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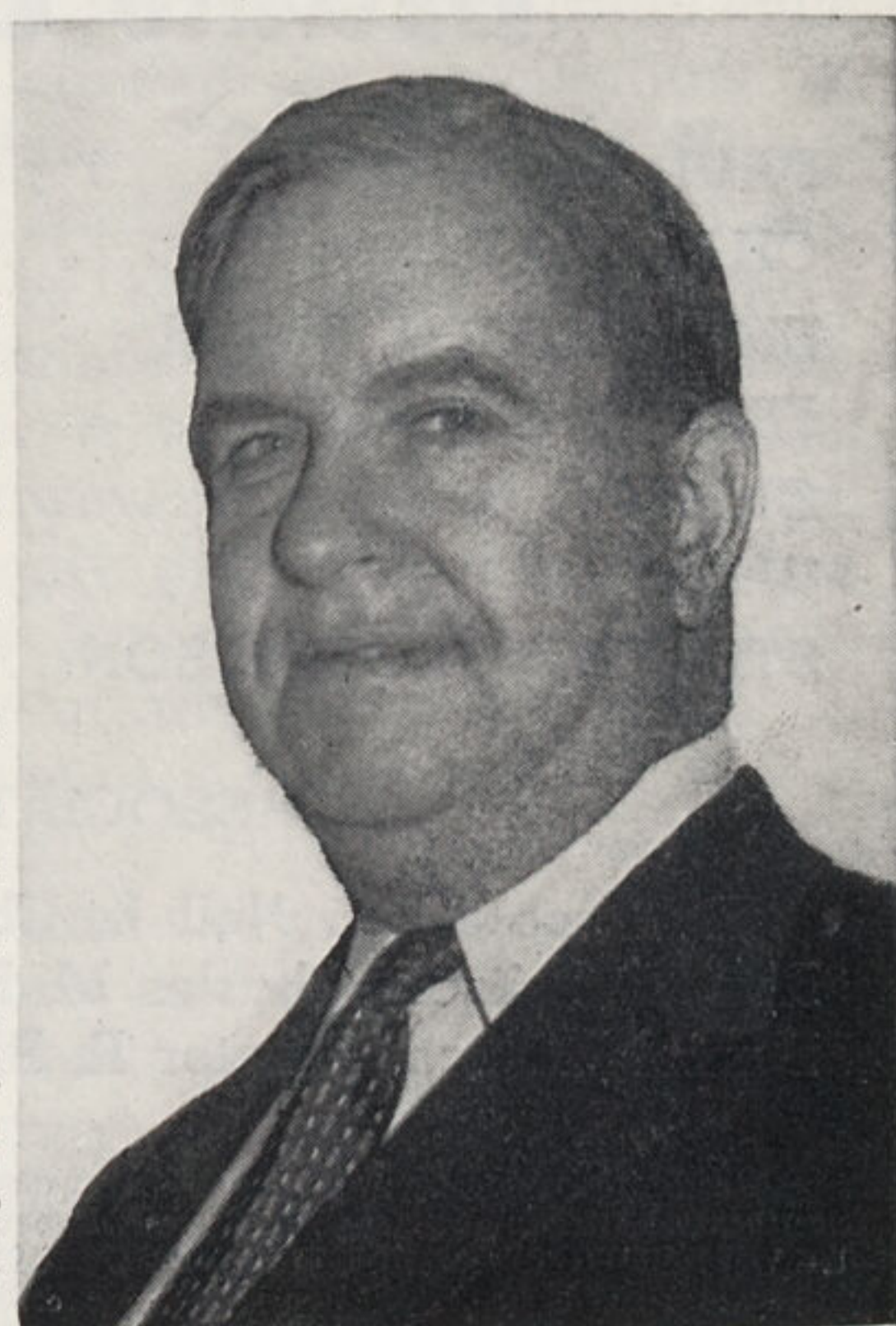
Dean Reports Rome Meeting

By Neil L. Chayet

Dean Erwin N. Griswold returned last Friday evening from Rome, Italy, where he attended the European Conference on World Peace Through Law. The Rome Conference, which met April 1-4, was the last of four such conferences scheduled for 1961-1962. The previous conferences were held at San Jose,

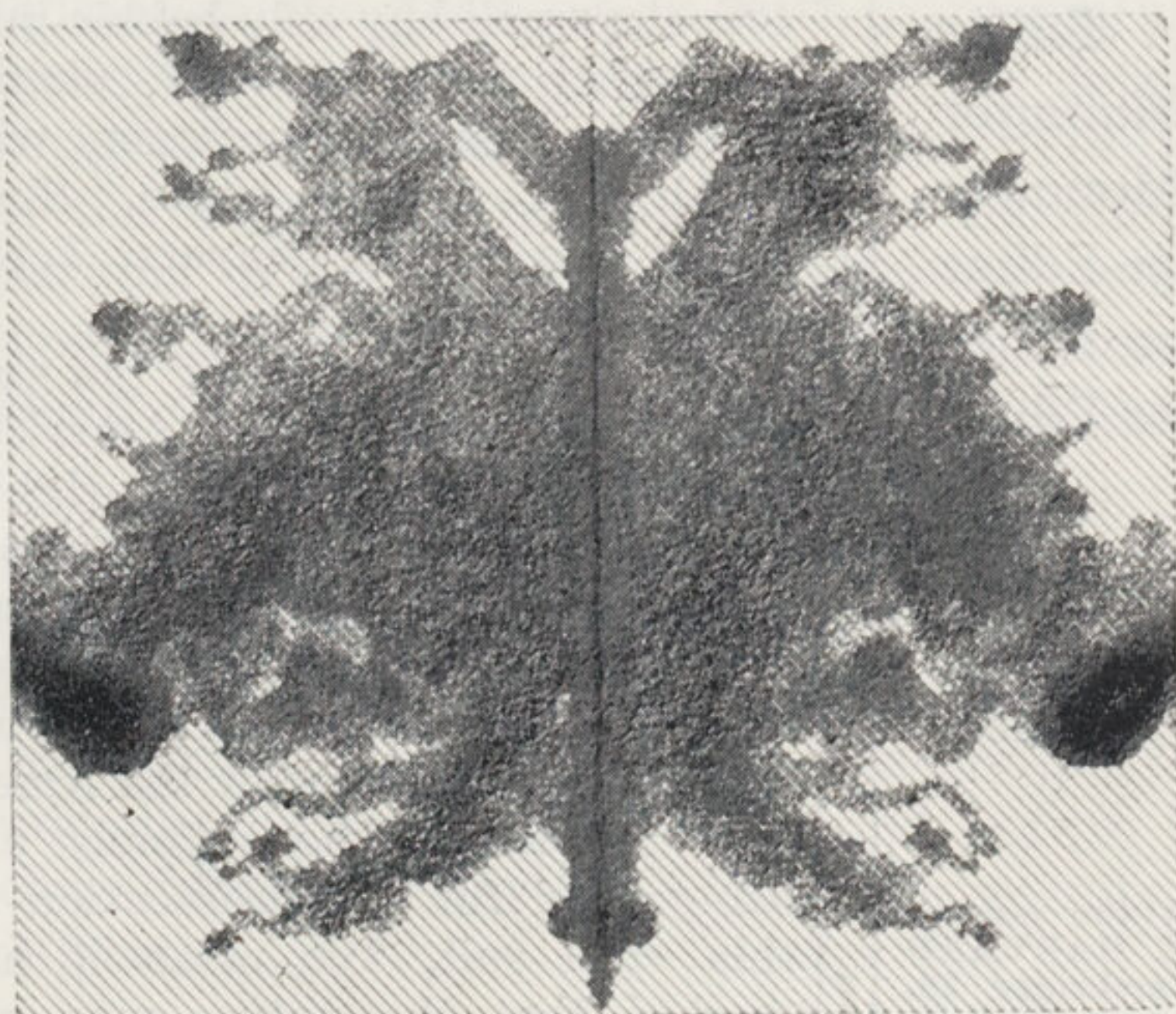
Costa Rica, Tokyo, Japan, and Lagos, Nigeria. All have been termed successful in accomplishing their goal of laying a firm foundation for a stronger sense of world unity through the medium of free discussion, which is amply provided at the conference.

