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New Course Readied



Professor Dawson

By Edwin S. Kahn

The forthcoming course in the Development of Law and Legal Institutions will be "highly experimental," professors John Dawson and Mark DeWolfe Howe explained recently.

Each professor will be teaching one section of the first-year class in the new course, while the other half of the class will be taking the customary course in Agency after Jan. 7.

The course in legal development is designed "to illuminate the functions of law and lawyers in society as they have evolved

(Continued on page 6)

PBH Drive Starts

The 1963 Law School Charity Drive was kicked off with a mail solicitation of all students last week. The drive, sponsored by the Law School Committee of the Phillips Brooks House, is undertaken annually at this time of year in co-ordination with the Harvard-Radcliffe Charity Drive.

The fund raising campaign employed by the Committee is unique in that it is not of the hard-sell variety, according to Chairman Robert S. Kenison, 3L. The letters to the student body will comprise the only solicitation to be made. The Committee felt that a charitable donation should be the personal act of the contributor and that this procedure emphasized this private nature.

Another unique approach in this drive is selection of the charities by the contributor. This method, adopted last year, allows each student to select any charity he wishes. However, for those who have no specific charity in mind several charities were described in the flyer. The Committee has recommended the United Fund, the Phillips Brooks House Association, UNICEF, the Boston Legal Aid Society, and the Massachusetts Association for Mental Health.

Although last year's participation was only 40% of the student body, the Committee is hoping to get at least a 75% response this year. The Committee emphasized that "every little bit counts," and expressed the hope that all would participate.

Time For A Change

Turning from the material problems of the School to its ethical ones, the RECORD commends the Dormitory Council's asking the Administration to extend the parietal hours. For we feel that the inflexibility of the present parietal rules and the consequent wholesale violation and inadequate enforcement of them require a thorough re-examination of the entire problem.

Apropos of the rigidity aspect, from Monday through Thursday evenings the hours are just from 5 to 7. Also, one of the Administration's statements about the rules reads: "The rules make due allowance for the varying social interests and the work load of students." Now if the rule and its explanation are combined, the implication would seem to be that if a fellow were able to entertain a girl friend in his room from 5 to 9 one evening, his studies would suffer. To us this does not logically follow. If this person studies for two additional hours on the following day, it is difficult for us to see how he will be hurt.

If anyone says that the important consideration is whether he *will* study those two extra hours, we would reply that since mature self-discipline has always been fundamental in determining whether a student will successfully complete his three years here, our hypothetical student, looking after his own best interests, will do so.

Furthermore, undergraduates in Harvard College have parietal hours of from 4 to 7 during the week, one hour more per day than their Law School compatriots, and we do not understand how the Administration justifies this discrimination.

Some say that the reason is our greater work load. Granted that our schedule is heavier, we fail to see how anyone can logically argue that an increase of one hour per day in the parietal rules automatically determines the difference between academic success and failure. The resolution of that question necessarily depends upon the individual student's capabilities and motivation, *not* upon an arbitrary, inflexible standard. And the existence of such strait-laced rules inevitably leads to flagrant violations of them by the student body.

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TONGUE 'N CHEEK

By Fenno

What this place needs is some school spirit. Everything here is dragging. Students are sleeping in class more and enjoying it less. Professors are becoming more obscure, case by case. Coke machines have run dry, and dormitory parties can only be very private affairs.

We ought to have a Campus Queen contest. You know — let's pick a *Miss Langdell of 1963*. Such an event would stimulate legal academicians young and old. Our Queen could officiate at Law School sports activities, such as: faculty meetings, dreary seminars, and exams. She could also preside at official School functions, such as: the Welding of the World Tree, the Razing of Austin Hall, and the Using of Classroom Microphones by Professors. Moreover, she could make good will tours to drum up alumni support and to educate the public on the finer points of the law.

Who would be our Queen? Clearly, she must be one of our female law students. However, the competition will be stiff. She will have to pass difficult tests for negotiability, reasonable reliance, foreseeable risk, and due process before a favorable verdict can be given. In short, she will have to meet the standards of a reasonably prudent man under the circumstances. In case of ties, the winner will be chosen by trial by battle or ordeal.

Of course, *Miss Langdell of 1963* would be well rewarded for her merits. Professors would be required to take judicial notice of her when passing out grades, and students would have to carry her green book bag to class for her.

True, ours is a government under laws, not *men*. But this is no reason why the laws cannot be interesting. Even in Ames, where there is no precedent, there's nothing like a dame.

HLS Grads Seek Legislative Progress

By Charles M. Hamann

A progressive legislature in Massachusetts? If Levin H. Campbell, LL.B. '51, Michael S. Dukakis, LL.B. '60, and William P. Homans, Jr., LL.B. '48, newly elected state representatives, have influence corresponding to their hopes and enthusiasm, the image of Massachusetts government and politics will gain a new luster in the next two years. Although not entirely alike in their political perspective (two are Democrats, the other, a Republican), all three believe the legislature can play a more positive role than it has heretofore, either by implementation of federal programs or encouragement of local action, in solving the problems of Massachusetts.

