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King Is Class Marshal

John C. King, Charleston, West Virginia, was elected Class Marshal by the Class of 1962 in an election held last week. Albert J. Beveridge III, Hingham, Massachusetts, was elected Class Secretary. Theodore J. Collins, Waitsburg, Washington, Janet Maleson, Elkins Park, Pennsylvania, and Sheldon A. Taft, Columbus, Ohio, were elected to serve on the Class Committee.

According to the Charter of the Class of 1962 adopted by Class members in the election, the Marshal, Secretary and three Committeemen elected by the Class will appoint, with due regard for geographical representation, four additional Committeemen.

King, the titular head of the Class of 1962, received his A.B. degree from West Virginia University in 1959. He is Chairman of the Board of Student Advisers and a member of the Keeton and Southern Clubs.

Beveridge, who graduated with an A.B. degree in 1957 from Princeton University, is the Assistant to the Secretary of International Legal Studies and a member of the Legislative Research Bureau and Lincoln's Inn Society.

Collins was a Fulbright Scholar during 1959 after receiving his A.B. degree from Notre Dame in 1958. Miss Maleson graduated

with a B.A. degree from Cornell University in 1958. Taft received his B.A. degree in 1959



— RECORD Photo by Charles F. Waite

Class officers are, left to right, King, Miss Maleson, Beveridge, Taft and Collins.

from Amherst College.

The 1962 Class Charter provides that the Marshal will represent the Class at University functions and ceremonies and preside at class reunions. The Marshal has the general executive responsibility for the operation of the Class government.

The Secretary from time to time prepares and disseminates information of Class members and Class activities by means of directories, annual newsletters and other appropriate methods. The Secretary also maintains liaison with the Law School Alumni Office.

Hearsay

Last week the Dormitory Council distributed a questionnaire to all dormitory residents, seeking to determine the interest or lack of interest in a gala formal dance to be financed by a sizeable surplus in the coffers of the Council.

This surplus is attributable largely to the profits accruing from the various dispensing machines around the dormitory area and from the washers and dryers in Richards Hall. The profits of these machines are supposedly intended for the "comfort and enjoyment" of dormitory residents.

Whether the proposed formal dance can be said to be for the comfort and enjoyment of dormitory residents is doubtful. Dances are fine — at the proper time. The beginning of April does not appear to be the proper time, either weather-wise or time-wise.

Surely the Dormitory Council can find some other way of using the surplus to advance the comfort and enjoyment of dormitory inhabitants. Since the vending machines are so frequently empty, why not purchase larger or additional machines? Or machines that dispense other items such as ice cream, coffee, or soup? The surplus could also be used to purchase a ping-pong or pool (it's respectable now) table for Holmes Hall. Perhaps the Dormitory Council could even take it upon itself to arrange for the performance of a service which the Law School seems unable to perform — the clearing of the sidewalks around the Law School after a snowfall, so that when the inevitable thaw comes the students will not be forced to walk through ankle-deep water in order to move about the Law School area.

At any rate, it is not difficult to think of a more productive use for the surplus than a formal dance.

Harvard Law Record

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COMMENT

By Fenno

The ABA is presently considering modifying Canon 35 of its code of professional ethics, which bans news photography and broadcasting in courtrooms. This action is in response to growing pressure for the repeal of Canon 35 as too great a restriction upon freedom of the press and an unnecessarily strict protection of the right of fair trial. The National Association of Broadcasters has long advocated the substitution of conduct codes for broadcasters in place of Canon 35. Texas and Colorado now permit cameras in court at the judge's discretion.

Proponents of the change argue that public interest in the courts will be stimulated, especially by television. Judges and prosecutors, who are elected in many jurisdictions, will have their competence subjected to public scrutiny. If reporters are now allowed in the courtroom, it is argued, why should the public be denied the benefits of technological innovations in the communications field?

Such arguments seem only to conceal the baser motive of the news media: a desire for more sensational coverage of certain trials for the purpose of selling more newspapers or drawing larger audiences. These media claim they can police themselves, yet on numerous occasions courts have granted new trials because of possible prejudice engendered by overzealous news coverage. There is a decided difference between a reporter sitting in court and a TV camera peering in on the proceedings. Judges, prosecutors, attorneys and witnesses may be tempted to play to the public. Juries whose faces become known to the public may be placed under great pressure to convict unpopular defendants or to acquit popular ones.

In the final analysis, nothing should be allowed to risk possible subversion of the right to a fair trial simply in the interest of promoting the principle of an unbridled press.

Nehru Asserts UN Has Failed

By Peter R. Richards

The Honorable B. K. Nehru, Indian Ambassador to the United States, complained Friday that the rigidity of the United Nations has given the status quo in international law a "guarantee of permanence," has failed to provide non-violent means of change and has compelled non-Western nations to resort to force to attain "justice."

Ambassador Nehru, speaking at the first Harvard Law School Forum program of the spring semester, did not once in his hour-long prepared talk mention the specific issue the audience had come to hear — the Indian takeover of Goa — although the principles involved in that issue were the topic of the entire speech.

Also on the program were Harvard Law School Professors Roger Fisher and Richard R. Baxter, both experts in international law. The panel was moderated by Lloyd I. Rudolph, Harvard Professor of Government.

The discussion remained on a legal and theoretical plane, with mention only of certain "unnamed territories"—until Professor Fisher broke the verbal barrier and voiced the forbidden word.

"The Goa situation was outrageous," Professor Fisher said. "It was worse than the Russian resumption of testing, which was a sad event for the world. What was the Indians' justification? They could not get what they wanted by peaceful means."

Ambassador Nehru, in his opening remarks, had advanced an elaborate hypothesis to explain the necessity, in certain situations, of the use of force to attain objectives in international affairs.

In international law, he suggested, an historical gap between the law itself and the "popular ideas of justice" has been perpetuated. The Ambassador explained that present principles of international law arose from past power struggles among the Western nations, without consideration for the needs of new countries in the international community.

"New nations bring in concepts different from those accepted by the Western world," he said. "Conflicts over rights and wrongs are bound to arise in specific situations. Our

concepts are different from those of the powerful and the privileged who have heretofore dominated the lawmaking function."

The United Nations, Ambassador Nehru asserted, has failed as a lawmaking body to provide for needed amendments to the established doctrines of international law. "There is not, and there never has been, an international legislative body. The law still is in a pre-monarchical and semi-anarchical stage."