The Rome Conference was attended by 84 delegates and observers representing nearly every European country. Israel, although geographically separated from the European area, also attended the Rome



Dean Griswold

The Law School: Mentally Unhealthy?



Is Harvard Law School a statutory snake pit? Is the typical law student a shaky Dr. Jekyll ready to turn into a *de facto* Mr. Hyde at any time? The RECORD explores "The Law Student's Mental Health" in a two-part series, beginning in this issue on page 9.

(Continued on Page 15)

Hearsay

Well, how was Bermuda? What's that? You stayed here over spring vacation and worked on your third year paper? What a waste of time. What with the library keeping holiday hours, you had a minimum of time for doing research.

And if you were fool enough to cut your vacation short so that you could get back in time to study for your Monday classes, and you hoped to do a little reading in the library in the process, you also wasted your time. The library was closed all day Saturday and Sunday.

Now, third year papers for first semester seminars have already been handed in. But not only are second semester and full year seminar papers not yet due, no one would even dispute the fact that probably 90% of them have not yet been completed (for the very reason that they're not yet due).

Anyone who stood in the middle of the law school dorm complex on any evening last week could tell from the lights in the windows that not a few conscientious souls were clutched in the throes of desperation—they stuck to their books over vacation. One might think that the powers that be would want to encourage such industry. Not so.

The library cut its hours short and shut down altogether over the weekend. Harkness was closed tight as a drum, except for some whing-ding the law school sponsored last weekend for the New England Conference of Trial Judges. Why, there wasn't even a linen delivery in the dorms. Nor *New York Times*, either.

So let this be a lesson to all you first and second year students. Don't throw away your spring vacation in your third year. Go to Bermuda.

Harvard Law Record

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COMMENT

By Fenno

Two months ago the Federal Trade Commission filed a complaint alleging that Topps Chewing Gum, Inc., had violated Section 5 of the Federal Trade Commission Act by creating a monopoly "... to the detriment of free and open competition in the bubble gum and picture card industries."

Bubble gum picture cards are a favorite pastime of youngsters across the nation. For a penny they get a slab of pink bubble gum and a three-color picture of a major league baseball player. (During the Korean War pictures of war equipment were temporarily popular.) The gum is disposed of in various ways, while the picture cards are saved to be traded, wagered or pasted on the wall over the bed. Depending on geography and who is on top in the major leagues, the cards acquire relative values. (Roger Maris and Mickey Mantle have been "worth" the most during the past two seasons.)

The Federal Trade Commission complains that Topps has signed up almost all of the major league players and also most of the minor league players who might one day make the big leagues. The Commission alleges that the nation's baseball bubble gum picture card collectors will buy only bubble gum packaged with baseball picture cards—a logical conclusion with which no one can argue. Since Topps has all the players, Topps sells all the gum.

This vigorous action by the government to protect our American heritage of fundamental rights, especially in view of the menace with which the country is faced from a foreign power bent on conquest of the entire world, should be heartily applauded by the American taxpayer, whose funds are being used for the prosecution of this vital suit. Too often it has seemed that the nation was not moving forward rapidly enough, and oftener still that it was moving in the wrong direction. Thus it is heartening to see such a dynamic reaffirmation of vigah.

Appoint Civil Defense Officer

After considering a preliminary study of civil defense by a University committee on which the Law School was represented by Professor David F. Cavers, the Harvard Corporation has decided to appoint a Civil Defense Officer for the University. He will carry on more detailed studies of the problems involved, as suggested by the committee of faculty members and administration officers.

Under terms of the appointment the new Civil Defense Officer will be responsible for recommending a feasible course for the University to follow in line with the preliminary conclusions of the University committee.

A first step will be a more extended and thorough study of the University's physical capabilities by the Department of Buildings and Grounds. Results of this study will be used by the Civil Defense Officer, in consultation with various specialized experts on the Harvard faculties and in relation to guidelines provided by the plans of federal, state and local governments as they develop, to make recommendations for protective measures.

Reasons for Recommendation

The appointment of an administrative official in the University with responsibility for planning and directing a civil defense program under the guidance of the President of the University was one of the recommendations of the University committee, which was headed by Professor Harvey Brooks, Dean of Engineering and Applied Physics.

In making its recommendations, the University committee expressed its view that, since the federal shelter program as presently envisaged appears to be a long-term effort, Harvard's own civil defense activities can and should be carefully planned before any considerable effort by the University is initiated.

The committee report said no program likely to be undertaken by the University could be of appreciable benefit in case of an attack with large nuclear weapons directly on metropolitan Boston. Similarly, the report

found it difficult to plan against hits of this kind on targets peripheral to the metropolitan Boston area.

The report recommended, however, that the University initiate a modest program to provide protection against the fallout which would follow a nuclear attack on targets at some distance from metropolitan Boston, or the accidental detonation of a nuclear wea-

CASNER

WINS!

Only rarely do events of great and widespread significance occur at the Law school between the RECORD's press deadline on Wednesday and its Thursday distribution. In fact, with the exception of the election of new Dorm Council officers, no such important event had yet occurred during the current volume until this week. But luck cannot hold out forever: it is more probable than not that this very copy of the RECORD was *printed* before the decision was announced in last night's Ames Competition. RECORD editors could have solved the problem by proclaiming in large headlines "Casner Club Wins," not even revealing that anything more needed to be said; but such raillery oversteps the normal bounds of journalistic license. A brilliant solution to the problem, however, has been developed, which not only puts our minds at ease but affords RECORD readers the rare opportunity to add their handiwork to the final form of a RECORD issue. Below are two words in type the same size as in the headline above. Choose the one most apropos. (Such information is probably already generally known; in a pinch, it may be obtained from the Board of Student Advisers.) Cut it out carefully and paste it over the convenient blank in the headline above. Do not pass "go." Do not collect \$200.

EQUITY

LAW

pon. Events of this kind might release fallout in such quantities as to be lethal or highly dangerous to unsheltered persons, but much less harmful, or harmless, to persons in adequate shelter.

The committee found that extensive areas of space exist within the University suitable for use as fallout shelters. Shelter space developed in Harvard facilities, of course, would be available up to the limit of capacity to anyone in the nearby vicinity.

There was a wide range of opinions on the committee regarding the complex questions involved. Professor Cavers and one other committee member, while agreeing that the University should proceed with a planning study for utilization of available shelter space, recommended against any physical measures at present and against participation in the government program for marking shelter areas and stocking them with food and water. They argued that the expense and disturbance produced by a shelter program was not justified by the small probability that it would provide any protection. [Professor Cavers's views on civil defense are more fully detailed in the RECORD for November 16 (page 1) and for November 30 (Letters to the Editor). — *Ed.*]

Fuller Tells of Poland

On Wednesday, April 11, Professor Lon L. Fuller spoke at a meeting of the Harvard Law Wives about his recent trip to Poland.

Professor Fuller had given a similar talk to a meeting of the International Law Club.

St. Louis Post-Dispatch Reprints Record Feature

"Never on Sunday," a critical analysis of the Massachusetts Sunday "blue" laws written by former RECORD Features Editor Wilfred E. Gardner Jr., 2L, Tioga, Pennsylvania, was reprinted in the Sunday Editorial Section of the St. Louis *Post-Dispatch* for March 25. The article, occasioned by the recent report of the Massachusetts Governor's Committee to Consider Sunday Legislation, first appeared in the Features Section of the RECORD for February 1.