Land-use planning, mass transit, urban renewal, and civil rights are the chief concerns of these three Law School graduates. Mr. Campbell, Republican representative from Cambridge, is co-sponsoring a bill to extend the Metropolitan Transit Authority (MTA) rapid transit line from Harvard Square to Porter Square. He, in company with his two new colleagues, believes that the end of mass-scale highway construction in the Boston area is near at hand. Any new roads in Cambridge, Mr. Campbell believes, will only succeed "in hacking Cambridge apart."

Roads Over-emphasized

Mr. Homans, Democrat from Cambridge, is, likewise, critical of what he termed "over-emphasis on highway construction." Mr. Homans, who is a noted civil liberties lawyer as well as a legislator, believes that the emphasis on highways may cause a sacrifice of Boston's rapid transit system. What is needed is "some kind of all-inclusive metropolitan planning." He cited the Massachusetts Turnpike Extension, which "will dump umpteen thousand cars into Copley Square every day," as one of the fruits of unco-ordinated urban planning.

To prevent reoccurrence of such "unplanned" projects, he is co-sponsoring with Mr. Dukakis, Democrat from Brookline, a bill which would include in one agency the planning functions of all currently existing agencies which have had a part in determining land use in the Boston area, including the

MTA and the Massachusetts Turnpike Authority. Mr. Dukakis believes that the bill "has the votes, but doesn't have the boys in the backroom behind it." The establishment of a metropolitan planning council will remedy, in his opinion, a situation in which there isn't "any consultation at all."

Part of the transit problem, Mr. Dukakis said, stems from a misallocation of funds: the MTA is capital-starved. To correct the situation, he plans to introduce two bills at the next session of the General Court of Massachusetts. One bill will authorize the state to "pick up" the capital cost of the MTA; the other will allow the state gasoline tax, currently designated for highways only, to be used for the maintenance and development of metropolitan transportation.

Urban Renewal Interest

Mr. Dukakis and Mr. Campbell both described housing and urban renewal as areas of primary interest. Mr. Dukakis complained of the slow pace of urban renewal. He reflected that the federal government was willing to assume 50% of the cost and that the money "has been around a long time." Mr. Campbell, who describes himself as a "spending" Republican, thinks that governmental failure to seek co-operation from the people living in the areas to be renewed is partially responsible for the lag. He said that failure to seek neighborhood support caused the "foundering" of an urban renewal project in Cambridge.

Both Mr. Homans and Mr. Dukakis will work for civil rights legislation. Mr. Homans said that some of the "bad results in the area do not stem from bad will, but lack of expertise." He plans to introduce a bill which will expedite criminal procedure in the state courts. Currently, the prosecution must bring a fresh indictment if a criminal case is dismissed, no matter for what reason or at what stage in the proceedings. The Commonwealth has no right of appeal in criminal cases.

Mr. Homans' bill will allow an appeal by the Commonwealth on a case dismissed before trial. Because the bill does not allow

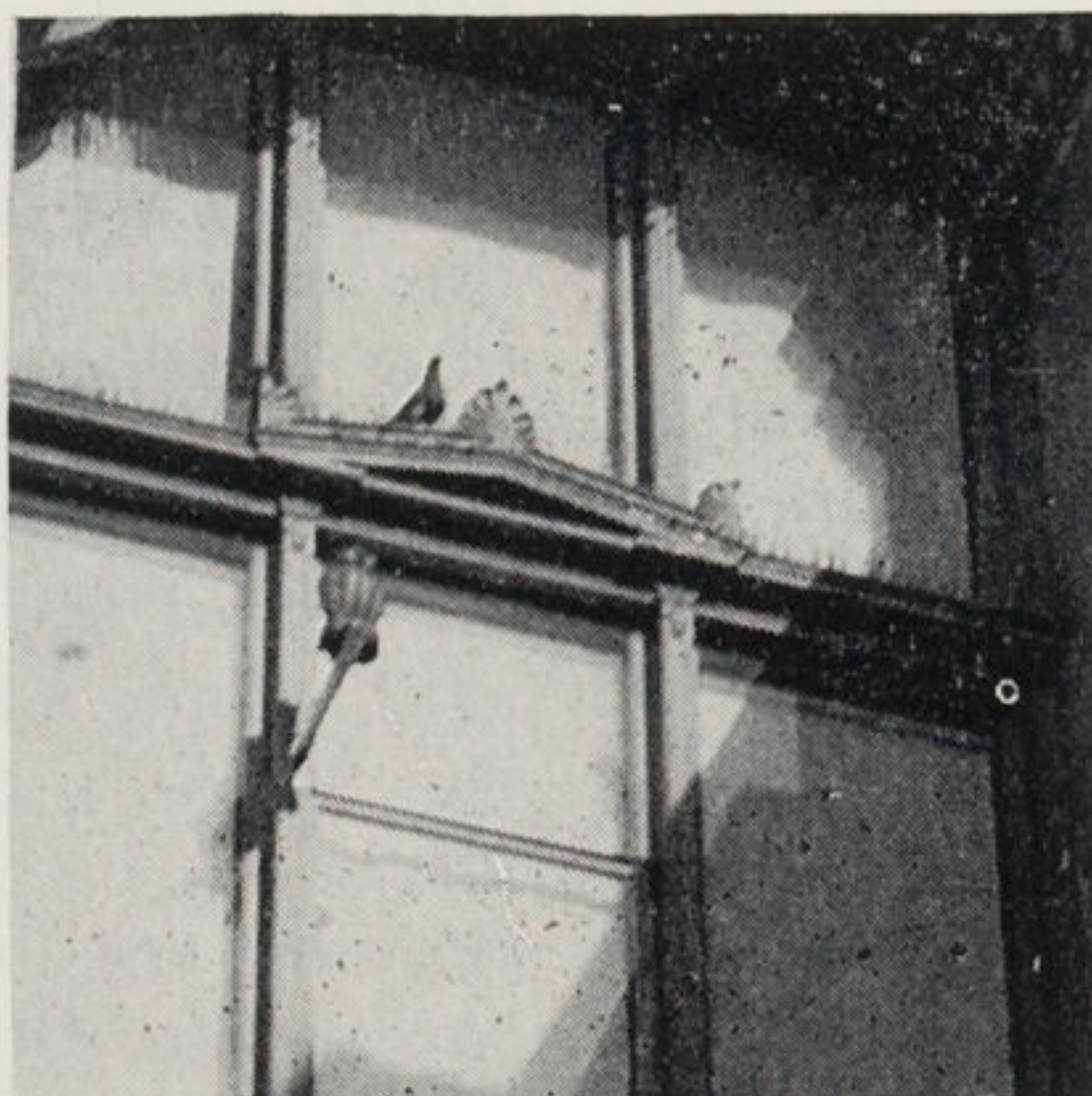
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School Renews War on Pigeons