The Ambassador's chief complaint against the United Nations, he added, is that the world body's charter has denounced the traditional expedient of force as a method of changing international regulations but has not replaced it with an alternative peaceful method. Because of the "sudden outlawry of force, without adequate transitional arrangements," Ambassador Nehru explained, inter-

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Fisher Claims U.S. Not To Win Cold War

In an article in a recent issue of the *Bulletin of The Atomic Scientists*, Law School Professor Roger Fisher proclaimed as a final national objective "a world under law" rather than "winning the cold war." Our aim should be "not to win a war but to achieve a peace."

Declaring that "no permanent victory is in sight" and suggesting that even if it were, imposing "upon the world a static, once-and-for-all solution" would not be a worthy national aim, Professor Fisher wrote that we ought to encourage free and legitimate competition of systems and ideologies. In "Do We Want to 'Win' the Cold War?" in the January, 1961, *Bulletin*, he said, "Our goal is not to conquer the world or to eliminate the self-interest and incentives of other groups. Rather we seek to channel their energies into legitimate avenues. We should hope to temper the conflicts, not terminate them."

As the means of achieving this goal, he urged more frequent resort to the United Nations or the International Court of Justice to arbitrate international disputes. "We want our opponents — we want all countries — to seek to advance their interests by fair and peaceful means: by propaganda and trade,

not by guerillas and subversion; by winning votes in the United Nations and cases in the International Court of Justice, not by military threats."

In order to encourage opponents to adopt such a course, Professor Fisher said that matters must be made tough for the aggressor but easy for the peaceful competitor: "We must continue to make it difficult for our opponents to pursue their interests by illegal means. But we must make it possible for them to pursue their interests — as *they* see them — by proper means, by discussion, persuasion, and third party decision within the international community. Though we need not offer them success we must offer them some avenue through which to try for it."

Professor Fisher challenged the notion that "if we should submit disputes to third-party procedures, the Communists could keep nibbling away by making extreme demands" and that inevitable compromise would be to our disadvantage. He offered two answers to this argument: first, that "what may appear to us to be a bedrock position on which we are entitled to have our way may not appear so to an objective viewer," and second, that "even when we lose at one level, through an adverse decision of an international body, we gain at another level by having the additional precedent that such disputes are to be settled by such means. More important than winning the day-to-day disputes is winning the overall struggle to have international disputes resolved fairly by peaceful political and legal institutions."

U. N. Not Rubber Stamp

Our philosophy of victory permeates the U. S. attitude toward the U. N., Professor Fisher asserted. He objected to what he termed a desire "to have the U. N. a rubber stamp for our views," claiming that "we hesitate to refer disputes such as those over the U-2, Cuba, and Berlin to the United Nations for fear that we might 'lose,' that we might be persuaded to accept less than our demands. In our concern for saving face we are apparently second to none."

Justice requires "an impartial, third-party decision, not a rubber stamp," he wrote. "It is never appeasement to give in to a judge. Many solutions which we could not accept at the demand of the U.S.S.R. we could accept without harm if called for by a vote of the General Assembly or a decision of the Inter-

national Court."

Professor Fisher also commented on peaceful co-existence with the Communist block. "The fact that we are strongly opposed to having the Communists take over and run the free world does not mean that we want to take over and run the Communist world." He said that the Soviet Union and China "are not unlike neurotic individuals, dangerous and extremely difficult to deal with. One must be careful. They must not be allowed to take control. But one should work toward a healthy adjustment."

Vincent A. Kleinfeld Is Food Lecturer

Attorney and teacher of law Vincent A. Kleinfeld of Washington, D. C., will deliver the Charles Wesley Dunn Lecture on Food Law at 2 p. m., Friday, March 9, in the James Barr Ames Courtroom of the Harvard Law School.

Mr. Kleinfeld will speak on "The Problems of Advocacy in Food and Drug Litigation."

Mr. Kleinfeld, who is co-author of five books on the federal Food, Drug and Cosmetic Act, is Adjunct Professor of Law at New York University Law School and at George Washington University Law School. He has served in the Department of Justice and for two years was chief counsel for the Select Committee of the House of Representatives investigating the use of chemicals in food and cosmetics. A graduate of Columbia Law School, he has been in the private practice of law in Washington, D. C., for the past eight years.

Lectures Established in 1958

The Charles Wesley Dunn Lectures were established by the Pharmaceutical Manufacturers' Association in 1958 at five American law schools. They were created in honor of the New York attorney, now deceased, who was founder and president of the Food Law Institute, Inc., which sponsors research and fellowships in food law at many law schools throughout the country.

The Charles Wesley Dunn Lecture has been given at Harvard twice before. The Assistant General Counsel for Food and Drugs of the U. S. Department of Health, Education and Welfare, William W. Goodrich, spoke in 1958, and H. Thomas Austern of the Washington, D. C., bar spoke in 1959.

Define Standards for Agencies

By Donald W. Kramer

Second Circuit Judge Henry J. Friendly has called on law professors and students to turn their critical attention to the problems of administrative agencies. But he says the ultimate definition of standards must lie with the agencies and Congress.

In concluding his three Oliver Wendell Holmes lectures in the James Barr Ames Courtroom of Austin Hall February 15, Judge Friendly set forth a series of proposals to promote uniformity and reliability in adjudication by the nation's administrative agencies. He called for action by the agencies themselves, the Executive, Congress and independent forces including law reviews and private research organizations.

To set the stage for his recommendations, Judge Friendly had previously outlined on February 13 and 14 the current state of the agencies. [Details of the first two talks are reported in the February 15, 1962, RECORD. —Ed.] He discussed the development of reasonably specific definitions in certain areas of Interstate Commerce Commission and National Labor Relations Board policy. He then contrasted the chaos in the Federal Communications Commission's awards of broadcasting licenses, the Civil Aeronautics Board's awards of domestic air routes and the ICC's determination of rates among competing modes of hauling.

Judge Friendly told three large audiences of the justified dissatisfaction with the present run of decisions from the agencies. Specifically, Judge Friendly called for the following changes:

The Agencies — He recommended a periodic and systematic study of agency precedents on important questions, perhaps as part of the annual report to Congress. Where policy decisions could not be carried through to their logical conclusions, the attempted statement would make the commission aware of inconsistencies it had not previously recognized. He said this would have an educational value for the members of the agency as a product of "meetings the individual could not avoid or sleep through." He also urged the promulgation of rules with the effect of law where this would be desirable.