Defenders Elect Fischer

On March 20 the Harvard Voluntary Defenders elected officers for the coming year. Chosen as president was Richard S. Fischer, 2L, Buffalo, New York; as vice president (operations), Peter R. Gilbert, 2L, Brooklyn, New York; and as vice president (research and appeals), Miss Susan F. Schapiro, 2L, Hamilton, New York. The new administration will replace outgoing president George L. Kirklin, 3L, Baker, Oregon, and vice presidents Byron J. Johnson, 3L, Boise, Idaho, and Ronald F. Kehoe, 3L, Medford, Massachusetts.

The Defenders announced that during the current operational year members of the organization interviewed 442 individual defendants in cooperation with the Massachusetts Defenders Committee. A rule of court — unique to Massachusetts — has permitted third year members to appear in cases in the district courts, with 44 appearances logged for this past year. Members have also completed 47 post-conviction cases received from inmates imprisoned throughout the country.

Plans are now being made for the competition next September to select new members from the class of 1964. Details will be available during the first week of classes next fall.

Recently chosen as a new member to replace a second year member who is resigning was Richard H. Troy, 2L, Melrose, Massachusetts.

Democrats Elect Rava

John A. Rava, 2L, University City, Missouri, has been elected president of the Harvard Law-Graduate Democratic Club for the 1962-63 school year. He served as vice president and treasurer of the organization for the past year and is a member of the Legal Aid Bureau.

Other officers selected by the club membership to lead the club during the next year are James D. Lorenz, Jr., 1L, Dayton, Ohio, vice president and treasurer; Marjorie Fine, 2G, New Rochelle, New York, recording secretary; Michael A. Glass, 1L, New York, New York, corresponding secretary; and Peter A. Berle, 1L, Great Barrington, Massachusetts, member-at-large.

New Stage for Commencement

Harvard University will have a new and permanent stage for its commencement exercises on June 14.

A granite platform and terrace stage are being laid on the south side of the Memorial Church. The work will be completed in May.

The new stage will not alter the appearance of the church from the Yard. It will simply

extend the existing permanent platform in front of the porch of the church to provide space for the seating of commencement dignitaries.

Commencement exercises of the University since 1936 have been held in the Tercentenary Theatre between the Memorial Church and Widener Library in the Yard. Until now, a wooden deck and scaffolding were put up each June as a temporary staging at the south side of the Memorial Church and were stored away again after commencement.

The new permanent stage at the Memorial Church will provide a setting also for other University events, such as glee club and band concerts as well as summer school receptions.

MEMO

Assistant Dean William L. Bruce has issued the following memo to all degree candidates at Harvard Law School regarding the upcoming commencement exercises:

1. Commencement day is Thursday, June 14, 1962. The exercises will be held in the Tercentenary Theatre (Harvard Yard). The morning program begins at 9:30 a. m.; the afternoon program begins at 1:30 p. m. The morning procession gathers at 9:15 in the Old Yard by Harvard Hall.

Degree candidates marching in the procession need no tickets for themselves. Degree candidates desiring tickets for family members should make application at the reception desk in Langdell Hall. The supply of tickets is limited. Depending upon demand, a limit of two tickets may have to be imposed. Priority will be given to applications received *before May 4*.

2. The Harvard Cooperative Society rents caps and gowns. It is usually advisable to make early reservation, if you are planning to attend the exercises.

3. There will be a luncheon for degree candidates and their families with the Dean and Faculty members at noon on commencement day at Holmes Field, in front of Langdell Hall. Dean Griswold will distribute diplomas at that time. The price of the luncheon will be \$1.00 for degree candidates and guests. Application for tickets may be made at the reception desk in Langdell Hall.

4. Degree candidates are invited to luncheon with the alumni in Harkness Quadrangle on Wednesday, June 13, as guests of the Harvard Law School Association, the alumni association of the School. Solicitor General Archibald Cox, formerly Royall Professor of Law at the Law School, will be the speaker for the Law School. Application for tickets may be made at the reception desk.

William L. Bruce
Assistant Dean

Three Programs Slated For Hillel Members

The Harvard-Radcliffe Hillel Society has announced three varied programs for tonight and Sunday.

Isaac Bashevis Singer, a Yiddish novelist, will be the Society's guest at a meeting to be held in the Harvard Divinity School's Sperry Lecture Hall. He will speak on the topic "My Philosophy of Fiction."

On Sunday, Dr. Dana L. Farnsworth, Director of the University Health Services, will discuss "Socialized Medicine: A Physician's Viewpoint" for the Hillel Round Table of World Affairs at 4 p. m. in Phillips Brooks House. At a late evening meeting in Hillel House, Zvi Ankori, Assistant Professor of History at Columbia University, will speak on "The Quest for the Messiah: A Chapter in Medieval Jewish History." The talk is scheduled for Sunday at 11:15 p. m. and is sponsored by the Hillel Institute of Jewish Studies.

Wives To Hear Address On 'The Educated Woman'

Mrs. Wilma A. Kirby-Miller will address members of the Harvard Law Wives on Wednesday, April 18, on the topic "The Educated Woman."

Law School Hosts Conference

More than one hundred judges, law professors, court administrators and attorneys—including virtually all of the trial judges from the Superior Courts of the New England states—attended the New England Conference of Trial Judges at Harvard Law School last Thursday, Friday and Saturday. The purpose of the conference was to consider methods for improving the administration of justice at the trial court level.

The three-day meeting was sponsored by the National Conference of State Trial Judges and the Joint Committee for Effective Administration of Justice of the American Bar Association. General chairman of the conference was Judge Joseph R. Weisberger of the Rhode Island Superior Court; the local chairman was Justice Eugene A. Hudson of the Massachusetts Superior Court.

Dean Emeritus Roscoe Pound of Harvard Law School opened the conference with a welcoming address. Another highlight of the gathering was an address by Associate Justice Tom C. Clark of the United States Supreme Court, who spoke at a banquet on Friday evening in Harkness Commons.

The conference began with a reception sponsored by the Massachusetts judges on Thursday evening in the Hotel Commander, Cambridge, for the attending jurists and their wives.

Seminars Held

On Friday and Saturday, seminars were held on "Individual Liberties and Law Enforcement," "The Adversary System and Revision of Civil Procedure" and "The Fair Trial and Public Prejudice."

Acting as reporters for the seminars were six legal scholars from New England: Dean Robert F. Drinan, S.J., of Boston College Law School and law professors Sanford J. Fox of Boston University School of Law, Malcolm M. Donahue of Suffolk University Law School, Steven Duke of Yale University Law School, Robert B. Kent of Boston University School of Law and Nathan Levy, Jr., of the University of Connecticut School of Law.

Three jurists, a professor of law and a

newspaper editor served as discussion leaders of the seminars; they were Judge Edward Gaulkin of the Appellate Division of the Superior Court of New Jersey; Judge Frank J. Murray of the Superior Court of Massachusetts; Judge Ralph H. Pharr of the Superior Court of Atlanta, Georgia; Professor Richard H. Field of Harvard; and Mr. David Brickman, editor and publisher of the Malden (Massachusetts) *Evening News* and the Medford (Massachusetts) *Daily Mercury*.

On Saturday afternoon, attorney Walter D. Malcolm of Boston lectured on the Uniform Commercial Code at the International Legal Studies Building of Langdell Hall.

Included among the legal dignitaries who attended the conference were chief justices of the Supreme Courts of Connecticut, Massachusetts, Maine, New Hampshire and Rhode Island.