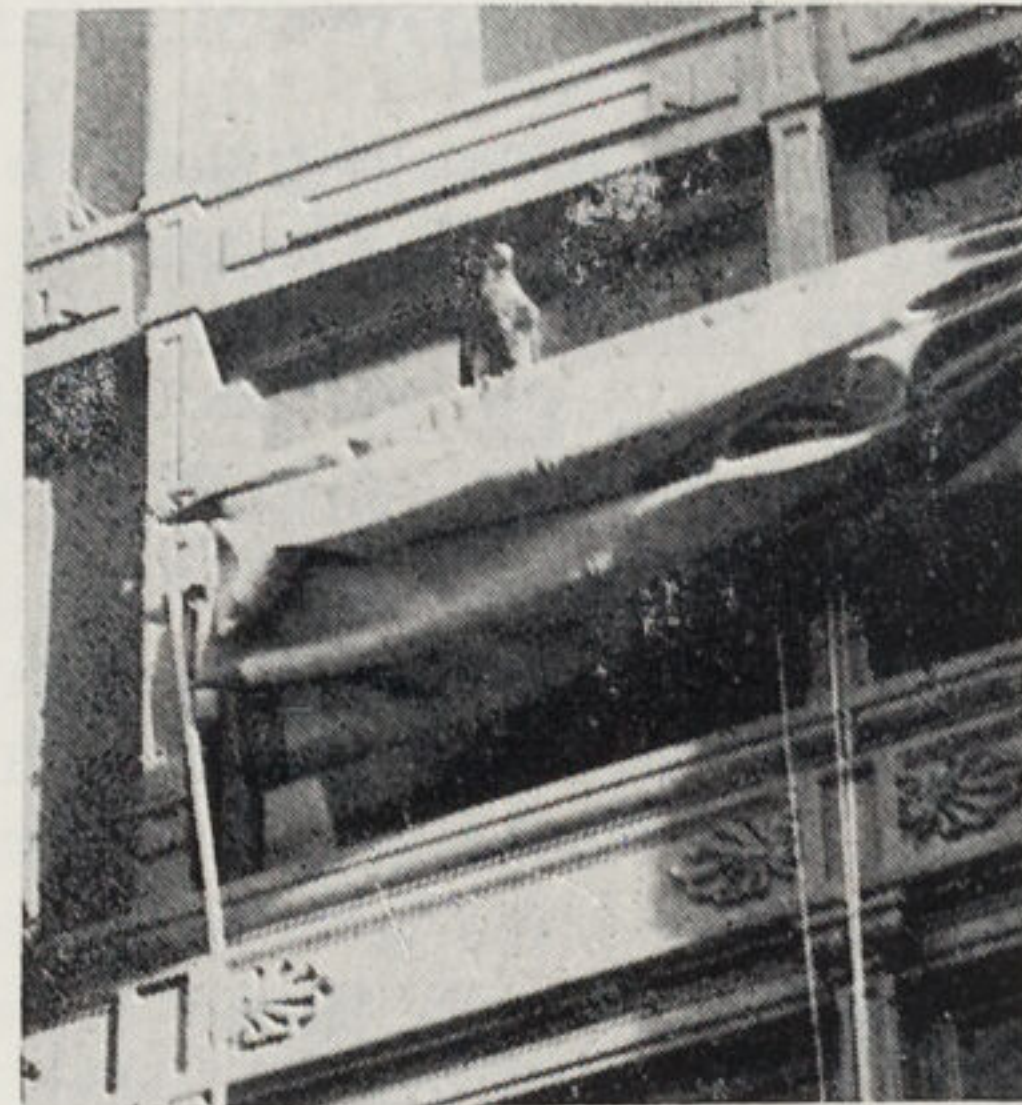
The Law School has renewed its oft-declared but seldom successful war against the pigeons on Langdell Hall.