The judge also added his voice to the gen-



RECORD Photo by Donald W. Kramer

Dean Erwin N. Griswold, right, one of the three summa cum laudes on the Law School faculty, converses with Judge Henry J. Friendly, who bears the highest Law School average since Louis Brandeis.

erally approved suggestions for the appointment of commissioners "of higher intellectual power and moral courage," a longer term with a tradition of reappointment and individual responsibility for opinions.

The Executive — Judge Friendly urged the President to make statements of general policy guidelines for the agencies, but said that he should keep strictly detached from specific rulings. "The spectacle of a Chief Executive burdened with decisions on which the existence of mankind might depend, personally taking on the added task of determining to what extent newspapers should be allowed to own television stations or whether railroads should be allowed to reduce rates only to or somewhat below the truck level, is pure mirage," he said.

He firmly opposed a proposal to establish an "executive center" to develop guides for the day-to-day decisions of commissions. He said the President himself could never make such decisions and that "young bureaucrats" would not have "a wisdom denied to the tribunal appointed by law and informed by experience." If the President has ideas for changes in policy, he should tell Congress, not the agency, Judge Friendly argued.

The Congress — Although plainly dissatisfied with the congressional record in regard to agencies, Judge Friendly declared that "the ultimate answer" lies with the legislative branch of government. He blamed both a lack of time — which limits Congress to one or two major pieces of legislation a term — and political expediency for the failure to pass guiding legislation. "Failure will be understood by those desiring the legislation," he said, "whereas success will not be forgiven by those opposing it."

He questioned how much responsibility could be taken by the appropriate committees under the Legislative Reorganization Act of 1946. He took a "rather dim view" of committee pronouncements of what policy should be except where made in conjunction with a recommendation for amendatory legislation. He said there was a danger of the committee's being more unrepresentative than Congress itself or that the committee staff would "be taken in by the staff of the agency."

He called for legislation to require the committees to "render a comprehensive report each ten or fifteen years on each major piece of legislation subject to its jurisdiction, either with specific proposals for amendment or with a considered statement that none is required." This should be produced by "a thorough and searching inquiry, preferably conducted with the aid of private research organizations, and with publicity withheld at least until tentative conclusions have been formulated."

Independent organizations — One of the most promising fields, he said, "may lie rather near at hand in the critical work of law teachers and law students. With a few distinguished exceptions, the law teachers and the law reviews have not yet begun to do for the administrative agencies what, for many years, they have been doing for the courts. It is in the substance of administrative adjudication where victory has yet to be gained."

He said law school courses in administrative law should concentrate more on substantive matters and less on procedural ones. "Of the scores of administrative adjudications we have considered in these lectures," he concluded, "I do not recall one that has raised an issue as to denial of a hearing, the right of compulsory process, lack of proper post-hearing procedures, the right of judicial re-

view or any of the other staples of the usual administrative law course."

Graham Elected President of YAF

William J. Graham, Jr., 2L, McKeesport, Pennsylvania, was elected president of the Harvard-Radcliffe Young Americans for Freedom last week by the YAF Board, the governing body of the conservative political organization.

Of the thirteen YAF Board members, five are from the Law School. They are, besides Graham, Mike Liles, Jr., 2L, Memphis, Tennessee; Diarmuid F. O'Scannlain, 2L, New York, New York; Richard W. Scarritt, 2L, Enid, Oklahoma; and Harry W. Turner, 1L, Blairsville, Pennsylvania. The Board was previously elected by YAF members.

Two Professors Plan Los Angeles Programs

Professors Albert M. Sacks and Louis L. Jaffe are currently making plans to participate in two programs to be presented at the annual meeting of the Associated Harvard Clubs to be held in Los Angeles, May 11-12.

Professor Sacks and three West Coast alumni of the Law School will comprise a panel which will discuss current legal problems for a meeting of Law School graduates on Friday, May 11.

A symposium on the communications field is being prepared by Professor Jaffe for presentation at the full Associated Clubs assemblage as one of three symposia scheduled for the following day.

Last year, Professors Paul A. Freund and Paul M. Bator participated in a similar gathering held at Atlanta.

Host for this year's annual meeting will be the Harvard Club of Southern California.

Corporation Law Expert Talks on War and Peace

The International Law Club heard A. A. Berle, Jr., corporation law expert, in the Pound Room on Tuesday evening, February 20. The topic of his talk was "The Law of War and Peace in the Modern Context."

Carnegie Fellows Assess Law School

By Daniel J. Kucera

Those brave souls who frequent the "un-seating-charted" area in the back of classrooms may have noticed about them a curious, small colony of smiling faces. Are they astronauts, secret agents, undisclosed principals, students, Faculty? No, these most likely are the five Carnegie Fellows.*

Through a grant from the Carnegie Foundation, fellowships are awarded to five college teachers in the arts and sciences for a year of study at the Harvard Law School. Holding the title of "Fellow in Law and . . ." (with the title completed by "History," "Political Science," etc., depending on their normal discipline), these liberal arts advocates take several first year courses — Civil Procedure is the only required course — plus seminars and advanced courses. The program is flexible and the Fellows (and one girl) are free to roam through the academic and social challenges of law school life.

The stipend is handsome and makes the program available and attractive to instructors of any rank and age. Each teacher-Fellow, not to be confused with *Teaching* Fellow, receives a grant equal to his current college salary, plus tuition and moving allowance.

The overall purpose of these fellowships is to enable teachers in liberal arts "to study fundamental techniques, concepts, and aims of law, so that in their teaching and research,

*Technically, those persons who come to Harvard Law School as Fellows under grants from the Carnegie Foundation are *not* Carnegie Fellows — the name having been previously applied to (and, therefore, confined to) a different group of Fellows under grants from the Carnegie Foundation. Technically, the Carnegie Fellows at Harvard Law School are designated Fellows under a grant from the Carnegie Foundation. Since, however, this description fits all the other Fellows under grants from the Carnegie Foundation as well, in order to avoid possible confusion the Fellows under grants from the Carnegie Foundation at Harvard Law School are known as Carnegie Fellows.

they will be better able to use legal materials and legal insights which are relevant to their own disciplines." More specifically, the program (1) bridges the gap between legal and liberal education by an intersection or cross-fertilization of the two, (2) makes for a better understanding of law and legal institutions in the undergraduate world — few college teachers understand or are qualified to teach law to undergraduates — and (3)



— RECORD Photo

These are the Carnegie Fellows. Seated from left to right: Howard, Miss Evans and Mavrinnac. Standing: Bedau and Randal.

makes a step toward developing the role of pre-law advisor.