Democratic Club Honors State's Abe Chayes

By John A. Rava

Abram Chayes, Legal Adviser to the United States State Department, will be the guest of honor at a Harvard Law-Graduate Democratic Club "sherry hour" tomorrow afternoon from 4 to 5:30 in the Wheeler Room of Holmes Hall.

A professor at the Law School until his selection last year as chief lawyer for the State Department, Chayes served as faculty advisor to the Law-Graduate Democrats. He was moderator of the "brain trusters" rally held by the club during the 1960 campaign.

A 1949 graduate of Harvard Law School, Chayes was president of the *Law Review*. After graduating he clerked for Supreme Court Justice Felix Frankfurter. Among his other political and governmental undertakings were jobs as assistant General Counsel of the President's Materials' Policy Commission and legal advisor to former Governor Chester Bowles of Connecticut. Chayes was also instrumental in drafting the 1960 Democratic National Platform.

Club members may bring wives or dates.

Hoffa Gone, Well-Travailed'

By Peter R. Richards

The role of the lawyer in labor-management relations must be confined to that of a draftsman of contracts and an advocate of the union viewpoint inside, but not outside, the courtroom, according to James Riddle (Jimmy) Hoffa, president of the International Brotherhood of Teamsters.

"Our union doesn't let lawyers formulate policy," Hoffa recently explained to a Harvard Law School Forum audience. "They're for drafting and for presentation in court" — the "normal" functions of a lawyer, he added.

Encouraged by the apparent lack of disapproval of such "heresy," he continued, "They're not allowed in our negotiations. Whenever they come in and try to interfere, there's trouble. They should stay away from the bargaining table and let human beings who . . ." The rest of Hoffa's sentence was drowned out by the applause of the non-law-school-student segment of the audience of about 2,000 persons attending the Forum program at Rindge Technical High School Auditorium on Friday, March 30.

Short, Powerful and Dapper

Hoffa, a short, powerful and dapper man who clearly knows what he wants both for himself and for his union, admitted that the Teamsters have some 400 staff attorneys, "from time to time supplemented by local counsel," all of whom are "busier today than they've ever been in their history."

However, the union leader seemed highly dubious of the general sympathy of the legal profession to the union viewpoint. "There are many, many fine lawyers — on the employer's side," he complained.

Hoffa also said he was doubtful of the ability of management attorneys to poke legal holes in union contracts, thus giving a backhanded compliment to his own anonymous draftsmen. "No lawyer should ever tell his employer he's found a new way to beat the unions," he said, explaining that "it just doesn't work."

Asked for his comment on one particular lawyer, Attorney General Robert Kennedy, Hoffa drew a loud ovation by replying that



— Chase Ltd.

Teamster Boss Jimmy Hoffa . . .
. . . His 'Heresy' Applauded

"the least said about a bad matter is the best."

Hoffa, boss of the 1,700,000-man Teamsters Union, the "largest single labor union in the world" with a membership ranging from truck drivers to lettuce pickers and school teachers, appeared at the Forum with John T. Dunlop, Chairman of the Department of Economics and Professor of Labor Economics, and John R. Meyer, Professor of Economics in the School of Public Administration, both of Harvard. Moderator was Derek Bok, Professor of Labor Law at the Law School.

Hoffa's appearance was marked by peaceful and inconspicuous picketing by members of the Harvard-Radcliffe Young Americans for Freedom, who handed out mimeographed flyers entitled "The Teamsters — a Threat to Democracy."

"Those who lead the Teamsters are wielders of power without responsibility to the rest of the citizens of the U. S. . . . No existing law can stop Jimmy Hoffa from calling a gigantic sitdown strike across the nation at any time he pleases," complained the handbill.

The announced topic of Hoffa's speech was "Area Contracts and the Teamsters," but he spent most of his time on other subjects. Here are some of Hoffa's opinions on assorted matters:

- On labor-management contracts: "We have a right to believe we are entitled to the wage increase we negotiate each contract period. There is one thing we are proud of — if we make a good deal, we keep it, and if we make a bad deal, we keep it. Once we have arrived at a contract, neither side can do anything but live by that contract. If we've made a mistake, we'll correct it next time."

- On the AFL-CIO, from which the Teamsters were expelled four years ago on charges of corruption: "We're confident that in time the Teamsters will be back in the AFL-CIO. The increasing need of collective political action necessitates our being brought back into the federation. We expect to be readmitted within a year."

- On newspaper publicity: "If you are a strong militant union that becomes involved

in every organizing campaign, in every strike in the United States, you are constantly in the limelight, through no fault of your own."

- On government regulation of labor: "Government is more and more moving into this question of labor relations. We believe this is disastrous to both the unions and the companies."

- On the three appointed monitors who investigated the Teamsters: "The monitors tried their best to destroy this union. They tried to take control instead of advise. The monitors thought they were the elected officials, but we don't frighten very easily in this Teamsters Union, and it didn't take us very long to tell them where they fit. Nothing good came out of the monitors."

- On the philosophy of Dave Beck: "Beck, whatever the press tells you, is a great man. He has not had his day in the appeals courts, and he should not be judged until he has. You wouldn't want to be."

- On the goals of the Teamsters: "It is our responsibility to get the highest possible price tag for our labor, which is the only thing we have to sell."

Solicit Top Students for the Law

A proposal to establish a profession-wide fund-raising agency to help bring top students into the legal profession was made public this week by the American Bar Association as the outgrowth of a broad study of the needs of legal education completed last year by a special committee headed by New York attorney Bethuel M. Webster, LL.B. '25.

The proposed agency would operate as a separate trust entity, qualified for tax exemption.

Robert K. Bell, of New Jersey, chairman of the ABA committee which made the proposal, stressed the fact that the new agency would not affect alumni fund-raising programs of law schools, but would supplement such financing.

The ABA Board of Governors has authorized the special committee to pursue development of the plan. Bell said the next step will be to consult with the Association of American Law Schools and the council of the ABA Section of Legal Education. The committee hopes to present a more detailed proposal to the Board in May.

The preliminary report suggests that the agency should begin operations by making scholarship grants only. These would be awarded on the basis of scholarship testing. However, award winners would be required to attend a law school in their own geographical region.

Later, the committee indicated in its preliminary report, the program could be broadened to finance other programs in legal education.

The committee anticipates that the new agency will seek voluntary contributions from members of the ABA, law agencies (such as law book publishers), foundations, insurance and banking interests, as well as those employing legal talent and otherwise interested in well-trained and competent attorneys.

Coke in the Library

Current subject of an exhibit in the Langedell Library Treasure Room is the legendary English jurist, Lord Coke.

The Law Student's Mental Health

By Donald W. Kramer

This is the first of two articles. — Ed.

"Doctor," he said earnestly, "I haven't been able to study very well lately. I haven't been getting the material. And I know that part of the reason is that I haven't been studying hard enough. I've been to two movies this month alone."

