could prove the defendant's heroic star did not perform those feats, should have been "daring to a reasonably intelligent person acquainted with all operative usages and knowing all the circumstances prior to . . . the contract."

Professor Loss' final argument was the one which won support from the judges in the end. He urged that the lower court's treatment of the breach of confidential relationship was erroneous in resolving the issue for the plaintiff.

Professor Morris rebutted these arguments and apparently convinced the judges that there clearly had been an offer to contract and that the lower court had been correct in instructing the jury on the "daring feat" phrase.

Unto Us a Chad (is) bourn

By Daniel J. Kucera

On December 2, the great masses of common people, radicals and reactionaries in the first year Civil Procedure class (Section 1) arose in one defiant voice and declared Visiting Professor James A. Chadbourn guilty of grievous and frightful crimes. At 9:14 a. m., a patriotic *oyez-oyez* sent him to his chair and the mob to their feet. A proclamation was shouted, calling all men to know by order of the class and court that this day was Mr. Chadbourn's birthday. It declared that "he, contriving and intending, craftily and subtly, has kept this information secret and concealed," but the fact was proved by judicial notice of the calendar. "We therefore direct that judgment be entered against said Professor Chadbourn and that he be directed to receive birthday gifts and be sentenced to listening to a poem in his honor."

Wrong Day Claimed

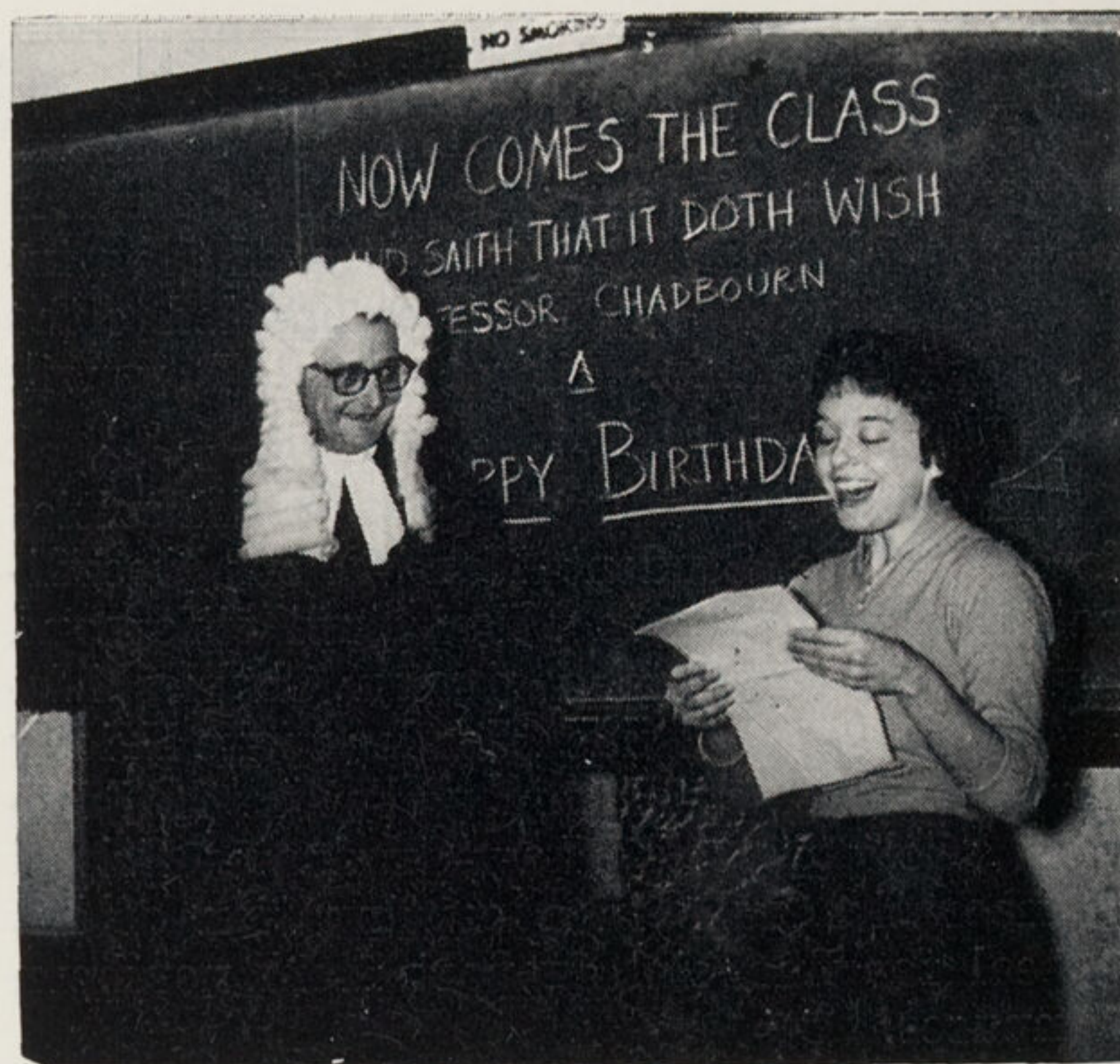
As the executioners approached, the defendant uttered some last words. "Before you go further, I'd better tell you that this is very nice, but you have the wrong day. I was born on June the first, 1800" (the pathologically favorite date for his incredible hypotheticals).