The program is administered by a faculty committee consisting of Vice Dean Louis A. Toepfer as chairman and Professors Arthur E. Sutherland, Jr., and John H. Mansfield. Professor Harold J. Berman, now lecturing in Russia, is ordinarily chairman. Dean Toepfer told the RECORD that fifty teachers have applied for the five positions next year. He stressed that the program was not an experiment; however, being a foundation grant, it will endure for only a limited time.

The present Carnegie Fellows are Hugo A. Bedau, Princeton, New Jersey, Lecturer in Philosophy at Princeton University; Miss Alona E. Evans, Wellesley, Massachusetts, Chairman of the Department and Professor

of Political Science at Wellesley College; J. Woodford Howard, Jr., Easton, Pennsylvania, Assistant Professor of Political Science at Lafayette College; Albert A. Mavrinac, Waterville, Maine, Professor of Government and Chairman of the Department of History and Government at Colby College; and Ralph Ranald, Trenton, New Jersey, Assistant Professor of Literature and American Civilization at Fordham University.

Imagine yourself and these five Fellows sardined about a two-man table in the Harkness Commons 1 p.m. moment-of-madness. Curious, you ask . . .

Q: Why did you want to be a Carnegie Fellow? A: [By Mr. Bedau] It's nice to get off and study law by itself. [By Miss Evans] For an insight into law which would be valuable to my areas of teaching and research. [By Mr. Howard] There is a communication problem between liberal arts and law; I am trying to fill this gap in my own teaching. [By Mr. Mavrinac] Five times previously I have almost come to law school; this is tailor-made to give me formal training in law to progress in my career. [By Mr. Ranald] I am studying the total lack in communication and resemblance of reality between man as a legal person and man in modern literature; I am also interested in college administration and no one can give pre-legal advice without first-hand experience.

Q: What are you doing now? A: [By Mr. Bedau] I am taking classes in Procedure, Criminal Law, Jurisprudence, Administrative Law and seminars in Jurisprudence, Bill of Rights, Human Rights; I took Group Work, which was valuable and rewarding; I am writing papers on capital punishment. [By Miss Evans] I have taken Contracts, Procedure, Criminal Law, Torts, Civil Law System, Constitutional Litigation, Human Rights, Group Work and am preparing an undergraduate course on law and administration of justice. [By Mr. Howard] I am writing papers and taking Procedure, Criminal Law, Torts, Administrative Law, Jurisprudence and Group Work — one must be nuts not to take it. [By Mr. Mavrinac] I argued in Ames — a very valuable experience — and am taking Procedure, Contracts, Criminal Law, Group Work and Constitutional Litigation. [By Mr. Ranald] I'm taking all first year courses, Jurisprudence and Juvenile

Delinquency.

Q: Has your study here been worthwhile? A: [By Mr. Bedau] Yes, though I have found little offering or discussion in legal philosophy. [By Miss Evans] It has been excellent; I have a desire to take all the courses at once. [By Mr. Howard] I am pleased; this introduction has shown new paths. [By Mr. Mavrinac] More successful than I could imagine. [By Mr. Ranald] I am fascinated by the whole legal approach.

Q: How will this help you in your teaching? A: [By Mr. Bedau] I expect to have a better background for my teaching of social philosophy. [By Miss Evans] I have been able to develop a new course and can advise more Wellesley girls about Harvard Law School. [By Mr. Howard] I got an introduction to the doctrine of law and the role of the lawyer. [By Mr. Mavrinac] I will have a better background in constitutional law. [By Mr. Ranald] I have tried to compress three years into one to get the overall view of legal education.

Q: As "one voice," what are your impressions of the Law School? A: [By All] It's great. . . . The students are hard working and dedicated, but often don't appreciate how good it is. . . . The first year here is more rigorous than any year in any other field. . . . the finest group of students in one collection. . . . the students are not capitalizing on what they learned as undergraduates; they don't see its relevance, and professors are not receptive either. . . . If we had to begin our careers again, three of us would work for an LL.B., one might practice. . . . but we won't change now.

Suddenly chairs spin, trays swoosh and the Fellows filter back to classrooms or to their Austin Hall offices, and you hesitantly grasp your brief case after this brief revisit to bright college years.

Ames Games Begin Again

First year Ames Competition arguments — the final steps in 250 two-man efforts at legal persuasion — will be heard in two four-day segments beginning next Monday. Rounds 1-4 are scheduled for Monday, March 5, through Thursday, March 8. Rounds 5-8 will be argued Monday, March 12, through Friday, March 16, excluding Thursday.

Examination Schedule Announced

Russell Hastings Peck, Secretary of the Law School, announced today the final examination schedule for the three Law School classes. In announcing the schedule, Mr. Peck said, "This schedule is sure to make a lot of people unhappy. It is sure to be difficult for many people, but I hope it is impossible for no one. (In this context 'impossible' means two exams at the same hour.) Many students may have

three or more examinations on successive days; this cannot be avoided in a two week examination period. Nevertheless, even though I think this is the best possible schedule, I will be glad to talk with anyone who has a suggestion for improving it. As always, a change which, while improving the lot of some, works a similar hardship on others will normally not be made." Any suggestions?

THIRD YEAR

Mon., May 14		Tues., May 15		Wed., May 16		Thurs., May 17		Fri., May 18		Sat., May 19	
A. M.		Public Int'l Law				Legal Method in Int'l Disputes				Admiralty	
P. M.	Estate Planning Future Interests & Estate Planning	Economic Regulation Family Law		Business Planning		Govt Regulation of Business Antitrust		Labor Law Equit. Remedies Corporations II		Federal Courts State & Local Taxation	
Mon., May 21		Tues., May 22		Wed., May 23		Thurs., May 24		Fri., May 25		Sat., May 26	
A. M.	Financial Plann'g Insurance			State and Local Government Law						Restitution	
P. M.	Int'l Transactions	Evidence		Oil and Gas		Conflict of Laws		Trial Practice			

FIRST AND SECOND YEAR

Mon., May 28		Tues., May 29		Wed., May 30		Thurs., May 31		Fri., June 1		Sat., June 2	
A. M.	Commercial Transactions					Corporations				Trusts	
P. M.	Torts					Property				Contracts	
Mon., June 4		Tues., June 5		Wed., June 6		Thurs., June 7		Fri., June 8		Sat., June 9	
A. M.	Constitutional Law			Taxation				Administrative Law			
P. M.	Civil Procedure			Criminal Law				Agency			

University Members Discuss Latin American Libraries

A seminar on "Library Resources for Latin American Research" was held by Latin American Studies on Tuesday afternoon in the Lamont Forum Room. The speakers were Mr. Philip McNiff of the Widener Library staff, Mr. Henry James of Lamont, Mr. Laurence Kipp of the Business School and Mr. Vaclav Mostecky of the Law School library.