The warfare, which has been waged with short steel spikes, chemical pastes, and papier maché owls (See RECORD, April 19, 1962), has been renewed again with paste. University workmen squeezed out strips of goo all around the window ledges and elaborate ornamentation last week.

Mary Conlan, Administrative Assistant to Dean Griswold, has been unhappily in charge of the pigeon war for several years. She confided Friday that she did not expect



Before: April, 1962



After: December 1962

the latest offensive to be any more successful than the others.

When asked whether there were many of the birds still

around, she replied: "From the looks of my window, which was cleaned only a few days ago, they can't be far away."

McCarthy to Head State Council

Vincent P. McCarthy, IL, was elected Chairman of the Massachusetts Student Democratic Council at the group's annual convention last Sunday at Boston College.

McCarthy, a member of the Law-Graduate School Democratic Club, was Vice-Chairman of the statewide Youth for Peabody organization during this fall's campaign.

The 12-man Law-Graduate delegation proposed three resolutions which were approved by the Council. They indirectly criticized the Democratic State Committee by urging future state committees to take a more active role in statewide elections, including service as a central fund raising organization.

They urged the party to abandon the present open primary system and restrict primary candidates to those who get at least 20 per cent of the vote on any convention ballot. This was amended to agree with a COD-sponsored proposal allowing candidates to run if they gather 25,000 signatures on petitions.

They urged the state to establish an intern program to provide opportunities for students to work in government on the statewide level.

Republicans to Hear Greyber

Dr. Howard Greyber, unsuccessful Republican Eighth Congressional District candidate in the recent election, will speak tomorrow at a one o'clock luncheon meeting of the Law-Graduate Republican Club. Accompanying him will be his campaign manager, Dave Harmon.

Dr. Greyber received only a little more than 27% of the vote in his election battle with Democratic incumbent, Thomas P "Tip" O'Neill. Nevertheless, because of an overwhelming Democratic registration advantage in the district, his performance has been regarded as a minor Republican triumph. Dr. Greyber strongly believes that two-party competition is essential to a healthy democracy.

Tenney to Address Bulls

J. M. Tenney, President and Board Chairman of the Tenney Corporation, will speak on "The Public Real Estate Industry" at tomorrow's 1:45 meeting of the Bull and Bear Club. The meeting will be held in the Wheeler Room of Holmes Hall.

Science + Humanities = Culture

By Stewart D. Davis

A handful of law students joined a number of undergraduates and other folks to fill something over half the seats in Lowell Lecture Hall and ponder the issue of "Two Cultures — The Gap Between the Sciences and the Humanities" at last Friday's Forum.

Moderator Donald Fleming, Professor of history at Harvard, admitted to being "Snowbound," saying "C.P. Snow poses the issues; let those who will, resolve them." The issues, said Fleming, are whether it is true that there are two monolithic cultures, humanistic and scientific, and whether a gap between such supposed separate entities would present a great problem to society.

Snow's humanities-science equation was attacked as being too "synthesistic" by Howard Mumford Jones, M.I.T. professor of English. He stated that the humanities consist of more than the creative arts, to which they are commonly tied in the public mind. Science, he said, has a multitude of meanings, which includes pure science ("knowledge for its own sake"), applied science or technology ("a great American occupation"), institutional science (coordinated teamwork for short-term results, governed by pragmatism), a philosophy of science, and a general term "science" meaning organized knowledge.

In this pluralistic country, said Jones, we are not divided in Snow's black and white terms. Ours is a religious culture, hostile to a scientific philosophy, and a middlebrow (philistine) culture which considers the humanities a deep field "understood by curious people indeed." The power groups — industrial leaders, educational and science administrators, and governmental men — pay lip service to the humanities. The intellectuals and artists, alienated from our pragmatic culture and rightly troubled by being unable to find an ethical tradition in science, turn vainly to the humanities and religion.

George Wald, Harvard professor of biology, opened by "divesting" himself of Snow, who he claimed is obsessed with a problem of administrative power in that Snow sees the two cultures as being the West and the U.S.S.R.

"To me," said Wald, "science represents an attempt to understand reality." As such, he feels, science is socially good, although he admitted the applications of science "can be very bad indeed."

He continued, "Science at its best is trying to achieve a view of man's place in the universe." His is an historical, inevitable universe. He stated, "The history of the universe is an ascent of matter through increasingly complex degrees of organization. From the particles of our universe what happened was bound to happen."

Wald's affirmation was poignant and simple. What is worth living for is what makes man human — knowing, represented by science, and creating, represented by the arts. These, he said, are the most enduring goals of our culture.

Thomas Gold, professor of Astrophysics at Cornell, addressed himself to the gap he sees in the U.S., the gap between those who oppose and those who embrace knowledge. He pointed out that the gap Snow was talking about should not be taken too seriously here, as it was directed toward English society.