The females in the mob then presented their "unique and wholly original ode in solemn observance" of his birthday. They proclaimed, "Come now all merry gentlemen/ No longer have dismay/ We'll quash all fatal variance/ Upon Jim Chadbourn's day" and reminded him that former birthdays could not be pleaded in *res judicata*. The poem also recalled that he "came upon a morning clear with glorious writs of old" and his famous cry, "What ruling and why?"

Love for Common Law

In recognition of his love for common law and in execution of his sentence, the females donned the professor in his grave apparel: black judicial robe, white courtly wig, stately white bib, and gave him a pipe of port and a gavel. A court jester then presented a royal chocolate cake blazing with 895 candles.

Professor Chadbourn was later additionally presented with two cupcakes — one for



RECORD Photo by Donald W. Kramer

Visiting Professor James A. Chadbourn watches in his birthday suit as Rosemary D. Cox, LL.M., Swarthmore, Pennsylvania, recites felicitous poetry.

himself and one for the justly-renowned dog, Brains — twenty-two candles of varying shape and a rousing round of "Happy Birthday to You" by his third year Evidence class.

Teaching Fellows Sought

Professor Livingston Hall, Faculty Adviser of the Group Work Program, told the RECORD this week that applicants for next year's Teaching Fellow Program will be interviewed beginning this Christmas. For interested applicants who would be unable to get to Cambridge, Professor Hall and Professor Roger Fisher, Chairman of the First Year Committee, will be available for interviews in Chicago on December 28-30, when they will be attending a meeting of the Association of American Law Schools.

The Teaching Fellow Program was extensively changed this year. Active Teaching Fellow work now runs only through the first semester, and Teaching Fellows have a wide variety of choice for their second semester projects.

Christmas Party Planned

The Harvard Law Wives will hold a Children's Christmas Party this Saturday at 3 p. m.

Registration Urged for Negroes

By John A. Rava

"Three of us were sitting in a bedroom, talking. Our calm was shattered by a series of shotgun blasts. Pellets splattered the windows and lined the walls. We appealed to the local sheriff to help. His response? 'Boys will be boys.' "

This incident illustrated the difficulties faced by the Student Non-Violent Coordinating Committee in Mississippi cities and towns, according to chairman Charles McDew. The Negro student leader spoke Friday night in Harkness Commons before the Harvard College and Law-Graduate School Democratic Clubs in a continuation of his appeal for financial support from northern campuses.

The SNCC has concentrated on Negro registration in southern rural areas, McDew explained, because real progress can only result from changes in the political structure of the South. "The Talmadges, Eastlands, Thurmonds are all elected in the rural areas," he stated. Unless the southern Negro exercises his franchise, the sit-ins, kneel-ins, and bus rides can continue for 50 years without noticeable gain, he complained.

Efforts Cause Tightening

Efforts of the small group of SNCC volunteers to register Negroes in southern towns and countryside have caused a "tightening" among the white supremacists, McDew said. He asserted that normal race-hatred groups and individuals have the tacit, if not the active, support of the local law enforcement agencies.

McDew complained that the federal government was not sufficiently active, although he admitted that occasional lawsuits entitled *United States v. Mississippi* had a satisfying sound. He also mentioned that legal assistance was terribly hard to obtain in Mississippi. White lawyers will not contaminate themselves with these civil rights cases, and the whole burden falls to Negro lawyers in the state.