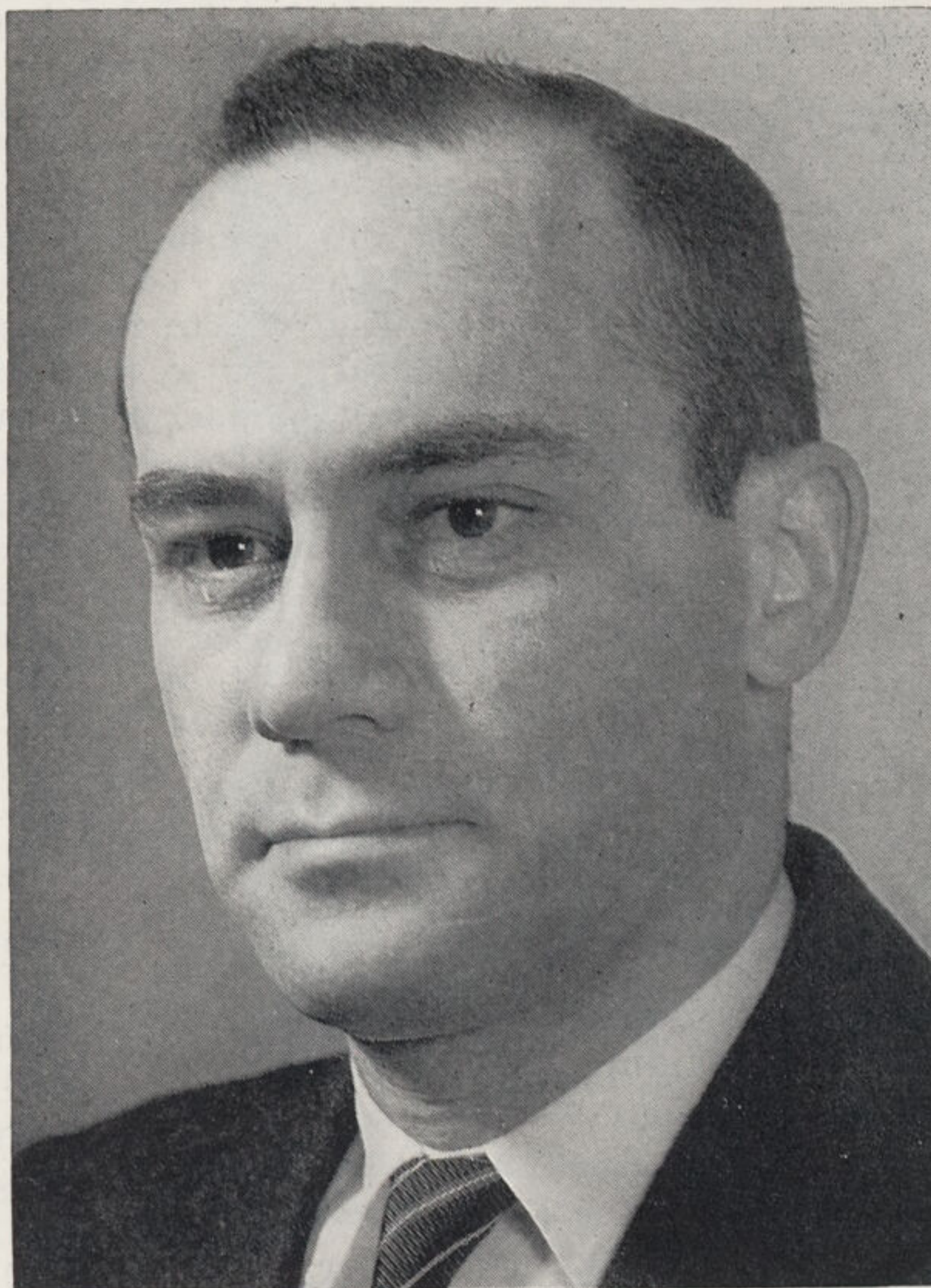
It was a Harvard Law School student talking in all seriousness to Dr. Preston K. Munter, the Law School psychiatrist. It was a true example of what can happen when the "myth" of Harvard becomes overbearing. From the psychiatrist's point of view, it was an example of what can — and does — happen when unnecessary pressure and competition create an "unhealthy" atmosphere.

"If you judge by statistics," says Dr. Munter, "the mental health of the Law School is about as good or better than anywhere in the University." Only about four and one-half per cent of the law students visit a psychiatrist during the year, compared with a standard figure of eight and one-half to ten per cent where facilities are available, 8.7 per cent in the Graduate School of Education, 8.5 per cent in the College and 7.1 in Arts and Sciences.

"But don't judge by statistics," says Dr. Munter. He has a six-week waiting list for new appointments, and he has had to cut sessions from an hour to half an hour to clear up some of the backlog.

After three years of treating law students, Dr. Munter says that mental health is not a really serious problem here. His patients "by and large have the usual tough problems of living. Most of them come from outside the law school, from the family, from marriage, from an unfortunate love affair, or from financial troubles. Most of the patients are not 'crazy.'"

What concerns Munter, however, is the "sub-clinical uneasiness" —



Harvard's Dr. Munter . . .

. . . Patients Are Not 'Crazy'

an almost tangible anxiety — that permeates the School. There is too much pressure, too much cut-throat competition, too much worry over who is doing better than whom.

Equally important, there is no real understanding by the student as to the process of education he is undertaking. "There is a vast gap," Dr. Munter says, "between what the student understands the School expects of him and what the School understands these expectations to be. The School's expectations are much more reality-oriented than the student's are."

According to Munter, the School views the curriculum as a three year experience in which no single event is crucial. No botched recitation, no messed-up Ames case, no

string of unanswered questions is determinative in itself.

But too often a student comes here and in about two months begins to feel he is "supposed to be able to answer everything — to think in the style of a lawyer." "Of course, he can't," says Munter. "And no one really expects him to be able to." But he adds that the real expectations of the faculty are never communicated to the student. As a result, students set for themselves "impossibly high standards that only the most brilliant and unrelenting student can achieve."

There are numerous other problems that complicate the picture, Munter adds. The program is pitched entirely at an adult level when many of the students still

have a good bit of immaturity to work out.

Moreover, most of the students come from the American educational system which is "unfortunately keyed toward measuring everyone too much in terms of grades." Because everyone here is so highly qualified, the School does not offer many rewards on this basis.

Individually, a student's personal background may complicate the problem. If he has always been a straight-A student in college, it may come as something of a shock to find that he is no longer the brightest guy around. Most adjust to this quickly, but some do not.

If he is the only student from his

college, or if he has a long Harvard tradition in his family, he may have a special incentive to succeed here. If he got through college with a boost from his personality, he will quickly find that that does not make much difference here.

If he wants to get one of the "top jobs" with one of the "top firms" after graduation, he knows he will have to be in the top part of his class.

Even without these special conditions, this is a "tough minded school," Munter points out. "There is a steady pressure for excellence." It demands a new discipline, and to the discredit of American education, Munter adds, for many students, it is the first time they have

really had to study.

Dr. Munter is not concerned with this pressure per se. He is quick to say it is a valuable part of the educational process. He becomes concerned when the pressure becomes oppressive.

In a typical case, the original complaint is the inability to study. "You birds are all frighteningly bright," he says with a certain affection. But "you spend so much time sharpening your intellectual capacities you sometimes lose sight of your emotions. When there is friction, when things begin to feel funny, when everything is not going well, then you come in."

(Next Week: Realistic Proposals)

Dormitory Requests Hit All-Time Record

By Charles F. Waite

An all-time record number of applications for dormitory accommodations during the 1962-63 law school year were processed during the spring recess, Assistant Dean Wesley E. Bevins told the RECORD this week.

A total of 385 requests were received for the 236 spaces in the dormitory complex available to second and third year students, including the four buildings scheduled for extensive remodeling next summer — Holmes, Story, Shaw and Dane — as well as the already-renovated Ames and venerable Hastings Halls.

Pleasure Expressed

Although Administration officials expressed pleasure with the apparent widespread student approval of the prospective changes as indicated by the record number of requests for rooms, there had nevertheless been some fear that this greater number, added to the normal confusion often attendant to significant change, might result in a giant administrative headache in the processing of the applications. Dean Bevins said this week, however, that a record was also set in the smoothness with which the entire room distributing operation was carried out — far fewer questions were asked of Dormitory Office personnel, and there was far less misunderstanding about the room drawing

procedure than in previous years. He said that "the extensive coverage of both the dormitory drawing procedure and the prospective room renovations in the pages of the RECORD had no small part in precluding many potential problems which might have otherwise developed."