Gold stressed that the aim of education is to create culture and certainly not to create uniformity. He said that the aim is to spread human endeavor more, not less, and "if there is no communication, *tough*."

But he thinks that the modern cultured man should be equipped to understand scientific forces so the world does not roll over him like an avalanche. His constructive suggestion to improve the scientific-humanistic relationship is to pay more attention to one subject at the heart of scientific investigation — evidence. He thinks that statistics should be taught everywhere to provide a common background and language.

Gold closed with the comment that the present method of bringing scientific information to the general public is deplorable and that better writers or publicists should be found to help spread scientific methods and modes of thought to all — to keep progress flowing everywhere.

Legislators

(Continued from page 3)

an appeal where the defendant has been placed in jeopardy, Mr. Homans remarked that "it does not upset my civil libertarian conscience." An abuse which the bill is designed to cure is the tendency of judges to allow a case without obvious merit to drag along in order not to deprive the government of "its rights."

Although he believes that Massachusetts is "as far along in the civil rights field as any state in the union," Mr. Dukakis hopes to encourage the state civil rights commission to play "a more creative role" in solving problems of discrimination. In his view the commission has acted too much like a court, taking complaints on a case-by-case basis. He believes that the commission should not be a passive arbitrator.

Mr. Campbell, Mr. Dukakis, and Mr. Homans all support some measure of governmental reform in Massachusetts, and the latter two, active in COD, a Democratic reform organization, hope to help revitalize the Democratic Party in Massachusetts. Mr. Dukakis plans in the next two years to help "clean up the state as well as to legislate." While Mr. Homans thinks that the Democratic party in the state has had a bad press, he admitted that it contains a "few bad apples." His solution is strong leadership in the Democratic party; he believes that part of that leadership should come from the Democratic-controlled legislature.

According to Representative-elect Dukakis, the current leadership of the Democratic party in the state legislature has acquired do-nothing habits. "Enabling legislation is passed by Democrats in Washington, and we don't act," he said. "Some of us who are younger and newer have a lot more philosophical underpinning than those who have been there [in the legislature] a long time. We would like to see the leadership in the legislature act more in line with the national party philosophy and implement more federal programs," Mr. Dukakis said.

Mr. Campbell termed the Governor's Council "anachronistic" and urged its abolition. He thinks that the governor should have the power to appoint his own departmental heads. Currently they are appointed for five-

year terms, and the Governor is "saddled with them."

Why did these men seek election to the legislature? Mr. Campbell ventured the opinion that the importance of local state legislation is frequently undervalued. "Resolution of the problems of local government, the problems of metropolitan planning, land use and metropolitan transit will affect our lives more seriously than many actions on a national level," he said. "The problems of Massachusetts are as complex as you will find anywhere." These three Law School graduates may supply some of the imagination and ingenuity needed to solve them.

Legal Developments

(Continued from page 1)

over the centuries and to provide some framework of analysis which gives more comprehensive meaning to law in its substantive and procedural particulars," according to the 1960 report of the Committee on Legal Education, which recommended that the course be established for first-year students.

Professor Dawson said he will trace some key institutions of modern law from the environment from which they emerged. His course will trace developments from 1200 to about 1800 with primary focus on England.

A main object of the course will be to contribute perspective as to the inter-action between law and the society it regulates, he said. The heavy emphasis in the first year on analytical method is wholly desirable but needs to be supplemented by materials calling for a somewhat different approach, he added.

Both professors have written their own texts, which will be distributed to students taking the courses.

Professor Howe will emphasize public law in both England and the United States. He will stress pluralism in early English law and go on to consider problems of English control of its colonies and problems of federalism in this country.

He anticipates using contemporary cases and statutes to add depth and understanding of problems faced at earlier stages of history.

This is the first time a course of this type has been offered to first-year students at Harvard, although other schools have given similar courses in the past.

Tax Time Again

By Daniel J. Kucera

Tired? Bored? Broke? Stop feeling inferior. Now, you can be the first one on your block to have a copy of the 1962 federal income tax forms. On Monday, December 17, the greeny doors of 900 Internal Revenue Service local offices will unhinge to allow hordes of eager patriots to wrap their calloused fingers about the many sheets.

The Commissioner — who usually concedes very little — confesses that the forms are appearing two weeks later this year than normal. This sad fact occurred because Congress took so long figuring out what the new tax laws should be and consequently adjourned late.

However, the Internal Revenue Service has not taken the problem sitting down, no matter how taxing it is. The presses of the Government Printing Office are clunking along 22 hours a day, and IRS'ers are working overtime Saturdays and holidays.

Unfortunately, there will be no delay in the mailing of forms to individuals. They will receive the little gems on January 2 as usual — too late for New Year's Eve confetti.

When printing of the 1962 tax forms is completed, over one billion pieces of paper will have been produced. To make these wallet-shrinkers, the Government uses 8,000,000 pounds of paper and 60,000 pounds of ink.