Latin American Studies is an informal association of scholars from various faculties of the University who have come together to "quicken University-wide interest in Latin America, to explore ways in which knowledge of the area can be increased and to seek opportunities by which the University may relate itself more constructively to this part of the hemisphere."

Assistant Dean William S. Barnes of the Law School serves as part-time director of the organization.

Nehru

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national law must remain static.

"The United Nations is not adequate to meet the problems of the times," he said. "That a peace-loving nation like India is forced to use force shows that peaceful means are not available through the United Nations to change the status quo."

The world's changing ideas of justice must be reflected in the law, which now considers "the richer and more powerful states, not the weaker and poorer," and leaves "no automatic method to change international law except force or threats of force," he added.

Both Professors Fisher and Baxter disagreed fundamentally with Ambassador Nehru, arguing that world order and world law must be preserved through the United Nations.

"If we don't develop a system of international order, there won't be much left worth fighting about," said Professor Fisher. "It is terribly important that we develop a system in which we can't win every time. We must subordinate individual disputes to international order and work within the framework of the United Nations."

Professor Fisher classified India as very "nearsighted" in its political outlook in the Goan seizure, saying it failed to consider that "India had a good case in equity. India did not have to use force."

Professor Baxter disagreed with Ambassador Nehru's premise that no peaceful means were available to India for settling its dispute with Portugal, citing both the marshaling of public opinion and the use of parliamentary democracy. "There are more instruments of peaceful change in this day than there have been in the past," he said. "Even in a world of rapid change, stability on certain occasions may be more important than 'justice.' Courts do not dispense justice according to individual ideas of expediency."

Answering the professors, Ambassador Nehru got down to specifics. "Goa is a part of Indian geography," he said. "Its people are Indian. . . . They do everything the Indian way. We have endeavored for the past fourteen years to ask the Portuguese to go away. The answer that we got from the Portuguese is that 'We are here by right of conquest.'"

The Ambassador pointed out that Portugal

had violated three United Nations resolutions on Goa — resolutions which he said might have led to the enclave's eventual independence.

"We are quite aware of the necessity of obeying the rule of law," Ambassador Nehru explained. "But law and justice are not the same. If you cannot do justice, you must change the law. There was no method to change the law, so we took the age-old method to change it."

Implicit in Ambassador Nehru's argument that no non-violent means existed to obtain Goa was the assumption that India ought to have Goa, said Professor Fisher. "That's the difficulty in being a self-judge, deciding what you want, and then taking it. . . . I take it that the definition of Goans as Indians is a definition India has made itself."

Democrats Support

President's Trade Proposal

Professor Arthur Smithies, Nathaniel Ropes Professor of Political Economy at Harvard University, spoke to the Law-Graduate Democratic Club Monday, February 19 on the topic "The President's Trade Proposals." At the same time, the club launched an effort to encourage its members to write to their congressmen and the members of the House Ways and Means Committee in support of legislation which embodies the President's trade program.

Republicans Support

Social Activities

Members of the Harvard Law and Graduate Schools Republican Club were among more than 8,000 invited guests at a Washington's Birthday reception last week in the Hall of Flags of the Massachusetts State House.

A cocktail party with the Wellesley Young Republican Club was held on Friday, February 23, in the Wheeler Room of Holmes Hall. Professor W. Barton Leach entertained the Republicans with folk songs.

SCIENCE NEWS

Alabama's Governor John W. Patterson has appropriated \$3,000 to prove "scientifically" that the Negro is mentally inferior to the white.

ABA To Draft Proposal For World Peace Institute

Specific plans for a "World Peace Through Law" institute will be drafted by a special committee of the American Bar Association. A decision to proceed with the project was announced by the committee Monday, February 19, as the Bar Association House of Delegates began its semi-annual policy deliberations in the Edgewater Beach Hotel in Chicago.

Charles S. Rhyne of Washington, D. C., chairman of the Bar Association's Special Committee on World Peace Through Law, said a charter for the institute will be drafted and submitted for approval at a World Conference of Lawyers planned for next fall.

In its report to the House the special committee stated that creation of a new institute is necessary because "there is no world law association or organization now adequately performing the task of coordinating, on a global basis, research, education and action in the international law field." The committee's report includes many proposals similar to those made by Dean Erwin N. Griswold last fall (RECORD, September 28, 1961).

The report adds, "There is universal agreement that the creation of an international clearinghouse for past and present, public and private, efforts to develop international law, including the drafting and ratification of international treaties and other international agreements, would be an enormous aid to the development and expansion of international law and institutions."

Originally proposed by Whitney North Seymour, a past president of the American Bar Association, the institute project has been approved by private lawyer delegates from 79 nations who have attended continental "Peace Through Law" conferences during the past eight months in San Jose, Costa Rica, Tokyo, Japan, and Lagos, Nigeria.

Further approval will be sought in Rome April 1-4 at a fourth continental conference, the last preceding the projected World Conference. Lawyers from 29 European nations including Russia and her Eastern European satellites have been invited to the Rome meeting, Rhyne said.

To date more than 1,000 lawyers have at-

SNOW WONDER



— RECORD Photo by Charles F. Waite

This excellent example of representational art (unique around Harkness Commons) demonstrates what law students can do with virgin snow. Take heed, jealous mistress.

tended the conferences. Each meeting has resulted in a "consensus," the committee reported, outlining "highly imaginative yet realistic programs of organized research, education and action by the legal profession" to further the objective of world peace through law.

These consensuses, the report continues, "are of tremendous significance when it is realized that they originated with some of the most distinguished lawyers in the world, representative of all elements of the legal profession and many different legal systems and traditions."

The Bar Association committee, in cooperation with state bars and legal experts from many nations, also is preparing publication of the first comprehensive international law directory, "Law and Lawyers of the World."

Bar associations throughout the world are setting up "World Peace Through Law" committees paralleling the special American Bar group, the report states.

"Thus," it adds, "the program has grown far beyond an American Bar Association effort. It is now in fact a world wide program of the legal profession."

"Many have urged," the report concludes, "that this quiet effort by the legal profession may ultimately do more than years of diplomatic wrangling in searching out the mutually shared interests upon which a peaceful world community can be based."