Two Programs Planned By Law School Forum

Two candidates for their respective parties' nominations for Senator from Massachusetts will discuss "Public Morality and Massachusetts Politics" at a Harvard Law School Forum program tomorrow at 8:30 p.m. in the Lowell Lecture Hall. Edward J. McCormack, currently Massachusetts Attorney General, and George C. Lodge (Democrat and Republican, respectively) will be joined by Louis M. Lyons, Curator of the Nieman Fellowships, who will act as moderator.

On Wednesday, April 18, Benjamin J. Davis, Secretary of the Communist Party, U.S.A., will discuss "The Communist Party and Constitutional Guarantees" with Dean Erwin N. Griswold and Professor Mark DeWolfe Howe at a Forum presentation to be held in Sanders Theater at 8:30 p.m.

FEATURES SECTION

Russian Experiences Related

Harvard Law School Professor Harold J. Berman is currently spending a year's leave of absence in the Soviet Union at the invitation of the Institute of State and Law of the Academy of Sciences of the U. S. S. R. for the principal purpose of studying legal aspects of production and distribution of goods in the Soviet planned economy. In addition, he has been giving a weekly course of lectures on American law at the invitation of the law faculty of Moscow University. The following article, written exclusively for the RECORD, relates some of the experiences Professor Berman has had during his classroom contacts with Russian law students. — *Ed.*

By Professor Harold J. Berman

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Despite the sharp differences in political, economic and social systems (and in that mysterious thing called "national character") which divide the United States and the Soviet Union, the lawyers of the two countries have a surprisingly similar outlook upon their own responsibilities. Recently the chairman of the Moscow Bar explained to me that the Soviet lawyer's job in litigation is, above all, to protect his client's interests, and that an absolute lawyer-client privilege is essential to that purpose. In an interview with the chief legal adviser of the organization that administers the entire industry of Moscow I was told that although economic administrators may otherwise be very able, they are apt to be woefully weak in drafting regulations or contracts and for that they must rely on the "literacy" of the lawyer, his knowledge of the pitfalls of language and the intricacies of the system of controls. On the academic side, Soviet law professors, like their American counterparts, are conscious of the fact that they are helping to train future practitioners; and the students, also conscious of that fact, often press them to give a practical justification for dubious propositions (whether of the law or of the professor's own exposition). In legal scholarship the same debate rages in Moscow as



Professor Berman

in Cambridge or Chicago (though the sides are differently weighted in Moscow) over "collective" versus "individual" research and writing.

Such similarities as these help an American law teacher to feel more comfortable in exploring the Soviet legal world — so comfortable, at times, that the contrasts continue to come as something of a shock. One of the most vivid of these contrasts, which I confront almost every day, is that legal research in the Soviet Union is planned. As a guest of the Institute of State and Law of the Academy of Sciences of the U.S.S.R., I have attended many meetings in which the annual research plan, within the seven-year research plan, has been discussed, in which the research priorities laid down by the Presidium of the Academy of Sciences have been interpreted, in which the work of various members of the Institute has been criticized and defended, in which "the tasks of legal scholarship in the light of the 22nd Party Congress" or "eradicating the consequences of the cult of Vyshinsky in legal scholarship" have been on the agenda. Among approximately 120 research workers in the Institute there are

many very able jurists and there are very sharp disagreements which are openly aired. There is a high degree of intellectual stimulation. But the built-in pressure to publish, coupled with the collective responsibility of the entire Institute for the contents of each published work, is hard to get used to.

In the University, the pressure to publish is not so great. Indeed, Institute people say that some jurists retire to the University because they do not wish to risk the sharp criticism that so often follows publication. Some of the most distinguished professors in fact publish very little; one of them, who died a few years ago after a long teaching career, was quoted by a devoted follower as having said, "My students are my books." This is not to say that the professors do not publish at all — they do, but not nearly so much as the members of the Institutes. I do not know whether their writing is also "planned," but I suspect that it is and in any case it is rigorously and collectively edited. But for the most part, the professors are extraordinarily busy lecturing and conducting seminars.

Five-year Course

In the law department ("law faculty") of Moscow State University there are about 1000 students taking a five-year course (they go to the law faculty from secondary school, usually after two years of practical work, at about the age of 19 or 20). They attend classes about 35 to 40 hours a week! Attendance is taken at each class and there is a great emphasis on examinations both at mid-year and at the end of the year. (One of the first questions I am asked by students is, "In American law classes is attendance compulsory?")

Apart from the big lecture courses (Civil Law, Civil Procedure, Criminal Law, Criminal Procedure, Administrative Law, Dialectical Materialism, History of State and Law, Law of Bourgeois States, Law of People's Democracies, etc., etc.), there are smaller classes in foreign languages and in special subjects. In addition there are seminars in which the method of instruction has some

similarity to American law school methods. In these seminars, which are in the same subjects as the lecture courses, the students come prepared to answer problems which are usually in the form of short hypothetical cases. The professor calls on a student to state the problem and give his answer. The professor then may ask supplementary questions which challenge the student's answer or call on other students to elicit opposing answers. The questions tend to be narrow — what statute or code provision is relevant, what it means, how it would apply to various fact situations. The students have a chance to discuss the case freely and to put their own questions to the instructor. Essentially, this method of instruction is not different from ours except in one important respect: the Soviet problems, or cases, are much shorter and provide less opportunity for extended discussion.

Land Is Different

Thus in one seminar which I attended several cases were discussed in which transactions were struck down by the courts as disguised sales of land. A Soviet citizen may own a house and have perpetual use of the land surrounding the house, including, for example, an orchard. He may sell the house and the orchard; but the land is state property, and as such is *res extra commercium*. Indeed a collective farm may not even rent land to a state farm. The students pressed various analogies upon the instructor — for example, the sale or rent of capital equipment by state business enterprises — but his answer in each case was, in effect, "Land is different." In discussion with him after class, he agreed with me that he had not answered the question *why* land is different, and that he should have attempted to do so. He also said that it is a very difficult question. I was struck again by the fact that one virtue of our American cases, from a pedagogical point of view, is the tendency of our courts to give a fairly elaborate explanation not only of "the law" but of the underlying reasons or policies of the law.

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The lectures (as contrasted with the seminars and the smaller optional courses in special subjects) tend to be systematic, in the sense of categorical — A, B, C, sub-A, sub-B, sub-C, down the line, with black-letter illustrated by various examples. This tends to make them rather elementary and to account for the students' impatience with them. But the highly conceptual nature of Soviet legal reasoning provides a basis for criticism of existing law which might not otherwise exist. Let me give one example:

The Communist Party Program calls for the gradual replacement of state organizations by social organizations. The primary difference between the two is said to be that the former depend on coercive sanctions whereas the latter depend on persuasion. On the basis of this distinction, one lecturer told his class that it is quite wrong that Comrades' Courts, which are a "social" institution set up to try minor offenses, are given the power to impose fines, and that "social" workers who police the new conductorless buses to catch anyone who does not pay are also given the power to impose fines on the spot. He said that if social organizations are given the

power to impose coercive sanctions, then all the talk about the transfer of the functions of state organizations to social organizations makes no sense.

During lectures, which last an academic two hours (actually two 45-minute periods with a 15-minute break in between), the students are given very little chance to participate. However, they crowd around the teacher with questions during the intermission and after the lecture is over. Also they sometimes pass up written questions during the lecture, which by strict custom must be read aloud by the instructor and answered. The instructor may read the question to himself, frown, put it aside, read it again, put it aside again — all the while continuing his lecture — but eventually he must come to it. Sometimes the questions are rather sharp. For example, in another lecture on social organizations, in which the instructor had tried (it seemed to me in vain) to classify all the various types of voluntary associations which now exist (ranging from parent-teachers meetings and housing committees all the way to the Komsomol and the Communist Party), he finally had to read the

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student's question: "If three men go into a shop to buy a bottle of vodka, 'shares for three' (this refers to a Soviet custom in which each of the three in turn downs a third of the bottle) — are they a social organization?" The teacher's answer got drowned in the roar of laughter at the question.