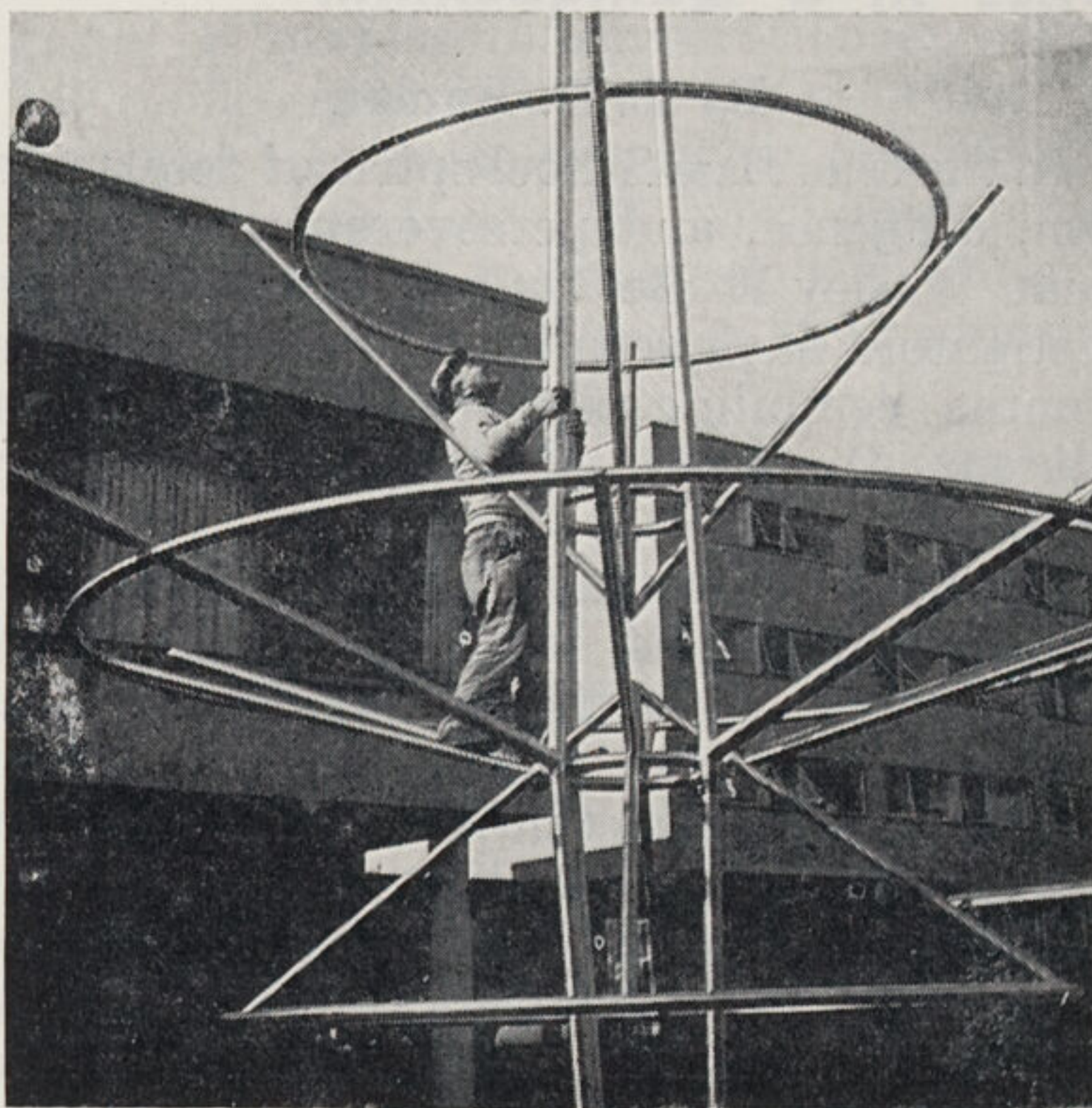
In view of the large printing expense, most taxpayers would agree that the Government could save a lot of money by not printing the forms in the first place. And, everybody would be a lot happier, too!

Barristers' Ball Saturday

The Barristers' Ball, the annual Law Wives' party, will be held in Harkness Commons 8:30 to 12:30 a.m. Saturday evening. The dance, semi-formal, will cost each couple \$2, and tickets can be bought at the door or by calling Mrs. Jerry Friedlander (Elaine) at 491-0226. Liquor will not be provided, although there will be set-ups and a fruit punch.

The Law Wives also announced that the next bridge meeting will be Wednesday, December 12 at 8 p.m. at Harkness.

A Better Weld



The World Tree has had a relapse. The University workman drove his truck up the driveway between Story and Harkness again last Friday. He hooked up his wires and took his tools out to the Tree. Within a couple of minutes he had welded another of the branches back to the trunk.

This time he didn't leave immediately, however. He climbed the Tree to look it over for more lesions. After a joint by joint inspection, he pronounced it sound — at least for the moment.

Some students, who watched the process from the sidelines, wondered whether there is any symbolism in the fact that the World Tree is falling apart and/or being patched up again.

Model Appeal Thursday

In the case of *Donnelly v. Knight*, the plaintiff's appeal from the verdict for defendant will be heard next Thursday in the James Barr Ames Courtroom at 8:00 p.m.