Out on \$1000 bail, McDew must appear in Mississippi this week on charges of "inciting to riot" and "contributing to the delinquency

of a minor." His effort to stimulate interest in the Harvard community last week netted the SNCC about \$1000, according to student supporters. The drive is continuing at Harkness Commons this week with SNCC "handshake buttons" being sold for \$1 apiece to finance the southern vote registration drive.

Griswold

(Continued from Page 1)

sions and documents of international tribunals as well as the giving of awards of honor to states, public and private organizations, and individuals in recognition of significant contributions to the establishment of the rule of law.

The Lagos conferees also resolved to do everything possible to expand international law and identify areas of common agreement through a working definition of general principles of law. The drafting of model codes and the unification of rules of law dealing with international economics and investment, international trade, outer space, nuclear tests, international arbitration and adjudication, international arms control and disarmament and commercial documents and instruments were also dealt with extensively in the resolutions of the conference.

The meetings also stressed the importance of the United Nations and the existing World Court as instrumentalities which will be among the most significant factors in implementing a global legal system. It was urged that a system of regional chambers of the International Court of Justice be set up, with appeals from these regional courts to the full court. The possibility of a revision of the United Nations Charter was considered and found to be desirable so that the Security Council might be permitted to admit to its rolls the newly emergent Asian and African nations. The further development of a strong secretariat was also found to be highly necessary.

In concluding the conference, the conferees pledged their full support and the exertion of every effort to the realization of the ideal of an international rule of law as their contribution to the cause of world peace.

FEATURES SECTION

Enigmatic Judge in Treasure Room

By Marjory Freinle

The exhibit in the Treasure Room of Langdell Library centers upon a jurist who mastered the inflexible technical intricacies of the law of his time and then significantly developed its corpus in such a way as to better serve the needs of the commercial world of his century. But Baron Mansfield was also a defender of royal prerogative, impatient with popular movements of the eighteenth century. His life and thought present an enigma to the modern mind; despite his radical revisions of some branches of the law, he remained throughout his life a political reactionary.

William Murray, not to become Lord Mansfield until 1756, first attracted notice in 1743, when as a member of Parliament he staunchly defended the Crown's use of Hanoverian mercenaries. He was made Solicitor General and placed in charge of prosecuting rebel lords, many of whom were related to him. He became Attorney General in 1754 and a few years later was elevated to Chief Justice of the King's Bench.

A first significant step, indicating things to come, was the establishment of court calendars so that the lawyers would have some idea of when their cases would be called. Impatient with unnecessary delays, Mansfield insisted on shortened pleadings and began the practice of consolidating cases for trial if they dealt with similar issues. In this way he reduced congestion in King's Bench but nearly emptied rival common law courts of business.

Mansfield's reforms were more than procedural. He introduced equitable principles into commercial law to prevent unjust enrichment. In the case of *Miller v. Race*, he helped to clarify the law of negotiable instruments. His ideal of commercial law was that it should contain elements of universality, must be non-technical and understandable by merchants without formal legal education, and, above all, must be certain. To effect these aims he repeatedly ignored precedents in the common law, and if there existed a rule of

Scottish or civil law which might better suit conditions he was not averse to introducing it.

Nor were his reforms limited to the field of commercial law. He is responsible for establishing the doctrine of estoppel in a divorce case, *Montefiori v. Montefiori*. He expressed the humanitarian viewpoint—very progressive for his era—that slavery was not to be tolerated on British soil. In effect, he revised the view that English law would recognize the status of slavery and the right to property in a slave.

But into the political arena Mansfield would not project his reforms. For example, in the case of *Leach v. Three of the King's Messengers*, 1765, he indicated his awareness of the tyranny of the Crown but refused to challenge it with an unfavorable decision. The king had issued a general warrant for the arrest of a political refugee. Mansfield ruled that such warrants were legal, though in dictum he admitted that they should be illegal unless issued by Parliament.

Mansfield's career discloses other instances of equivocation when his own political fortune lay in the balance. In the Junius case, where his controversial decision restricted the function of the jury in libel cases, he declined to make a strong defense of his decision upon its appeal to the House of Lords.

Despite this suspiciously wishy-washy attitude, Mansfield apparently was sincere in his faith in the royal prerogatives. He was obviously dubious of the ability of the masses to govern themselves, yet recognized that the law was not responsive to their needs and endeavored to alter it to meet these needs. These conflicts of viewpoint within one man are ably discussed in one of the exhibit's displays, which was researched by Mr. David Supino under the supervision of Miss Edith G. Henderson, keeper of the keys to the Treasure Room.