New Apartment Building To Replace Stillman

Harvard University agreed Wednesday, February 14, to sell the Stillman Infirmary and its 35,648 square feet of land between Mount Auburn Street and Memorial Drive to Frederick Dupree of Washington, D. C.

Dupree plans an 18-story building with 86 apartments, each facing on the Charles River. The projected building is expected to yield about \$85,000 a year in real estate taxes from the formerly tax-free land.

Dupree, acting through Mark Gibbons, vice president of R. M. Bradley and Co., Inc., will pay the University \$391,000 for the infirmary building and land. His was the highest among sealed bids made by individuals and groups interested in the property. Harvard had given Mount Auburn Hospital the right to meet the highest bid, but the hospital decided not to match Dupree's offer.

"We are delighted to be instrumental in bringing this handsome addition to the Cambridge scene," L. Gard Wiggins, Administrative Vice President of Harvard University, told the RECORD. "The opportunity to put one of the finest apartment sites in the entire Boston area into the hands of a developer of experience is welcome indeed. But principally we welcome the opportunity to bring a substantial and assured source of tax income to our city."

The Stillman Infirmary and its site near the Charles River became available after student in-patient services were moved to the new University Health Services in the Holyoke Center on Mount Auburn Street, near the undergraduate Houses. Surveys demonstrated that the existing Stillman building could not be adapted economically to other uses, either by the University or by other interests.

Dupree, an experienced developer of commercial buildings in Florida and in Washington, D. C., plans a high slab structure for the site, with each of its 86 apartments facing on the Charles River view. Professional offices would occupy the first two floors, and underground parking would be provided for residents.

The Boston architectural firm of Shepley, Bulfinch, Richardson and Abbott has prepared preliminary plans for the new struc-

ture. The firm has designed many of the buildings of Harvard University and other major structures in Cambridge and Boston.

Professor Llewellyn Dies of Heart Attack

Karl Nickerson Llewellyn, 68, former Visiting Professor of Law at Harvard and Professor Emeritus of Law at the University of Chicago, died February 13 of an apparent heart attack at his home in Chicago.

Professor Llewellyn, one of the nation's most distinguished legal scholars and philosophers, had been a member of the University of Chicago faculty since 1951.

His wife, the former Soia Mentschikoff, also a member of the faculty of the Law School of Chicago University and a former Visiting Professor of Law at Harvard, survives.

Professor Llewellyn was an outstanding figure in the fields of jurisprudence and commercial law. He served as the chief reporter for the American Law Institute's Uniform Commercial Code, which has been adopted in many states. Illinois is the most recent of them to enact the model legislation.

His interest in jurisprudence and its relationships to sociology and anthropology made him an authority on American Indian law. In 1941, with anthropologist E. A. Hoebel, now at the University of Minnesota, he wrote *The Cheyenne Way*.

One of his most notable collections of essays was *The Bramble Bush*, published in 1930. He was the author in 1960 of *The Common Law Tradition: Deciding Appeals*, which was called by one critic "the most emphatically useful work ever written on the subject of common law appeals."

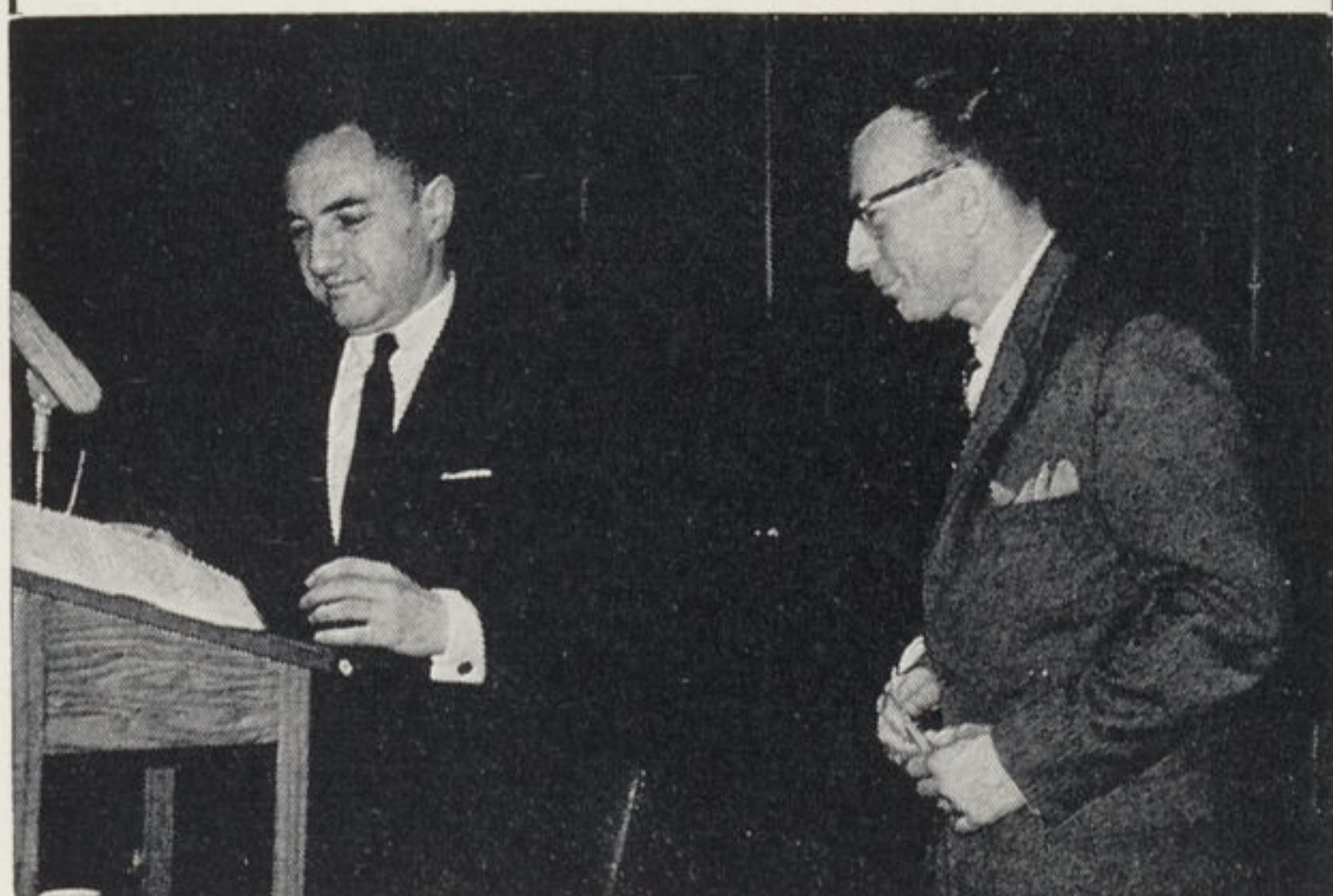
He also was the author of a collection of essays written over the last thirty years which will be published on May 22, 1962, by the University of Chicago Press. The book is titled *Jurisprudence: Realism, Theory, and Practice*.