In the lectures which I have been giving on American law, the written questions have been more serious: "How can you reconcile McCarthyism and the existence of the John Birch Society and fascist organizations with Constitutional guarantees of civil rights and civil liberties?" "In view of laws prohibiting racial discrimination, how is it possible that

organizations like the Ku Klux Klan which preach racial discrimination are permitted to exist?" And so forth. The oral questions after class are sometimes similar, and often they go far beyond the realm of law altogether. One student asked me, "Is it true that American youth are interested only in a good time and their own individual careers?" Another, in a similar vein, asked, "How do Americans visualize the future? What development do they foresee for the United States and other countries of the world in the next twenty years?"

I would be grateful to any reader of the RECORD who could help me give a good answer to that last question.

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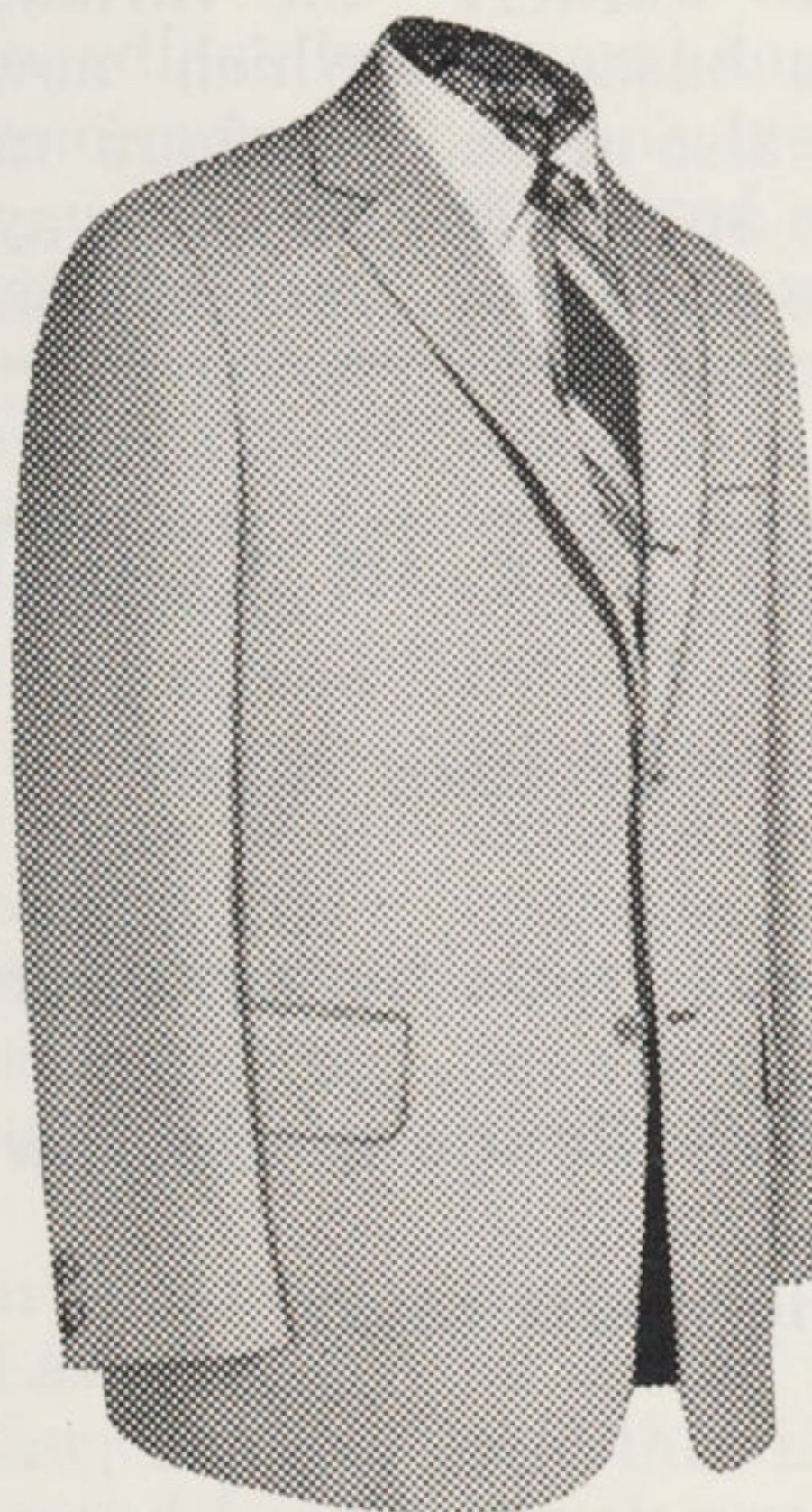
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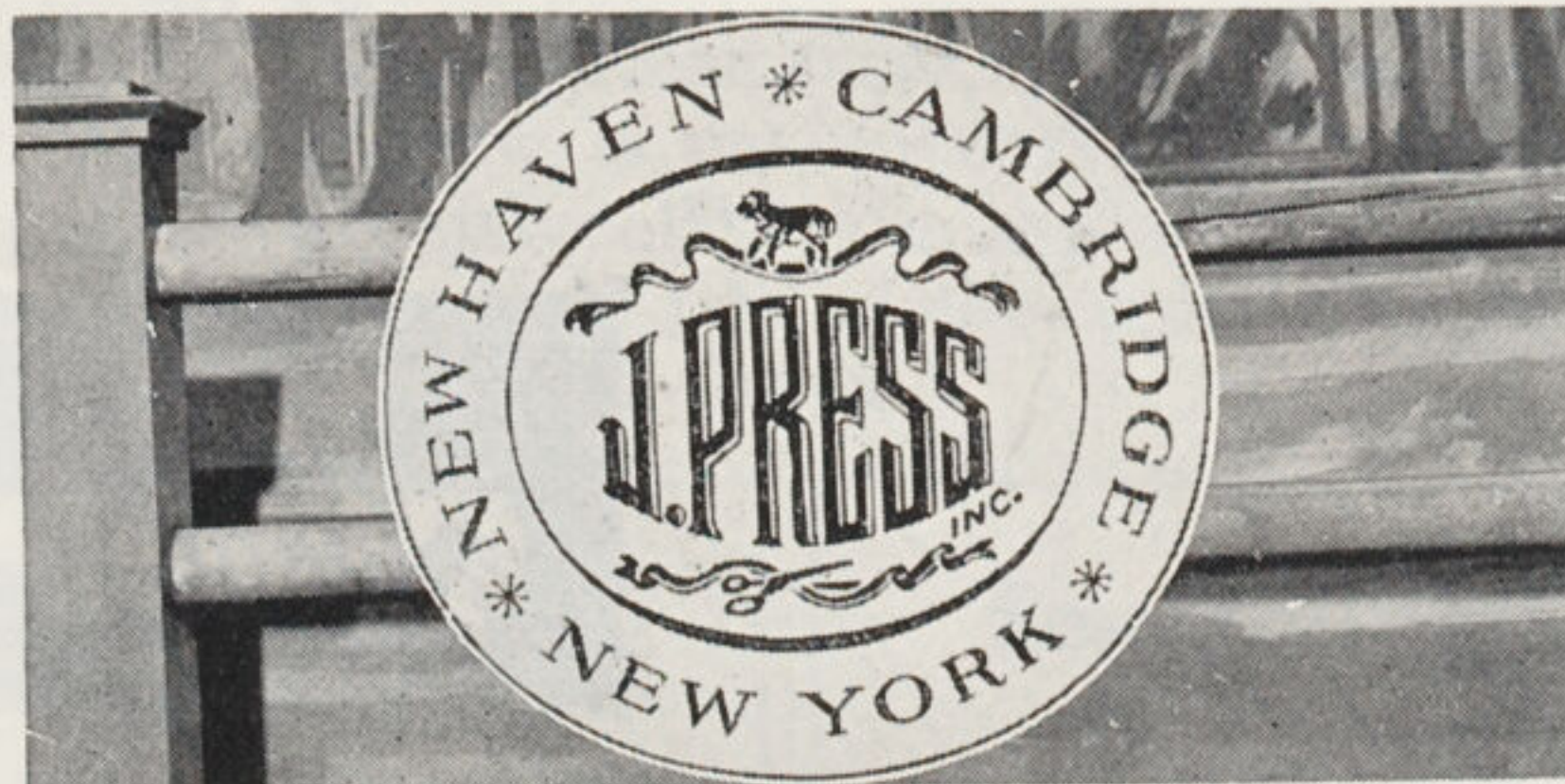
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Dean Reports