The exhibit is unusual in that its emphasis is not upon those elements of Mansfield's life about which we know the most, though these

are ably presented. Instead it centers upon the unresolved conflicts inherent in the study of the man, rather than his contributions and achievements. Whether or not you're gradually slackening off on your studies in preparation for the holidays, this exhibit is highly recommended. For it has entertainment as well as educational value.

Thought for the Week

"The primary task of the Internal Revenue Service is 'to see that public confidence in the American tax system is sustained and strengthened,' Commissioner of Internal Revenue Mortimer M. Caplin said [December 8]." — *From a Treasury Department "News Release."*

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I. D. Scrooge and Wife v. S. Claus

DANIEL J. KUCERA, C.J. This was an action brought in the Inferior Court of the Secessionist Province of Ames on December 26, 1961. Plaintiffs Scrooge and wife are residents of Ames, domiciled in their manor house, Langdell Hall. Defendant Claus is a resident of North Pole and is manufacturer and distributor of certain items, to-wit, gifts.

In their declaration, plaintiffs allege that on or about December 25, on or in their home of Langdell Hall, defendant, with force and arms, broke the close and did drive his sleigh and reindeer on plaintiff's roof, damaging new-fallen snow deposits and old-fallen pigeon deposits; that defendant did cause plaintiffs mental suffering and anguish from fright due to defendant's noise, clatter, hoof beats and bells which caused plaintiffs to spring from their bed to see what was the matter and to tear open (and, in their excitement, off) the shutters, etc.; that defendant then slid down plaintiffs' chimney, scattering dust and soot about their always-clean library; that plaintiffs casually lost and defendant found certain victuals and viands, to-wit milk, cookies, schrod, knockwurst, two vegetables (or one vegetable and one salad), and converted them to his own use; that defendant undertook and did faithfully promise to deliver certain gifts, but instead did deposit cer-

tain other gifts, to-wit coal, onions, hard bread, Coop bills, etc.; that defendant with malice aforethought and heart bent on social mischief did shake his belly like a bowl full of jelly causing treatises and reports to fall off shelves and become beat, battered and bruised; that defendant did violate state laws by working on a holiday; wherefore plaintiffs sought damages in the sum of \$100 plus expense account.

Defendant pleaded not guilty, non assumpsit, res judicata, non-suit, nihil dicit, public policy, and mercy.

The only question before the court is whether the wearing of a certain red suit, trimmed with white, over a plump body topped by a bearded head while driving a flying sled on a certain night creates a privilege and/or duty to act in certain ways.

The distinction here is perfectly clear and well settled. *Hart v. Jaffe*, 1 Langdell South 12:00. Under early common law flying sleigh rides were generally accepted by reasonably intoxicated men as normal means of transportation. Annual West Lectures.

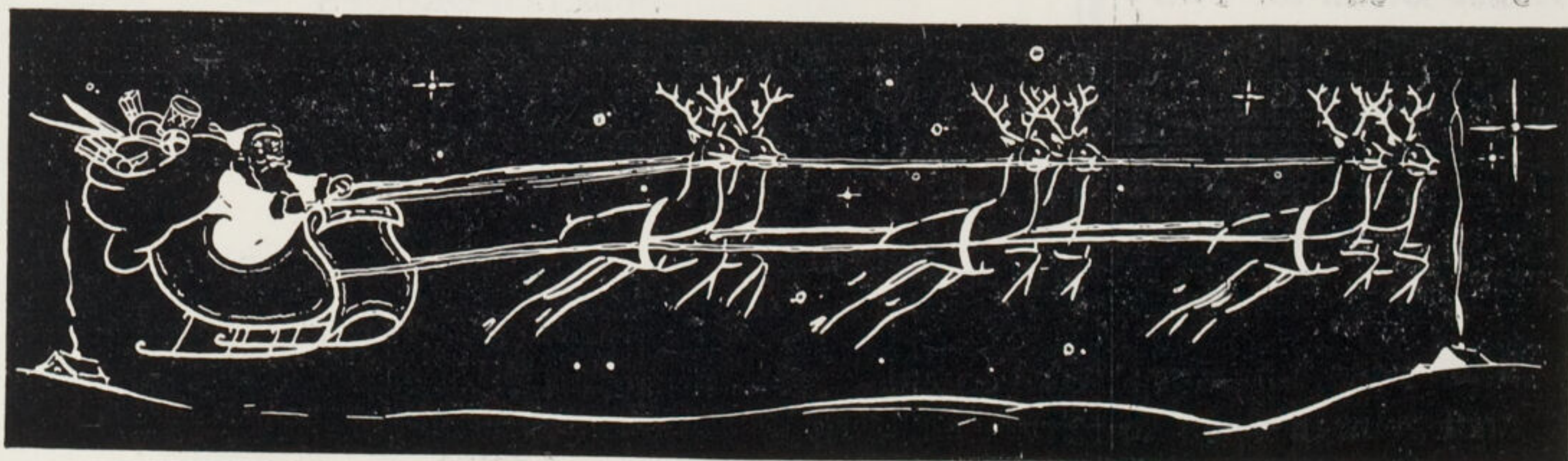
Plaintiffs contend that the red suit was unpatriotic and subversive and cite *John Berserk Society v. 60 Minute Man*, 4 July 1776. That case, however, is distinguishable, because it involved only red tape. The fact that defendant has a