In this work Professor Llewellyn discusses the application of realism to the social disciplines, especially in relation to the problems of appellate decisions. He urges a "horse sense" approach to understanding the nature of crime and of behavior control.

Professor Llewellyn was described by Jerome Frank as "one of the ablest, subtlest,

most hard-working of [Oliver Wendell] Holmes's disciples"; Harvard Law School Dean Emeritus Roscoe Pound has called his earlier work "the most basic and thoroughly thought-out sociological theory of law."

COHEN DISCUSSES AMEX



— RECORD Photo

SEC investigator Milton Cohen, left, waits for applause to subside after having been introduced to a February 16 meeting of the Bull and Bear Club by Professor Louis Loss, right, and before commencing his prepared talk, "First Impressions of the Investigation." Those present who had hoped to hear sensational revelations concerning irregularities turned up by Cohen and his 60-man staff during their continuing investigation of stock exchange practices were sorely disappointed. However, those who had attended with the hope of gleaning some clues as to the mental processes of a man whose every move has potentially great impact on large areas of the nation's economy were more than satisfied.

Congressman Curtis Criticizes Administration

By Neil L. Chayet

Congressman Laurence Curtis (R.-Massachusetts) was the principal speaker at a luncheon meeting of the Harvard Law and Graduate Schools Republican Club Monday in Harkness Commons. Currently a candidate for the Republican nomination for United States Senator from Massachusetts, the congressman took time from a hectic schedule to address the group on current political issues.

Beginning his talk with some humorous reminiscences of his days at the Law School, Congressman Curtis subsequently criticized the Administration and some of the principles for which it claims to stand. At the top of his list of grievances was the way in which the Administration is attempting to use

Congress to "pry out political gains whenever possible." He cited as a perfect example the recent attempt by the President to force through Congress legislation creating an urban affairs cabinet post.

While expressing distaste for the position of the far right, Congressman Curtis took a firm stand against hyperpolitics, high spending, the downgrading of the role of the states and overcentralization. It was to preserve the American way of life from such evils that he became a candidate for his party's Senate nomination, Congressman Curtis said.

Williston Competition Winners Announced

Winners of the third and last semifinal round of the Williston Competition have been announced. They are John M. Ferren, 3L, Evanston, Illinois; Maurice DeG. Ford, 3L, Cambridge, Massachusetts; Ronald E. Heinlen, 3L, Delaware, Ohio; and James R. McCall, 3L, Los Angeles, California.

The names of the winners of the two earlier rounds were reported in the RECORD of February 8.

UCC Conference Held At Northwestern

A conference on the Uniform Commercial Code, recently enacted in Illinois, was held at Northwestern University School of Law on February 15 and 16.

Designed to "acquaint lawyers with details of this new legislation in commercial law," the seminar drew its faculty from Chicago, New York, Philadelphia and Boston. It was supported by a grant from the Charles Clarence Lithicum Foundation.

Sutherland Discusses Sunday Closing Law

Professor Arthur E. Sutherland, Jr., Bussey Professor of Law, appeared on the television discussion program "Metropolis" February 23 to discuss "Sunday Closings: A State or Local Problem?" Professor Sutherland recently served as chairman of a committee appointed by Massachusetts Governor John A. Volpe to study the Massachusetts blue laws and to make recommendations for their updating. The committee's report was discussed in the RECORD of February 1.

Letters to the Editor

To The Editor:

In your February 1 issue Mr. Elliot Richardson was reported as having stated in a talk to the Student Bar Association that:

A public prosecutor should seek an indictment when he believes he has enough evidence to warrant a judge's sending the question to a jury. Requiring less than that would tend to damage the reputations of innocent people. Requiring proof beyond a reasonable doubt in every case would be unduly restrictive on the government.

If Mr. Richardson is accurately quoted, it should be of great concern to the Bar and the Bar-to-be whether by "enough evidence to warrant a judge's sending the question to a jury" the former United States Attorney for this District was referring to the standard commonly employed when such language is used, namely: whether or not the evidence *on its face* warrants "sending the question to the jury"; or to put it another way, whether or not the evidence, *if believed*, would justify the jury's finding for the prosecution. That would mean in plain language that if someone is prepared to tell a tale which if believed would constitute a crime, the prosecutor should go to the grand jury with it, without obligation to check it out for credibility on such standards as one would expect of an attorney of experience, good judgment and integrity. One shudders at the threat to society that would be posed by the application of such a procedure. Reputations are ruined by indictments, and eventual vindication

before a petit jury does not completely remove the "spot," much less restore an impairment of health that could well attend such an experience.

It is incredible that Mr. Richardson should have had such a construction in mind in the use of the words: "enough evidence to warrant a judge's sending the question to a jury." However, no statement which even admits of such a view should stand unchallenged. It is to be hoped that while properly rejecting a standard for recourse to the grand jury of "proof beyond a reasonable doubt," he did not imply that evidence suspect because of reasonable doubt as to its credibility should furnish a proper basis for submission of a case to the grand jury, even though if believed by a petit jury it would technically support a conviction.

Julian L. Yesley, LL.B. '32

To The Editor:

Rarely am I prompted to write a "letter to the editor" but the implications of your February 1 "Hearsay" editorial ought to inspire comment from many attorneys.

Your editorial position is summarized in the first paragraph of the February 1 column:

Is it improper for lawyers who are members of a state legislature to represent clients who are charged with gaming offenses? The answer should be yes. It is not unreasonable to demand a *higher standard of ethics* from a legislator than is demanded of others in his outside profession. Indeed, even in states such as Massachusetts

where, lamentably, the public does not demand such a standard, a legislator should of his own accord live up to it. (Emphasis added.)