(Continued from Page 1)

confab. Russia and Yugoslavia sent delegates to the conference.

Dean Griswold stated that the tone of the Rome Conference differed significantly from that of the Lagos Conference, which was held last December. The Dean felt that the discussion and particularly the final consensus which was published at the former conference was in general more sophisticated and dealt more with concrete realities than did the Lagos meeting—which dealt with matters on a more general plane. The Dean attributed this difference to the fact that at Lagos most of the delegates were from countries which were newly-formed; thus the conference served in large part as an original meeting-ground where the problems of the African area could begin to be studied in common. At Rome, however, most of the countries present knew the ways of each other quite well; thus much that was a necessity at Lagos could be dispensed with at the Rome meeting.

The conferees immediately emphasized the importance of international law and sought the means to improve the present concepts. In the final consensus of the Conference, the following recommendations were stressed: (1) that the International Law Commission of the United Nations be strengthened; (2) that the Sixth (Legal) Committee of the General Assembly assume greater responsibility; (3) that advisory opinions on legal questions be asked of the International Court of Justice in all appropriate situations; and (4) that research by individuals and organizations be greatly encouraged.

The conference also cited the United Nations as "the world's best hope for international peace under the rule of law" and called for its unconditional support. Also called

for, on a reciprocal basis, was compulsory jurisdiction of the International Court of Justice, as well as the setting up of regional and specialized chambers of the Court, where appropriate.

In the economic realm, the Conference called for increased efforts to achieve harmony in laws, particularly in the field of negotiable instruments, patents, copyrights, international sales and transportation. The Conference recognized that the only realistic method of securing such harmony was to obtain national legislation in accordance with these objectives.

Lastly, the Conference, in its consensus, stressed the importance of the role of lawyers in the development of the international rule of law. The Conference called for the development of a world community of legal scholars and support for the already existing legal organizations and institutions working toward the same goals as the present conferees.

The conference drew to its conclusion with an emphatic speech by Lord Shawcross, a delegate from Great Britain, who condemned the indulgence in "cliches and platitudes" and stated that although the law against war remains in existence, "this time we lawyers without abandoning our ideals, must keep our feet on the ground."

Lord Shawcross was followed by Professor Victor Chkhikvadze, delegate from Russia. After a few brief apologies for not being familiar with the procedures of the Conference and with what had been accomplished in the previous conferences, Professor Chkhikvadze launched into a glowing praise of the legal profession and its impact on society throughout history. He stated that modern technology and science will either serve to obtain happiness of the people or will be used to destroy millions upon millions of human lives, and that "the most urgent mission facing lawyers today is to make every effort toward the achievement of

general, complete and controlled disarmament." He also emphasized the importance of considering legal guarantees for a treaty on controlled disarmament.

The speech by Professor Chkhikvadze called forth a response by Lord Shawcross. He said that "the statement by the distinguished Russian representative that general and complete disarmament must take place under strict international control is a matter of the greatest significance which we must all welcome." Lord Shawcross also stated that he was glad that his Russian colleague agreed that such an international treaty would involve some limitations on sovereignty.

After the conclusion of the conference, the delegates were received by Pope John XXIII and heard an address by him which praised the objectives of the Conference. In the evening the conferees attended the opera and were generally delighted with the performance of *La Bohème*.

Along with Dean Griswold, other observers and delegates from the United States included Professor Louis Sohn, Mr. Abram Chayes, former Harvard Law Professor who was the observer for the State Department and Mr. J. C. Satterfield, president of the American Bar Association. Daniel Jacobson, the delegate from Israel, is a 1953 graduate of the Harvard Law School.

Plans are now being made for the World Conference on World Peace Through Law which is hoped to be held at New Delhi, India, in February of 1963.

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FIRST YEAR OPPORTUNITIES

Chicago: Stevenson, Conaghan, Hackbert, Rooks & Pitts. Contact William W. Fullagar, Esq.

Washington: Department of Health, Education & Welfare. Harold W. Horowitz, Esq., will meet with students at 2 p.m. today in the Gray Room, Holmes Hall.

SECOND YEAR INTERVIEWS

Denver: Holland & Hart. David Butler, Esq. (2 p.m. today.) Friday, April 13.

SECOND YEAR OPPORTUNITIES

Boston: Lybrand Ross Bros. & Montgomery. Contact Mr. Herman Steutzer, Jr.

Chicago: Stevenson, Conaghan, Hackbert, Rooks & Pitts. Contact William W. Fullagar, Esq.

Minneapolis: Leonard, Street & Deinard. Contact Harold D. Field, Esq.

Philadelphia: MacCoy, Evans & Lewis. Contact Edmund B. Spaeth, Jr., Esq.

Seattle: Holman, Mickelwait, Marion, Black & Perkins. Contact Andrew M. Williams, Esq.

Washington: Department of Health, Education & Welfare. Harold W. Horowitz, Esq., will meet with students at 2 p.m. today in the Gray Room, Holmes Hall.

THIRD YEAR INTERVIEWS

New Haven: New Haven Redevelopment Agency. (2 p.m. today.) Date not set.

THIRD YEAR OPPORTUNITIES

Bennington, Vermont: Jones, Ehrich & Dollard. Contact Manfred W. Ehrich, Jr., Esq.

Boston: Lybrand Ross Bros. & Montgomery. Contact Mr. Herman Steutzer, Jr.

Eugene, Oregon: Department of Finance & Business Economics, University of Oregon. Contact Professor Edward W. Reed.

Greenwood, South Carolina: Mays, Mays & Doyle. Contact Marshall T. Mays, Esq.

Los Angeles: Willis, MacCracken &

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Minneapolis: Leonard, Street & Deinard. Requirement: top quarter of class. Contact Harold D. Field, Esq.

New Jersey: Contact Placement Office.

New York: Port of New York Authority. Requirement: top third of class. Contact Sidney Goldstein, Esq.

New York: Scribner & Miller. Contact Irwin P. Underweiser, Esq.

San Francisco: Kelso, Cotton & Ernst. Contact Aylett B. Cotton, Esq.

Washington: Department of Health, Education & Welfare. Harold W. Horowitz, Esq., will meet with students at 2 p.m. today in the Gray Room, Holmes Hall.

Washington: Office of Legal Adviser, Department of State. Requirement: Law Review, Legal Aid or Board of Student Advisers. Abram Chayes, Esq., will meet with students in the Gray Room, Holmes Hall, at 11 a.m. on Friday, April 13.

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