plump body has no bearing on his culpability, because he did not throw his weight around. *Battery Belles v. Innocent Bystander*, 1595 Mass. Ave. 69. Also, the unruly long hair and extensive beard was not unusual, *Cliffie v. Widener Library*, 3 Haavd. Yaad. 3.

We find that there was no trespass against plaintiffs' roof, because the snow job was negligible and the pigeons had acquired prescriptive rights. *Pigeons v. Windowsill*, 25 Good Grief 25. The fact that the children were all nestled in bed with visions of *Law Review* dancing in their heads precludes mental suffering. 115 *Corpus Delicti Secundum* 1. Moreover, the fact that they sprang from the bed suggests a defect in the eggnog rather than a threat of violence by defendant.

We also find that plaintiffs cannot bring suit on soot, without alleging a soot case. Otherwise such suit case would not be a soot case, but rather an open and shut case. *Puzzler on Torts, Soot Suit Sootsy*, p. 3.

Trover does not lie because plaintiffs failed to allege specific crumbs, fibers, and nutrients, and because they did not allege that the food was edible. The question of gifts is dissolved for there was sufficient consideration. That is, while there was a detriment to the donor, there was also a benefit to the donee. *Rehash of Contracts*, sec. 90. See



Defendant Claus

also *East v. West*, where Nikita supports the "Stop, Look, and Grab" doctrine.

Shaking of defendant's belly cannot be the proximate cause of bodily harmed treatises and reports. Accord, *Bored Student Advisers v. Bored Students*, 12 S. 2.

It does appear, however, that since Christmas fell on a blue Monday this year, defendant violated state law prohibiting working on a holiday. However, we must find for defendant because of a defect of substance in plaintiffs' pleadings. They failed to pay the filing fees and writ expenses and it is better to give than to receive. Therefore, we must find for defendant on all counts, dismissing the case with costs plus green stamps, all because, yes, Harvard, there is a Santa Claus.

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Letter to the Editor

To The Editor:

Fenno has been unfairly attacked in your issue of November 9, 1961. In my own estimation some of the comments by Fenno demonstrate considerable thought and courage in considering some of the issues which, over years of well intended but grossly misdirected effort, have now become matters of major importance. I refer particularly to the comments appearing in your issues of September 21, November 2, and November 9, 1961.

I know I speak for a great many others in supporting Fenno with a loud "hear, hear!!".

Karl Henry Spaeth, LL.B. '58

NEWS BRIEFS

Copy Work Quadrupled With New Machine

In the short six months since Harvard Law School placed its new Xerox copying machine in the tunnel distribution center, the amount of copy work done each week by the Law School has quadrupled.

In a memorandum to the Faculty, entitled "Six Months of the Xerox Copier," Law School Dean Erwin N. Griswold recently revealed this and other facts concerning the instantaneous acceptance of the Xerox machine.

Best Available

"The Xerox is the best copier now available," Dean Griswold told the Faculty. "The cost for a single copy is less than any other make can offer; the copies are better and are made faster."

In addition, he pointed out that the prices charged by the Law School are also, in turn, very low — lower in fact than charges made in any department of Harvard University, in the Library of Congress, or at Yale or Columbia.