Professor Roger D. Fisher will represent the plaintiff-appellant, Mrs. Donnelly. Professor Frank E. A. Sander will argue for the defendant-appellee. The appeal will be argued before the Honorable Bailey Aldrich, LL.B. '32, a judge for the Court of Appeals, First Circuit. He will act as Chief Judge of a three-man court. Assisting him will be Visiting Professor T.B. Smith and Bertram H. Loewenberg, LL.B. '37, lawyer in the Boston firm of Sherburne, Powers, and Needham, acting as associate judges.

Friends Are Found Once in a Quinquennial

By L. F. Kaplan

In the true Law School spirit of determination, diligence, and perseverance, Assistant Dean Wesley E. Bevins and his corps of investigators have been busy for the last three months compiling the '62 Edition of the Alumni Directory of the Harvard Law School.

"The Quinquennial Catalogue" as it is called, is published every five years by the Law School. It is the official listing of all living alumni of the School and also contains the names of those who have died since the Catalogue's last publication in 1958.

The Catalogue is arranged in three sections, providing a complete reference listing. The first section is an alphabetical listing of the alumni, which also notes their degrees and the institutions they attended. The second indexes the alumni chronologically by the year of graduation. In this year's edition the oldest class is the class of '84, and the youngest is the class of '62.

The last and perhaps most useful section of the Directory is the geographical listing. Each member of the School is catalogued according to his business address. Each listing also contains the year of graduation and the firm with which each member is currently associated.

The Directory is used not only by graduates wishing to locate long-lost classmates and by forgetful professors but also by prospective employers and law firms in need of an up-to-date reference book of the School's graduates and their current addresses.

Early in August inquiry cards were sent to all living members of the School — graduates and nongraduates. From these cards the necessary changes are made in "The Quinquennial Catalogue" to keep it as accurate as possible. This year, the Law School expects to publish between twelve and thirteen thousand copies of the Directory.

The regular price of "The Quinquennial Catalogue" will be \$12 per copy and will be available through the Alumni Office. However, all active members of the Harvard Law School Association receive a copy of the book free as one of the benefits of membership. Members of the alumni who did not pay their



Quinquennial Editors at Work

Association dues last year can also get a copy free if they pay their dues for this year and last.

Logic In The Law

By Richard A. Hannaway

On Monday, December 3, in Littauer Auditorium, Professor Charles Perelman spoke on the topic of "Logical and Judicial Proof." Professor Perelman is a well-known expert on the relationship between logic and the law and is the author of two works on the subject — *Argumentation and Rhetoric* (2 vol.) and *The Logic of Justice*.

The professor began by noting that until very recently logic and the law were thought of as completely different disciplines. In the course of its development, the professor said, logic came to be applied almost exclusively to the mathematical sciences. But, he urged that, on the contrary, logicians should be prepared to recognize types of proof other than the deductive one and should not hesitate to venture into the field of judicial proof.

Professor Perelman saw judicial proof as composed of two elements. First, proof of the facts in the case, or evidence, as it is commonly known. Second, justification of the decision, which consists of the reasons why certain laws apply in this case so as to justify the resulting decision. This element the professor called argumentation. It is the second element which gives judicial proof its special character.

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Class of '51 - Active and Prosperous

Concluding its series of class surveys, the RECORD is publishing the results, recently brought to its attention, of the Law School's official poll of the Class of 1951 which was completed in Sept., 1961. It contains some interesting statistics, which as far as could be determined, have never before been published. —Eds

By L. F. Kaplan

"The figure of a young man busily engaged in pushing forward professionally, satisfyingly solvent, reasonably content with his chosen way of life, beginning to become established as a partner in a firm and starting to have time to branch out into political and community activities" emerges from a poll of the Harvard Law School Class of 1951 ten years after graduation.

The typical graduate of the class could be characterized by the following data: he has 2.59 children, he owns his own home (value \$26,000) and a car; he spends 32 minutes commuting to the city of over 500,000 in which he works about 47 hours a week; he relaxes in front of TV about 3 hours a week and reads between 8 and 12 books a year. He is active in community activities, participates in active sports, is probably a Democrat, and does not attend church regularly.

The profile is based on a confidential questionnaire returned by 235 out of the class of 463.

The financial condition of the Class of '51 shows wide individual disparity but overall it displays considerable wealth. The median starting salary for the class was \$3500. By 1956 the median compensation had risen to \$8000 and in 1961 reached \$15,000. The members of the class said they expected their incomes to range from \$7500 to \$200,000 in 1971, with a median of \$39,000.

Two-thirds of the class said they felt that considering their ability and productivity and the social and economic importance of their work, they are "reasonably" paid.

The median net worth of the family in 1961 was \$34,000, while the median for stock holdings was \$6000, with a range from \$0 (23%) to \$300,000 and over (2%).

At the time of this poll, 83% of the class were practicing law, and the rest were en-

gaged as professors, corporation executives, bank officers, or in other varied professions. Of those who were practicing law 42% had a general practice, 13% were concentrated in litigation, 10% in corporate law, 8% in tax work, and the rest in patent law, admiralty, criminal, property, etc.

The great majority (89%) regard their work as intellectually satisfying or stimulating while only 5% found it dull. A majority (77%) also considered the effective performance of their work of great importance to their clients, though only one-quarter felt that the work they do was very important to the public interest. Of those who were practicing law, 87% felt that their legal education gave them a good background for law, and 78% would encourage their sons to go to law school (90% to go to Harvard Law School).