Your assumption that the purity of a lawyer's ethical standards is measurable by the seriousness of the crime with which his client is charged grinds against one of the basic beliefs of our jurisprudence which has kept our people free. The danger of your argument is more clearly exposed when it is considered in conjunction with the presumption of innocence that surely needs no defense. In effect, your paper argues that a lawyer who seeks to defend an innocent person wrongfully accused of a gaming offense thereby displays a lower standard of ethics than one who shuns such a cause. Surely, Harvard Law School does not espouse that type of "guilt-by-association" logic.

There may be sound reasons for discouraging or forbidding representation of persons accused of crime by lawyers serving in the legislature but, if so, your editorial has obscured them by opposing such representation for unsound reasons.

Cecil E. Munn, LL.B. '47

To The Editor:

Congratulations on your splendid editorial [on lawyer-legislators and bookies.]

George Ernest Hills, LL.B. '00

To The Editor:

Some of us are wondering, after reading one Charles F. Waite's review of *America: Listen!* [Record, February 8, 1962] — which book, according to the review, attributes the "mess in Washing-

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ton" to President Kennedy's family background — and also reading the article about elections to the University's Board of Overseers [in the same issue], whether Mr. Waite, who found the book persuasive that "Joe is the 'vicarious president'" believes that "Joe" is also a "vicarious" Overseer.

Fenno's "Comment" [on U.S. foreign policy in regard to Goa and New Guinea] also is an impressive demonstration of the good things the students do now when they're not studying. Further cheers for your attack on Professor Leach, and your perceptive distinction between censorship and off-the-record talk.

Roy A. Schotland, LL.B. '60

To The Editor:

I have just read the review of [America: Listen! by Frank L. Kluckhohn] in the HARVARD LAW RECORD. Thank God that the reviewer from that once-analytical school . . . has the judgment and courage to see through the Kennedy mirage. . . .

Congratulations, too, to the "Hearsay" author, same issue, for his scoring of the bombastic Barton Leach, who, unfortunately, has played footsie with the politicians so long that he no longer sounds believable.

Fenno's "Comment" on our foreign "program" blunders also strikes home.

Burton B. Jerrel, LL.B. '34

To The Editor:

Your "Hearsay" item of February 8 [concerning the RECORD's decision not to publish remarks made

by the writer of this letter during a talk on U.S. defense policy] causes me to express my unbounded admiration for (a) imagination in handling a newsless item, (b) your willingness to accept my word that any more substantive treatment would have been bad for everybody, and (c) your deft and vivid handling of the English language.

Personally, I am very grateful that you were willing to be "muzzled."

W. Barton Leach
Professor of Law

To The Editor:

In a report on the Holmes Lectures in the RECORD of February 15, it is stated that "[s]pecific areas where Judge [Henry J.] Friendly detailed needed reform included actions taken pursuant to the Interstate Commerce Act and the National Labor Relations Act. . . ." In the February issue of the *Harvard Law Review* (out the same day as the above RECORD issue), the *Review* editors state that "Judge Friendly discusses at length two instances in which the agencies have not failed to define standards adequately: the administration of the 'long and short haul' clause of the transportation acts; and some aspects of the work of the National Labor Relations Board." Who is right?

Name Withheld By Request

The two reports are not necessarily inconsistent, the RECORD feels. For example, one could praise an administrative agency for defining standards with unblemished clarity in one or more areas of its activity, yet also believe that (a)

those standards are not in fact being applied, (b) those standards are not consistent with the scope and purposes of the agency-creating statute, or (c) the agency is doing a less-than-perfect job of defining standards it uses in other areas of its total activity. The Review has promised to publish in its March issue Judge Friendly's first Holmes talk, which deals with the two acts (and agencies thereunder created) which are mentioned in the above letter. — Ed.

To The Editor:

Peoples of the world had better spend less time fighting one another and pay more attention to fighting the forces of nature, such as insects, water shortages and diminishing resources, things that have the final say about how we live.

William R. Sullivan

Research Bureau Holds Elections

The Student Legislative Research Bureau held its annual election of officers on Monday, February 19. Daniel R. Idzik, 2L, Depew, New York, was elected president, David L. Peterson, 2L, Plaistow, New Hampshire, and Joel Rabinovitz, 2L, New Rochelle, New York, are the new vice presidents for Research, and Lawrence Perlman, 2L, St. Paul, Minnesota, was elected vice president for Client Relations. Although the new officers have already assumed their duties, they will not be formally installed until later in the semester at a Bureau banquet.

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Placement Opportunities

Further information is available at the Placement Office, 23 Everett Street. Not all opportunities are listed here. Interviews are listed in the following order: city, name of firm, interviewer, (deadline for contacting Placement Office), date of interview.

SECOND YEAR INTERVIEWS

New York: Humes, Smith & Andrews. William G. F. Betzon, Esq. (2 p. m. Friday, March 2.) Friday, March 9.

Philadelphia: Scott Paper Company. H. E. Michener, Jr., Esq. (2 p. m. Monday, March 5.) Monday, March 12.

SECOND YEAR OPPORTUNITIES

Buffalo: Hodgson, Russ, Andrews, Woods & Goodyear. Contact Homer H. Woods, Esq., or Edwin O. Tilton, Esq.

Easton, Maryland: Henry, Henry & Adkins. Contact William H. Adkins, II, Esq.

Kansas City, Missouri: Rich and Rich. Contact Marvin L. Rich, Esq.

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West Chester, Pennsylvania: Reilly, Fogwell & Lentz. Contact G. Clinton Fogwell, Esq.

THIRD YEAR OPPORTUNITIES

Buffalo: Williams and Stevens. Contact E. W. Dann Stevens, Esq.

Chicago: Dale, Haffner & Grow. Contact James P. Haffner, Esq.

Easton, Maryland: Henry, Henry & Adkins. Contact William H. Adkins II, Esq.

Kansas City, Missouri: Lathrop, Righter, Gordon & Parker. Contact Richard S. Righter, Esq.

Kansas City, Missouri: Rich and Rich. Contact Marvin L. Rich, Esq.

New York: James and Franklin. Contact Harold James, Esq.

Newark, New Jersey: Hannoeh, Weisman, Myers, Stern & Besser. Contact Albert C. Besser, Esq.
Oklahoma City: Cities Service Gas Company. Contact Conrad C. Mount, Esq.

ACADEMIC OPPORTUNITIES

Georgetown University Law Center: Charles A. Keigwin and Hugh J. Fegan Research Fellowships. Contact Office of the Registrar, Washington, D. C.

Georgetown University Law Center: Graduate Program in Law. Contact Office of the Registrar, Washington, D. C.

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