Students may take advantage of Xerox copying for ten cents per

copy. The same price is charged members of the Faculty for personal work.

Not Ubiquitous

Dean Griswold pointed out, however, that the machine is not ubiquitous for all purposes. "There are cheaper methods which ought to be considered on large copying orders," he said. In most cases, any job involving more than 35 pages would probably cost less if done by another method, such as one which uses a multilith mat.

Soviet Study Grants

Applications for study and research in the Soviet Union for 1962-63 are now available to qualified graduate students, according to the Interuniversity Committee on Travel Grants.

Funds are available to cover all or part of the participant's expenses. Further information may be obtained from the committee's deputy chairman, Stephen Viederman, at 719 Ballantine Hall, Indiana University, Bloomington, Indiana.

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NOTICE

In recognition of the lateness of the Christmas mails and the vacation period, as a service to our members, December 1st bills, usually due by the end of the month, will be eligible for Patronage Refund if paid on or before January 10th, 1962.

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Placement Opportunities

Further information is available at the Placement Office, 23 Everett Street. Not all opportunities are listed here.

THIRD YEAR OPPORTUNITIES

Beverly Hills: Kaplan, Livingston, Goodwin & Berkowitz. Requirement: average of 70 or above. Contact Bayard F. Berman, Esq., or Sol Rosenthal, Esq.

Boston: Law Offices of Joseph W. Worthen & Palmer B. Worthen. Contact Palmer B. Worthen, Esq.

Chicago: Legal Department, American Oil Company. Contact Richard J. Farrell, Esq.

Chicago: Peterson, Lowry, Rall, Barber & Ross. Contact Richard V. Henry, Jr., Esq.

Columbus: Wright, Harlor, Purpus, Morris & Arnold. Contact Harry Wright, III, Esq., or Earl F. Morris, Esq.

Fort Wayne, Indiana: Hunt & Suedhoff. Contact William L. Wilks, Esq.

Greenwich, Connecticut: Ivery, Barnum, O'Mara & Nickerson. Contact Edwin J. O'Mara, Jr., Esq.

Indianapolis: Krieg, DeVault, Alexander & Capehart. Contact William H. Krieg, Esq.

Los Angeles: Ralph C. Sutro Company. Contact Mr. Robert Sutro.

Milwaukee: Wickham, Borgelt, Skogstad & Powell. Requirement: average of 68 or above. Contact Kurt H. Frauen, Esq.

Minneapolis: Mackall, Crounse,

Moore, Helmey & Holmes. Contact Hency C. Mackall, Esq.

New York: Law Office of Otto L. Walter. Contact Mr. Walter.

New York: Parker, Chapin & Flat-tau. Requirement: average of 70 or above. Contact Stuart B. Glover, Esq.

New York: Spear & Hill. Contact Albert C. Petite, Esq.

Newark: Harrison & Jacobs. Contact Jack B. Kirsten, Esq.

Newark: Law Office of Samuel A. Gennet. Contact Mr. Gennet.

Newark: Law Offices of Howard T. Rosen. Contact Mr. Rosen.

Perth Amboy, New Jersey: Wil-entz, Goldman, Spitzer & Sills. Contact Frederic K. Berker, Esq., or Allen Ravin, Esq.

Springfield, Massachusetts: Law Office of Arthur M. Marshall. Contact Placement Office or Mr. David Marshall, 3L, AS 7-3371 by December 15.

Washington: Federal Trade Commission. Contact Placement Office.

Waterbury, Connecticut: Upson & Secor. Contact William J. Secor, Jr., Esq.

ACADEMIC OPPORTUNITIES

Boston College Law School. Teaching fellowship. Contact Placement Office.

New York University Law Center. Graduate Fellowships and Assistantships. Contact Graduate Division, School of Law.

School of Law, Columbia University. Graduate-teaching combined program. Contact Professor Robert P. Hamilton, Graduate Legal Studies Executive Secretary, School of Law.

School of Law, University of Washington. Instructors in Law. Contact Chairman, Personnel Committee.

The School of Law, University of California, Berkeley. Associates in Law. Contact Placement Office.

The School of Law, University of California, Los Angeles. Associates in Law. Contact Assistant Dean James L. Malone.

University of Michigan Law School. Fellowships. Contact Director of Advanced Studies, University of Michigan Law School.

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