A large majority (85%) stated that they felt that the public had an inaccurate opinion of the role of the lawyer in society, and 86% felt that the public generally had a moderate or low regard for the legal profession. On the other hand, 63% of those responding felt that the lawyers as a group are more concerned about the quality of the social, political and economic institutions than are business and other professional people.

The class members appear to be able to hold a job well. Two-thirds of them have had only one or two jobs other than military service since graduation. Only 11 per cent reported that they held more than three. Those who changed did so primarily for financial reasons or other advancement. Only six per cent had ever been fired.

Nine out of 10 said they intended to stay indefinitely in the same area, and 79% said they intended to stay indefinitely in their present job.

In questions for wives, only 10% reported they worked outside the home. The largest single occupation for these women was teaching.

They were also asked whether they would encourage their daughters to marry a lawyer. More than half said yes. But 25% of them did not answer.

Perelman

(Continued from page 8)

The professor then compared judicial proof with logical proof, pointing out some of the major differences. The propositions resulting from logical proof are, by their nature, such that the contrary of them could not be maintained. In law, where the process of reaching the result is by argumentation, not demonstration, judicial proof can not be said to be correct in the sense that its converse could not reasonably be maintained.

The judge is given greater freedom than the logician so that he may act to remedy any deficiencies in the legal system in a certain case.

But despite this difference, logical and judicial proof are not inconsistent. Once it is understood by both logicians and lawyers that proof is not a uniform concept and judicial proof is a different but related species of proof, it will be possible for logic to work with the law, so as to aid it in fulfilling its functions.

ENROLLMENT STATISTICS

The university has released the following figures on enrollment:

	Oct. 3, 1961			Sept. 27, 1962		
	Men	Women	Total	Men	Women	Total
Harvard & Radcliffe Colleges	4722	1138	5860	4737	1163	5900
Grad. Sch. Arts & Sciences	2000	503	2503	1992	504	2496
Divinity School	181	11	192	173	5	178
Medical School	452	26	478	475	30	505
School of Dental Medicine ..	42	-	42	40	-	40
School of Public Health	84	24	108	80	19	99
Law School	1573	57	1630	1603	57	1660
School of Design	198	16	214	207	26	233
School of Education	252	187	439	237	194	431
A. M. in Teaching	101	124	225	70	156	226
Public Administration	92	3	95	91	3	94
Business Administration	1597	6	1603	1644	11	1655
Hvd-Radcliffe Prog. in						
Bus. Adm.	-	56	56	-	73	73
Trade Union Program	26	-	26	24	-	24
Society of Fellows	23	-	23	23	-	23
Nieman Fellows	17	-	17	15	-	15
Special Students	41	12	53	42	17	59
Totals	11401	2163	13564	11453	2258	13711
Harvard Totals	11401	342	11743	11453	1022	12475
(Including duplicate enrollments at Radcliffe)						
Radcliffe Totals	-	1821	1821	-	1896	1896
(Including duplicate enrollments at Harvard)						

It's Fantabulous

MILTY'S

A New Delicatessen Restaurant
Serving A Variety of 85 Imported
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P-CN

Travels of a Teacher

By Bruce Abel

Viewing an itinerary of the travels of Assistant Professor Henry Jacob Steiner, one receives the impression that he seeks variety, movement, and freedom. Talking with him, one concludes that Mr. Steiner finds these values here at Harvard more than anywhere else. Since his graduation from the Harvard Law School in 1955, Mr. Steiner took the following path leading him, finally, to his present vocation of teaching a section in the Law of International Transactions and Relations and a section in Conflict of Laws: one year travelling in Europe and the Middle East as a Sheldon Travelling Fellow, working in a French law office and attending German court proceedings; working with Sullivan & Cromwell in New York for a year; clerking for Mr. Justice Harlan of the United States Supreme Court; working three more years for Sullivan & Cromwell in the area of investment transactions and foreign operations of American companies; and being a consultant to the Agency for International Development in the State Department.

When asked to evaluate teaching at Harvard Law School, Mr. Steiner gave this brief analysis: "I like the enviable independence of the teaching profession. Here one's tasks and goals are both stated by oneself. In contrast is the actual practice of law outside the classroom, where much compulsion comes from others, namely clients. This is, I believe, an important psychological distinction."

Mr. Steiner, who had not done any teaching before this year, feels this first year to be one of necessary experimentation. "I have to learn my own talents and weaknesses in this area, as well as developing techniques in presentation of materials." Other than a little consulting work, Mr. Steiner spends his working time being "intensely occupied with my courses, working, and reading in my field." His favorite sports are sailing and squash; his hobby, photography. Speaking of his squash interest, Mr. Steiner feels he "reached a plateau" of ability during his first year of play, when he was an undergraduate at Harvard, and has not gone beyond it. "However, I generally do better against faculty than against third-year students," he admitted. "But not much!"



Mr. Steiner was born in 1930 in Mt. Vernon, N.Y.; he received a B.A. *magna cum laude* from Harvard in 1951, then an LL.B. and a M.A. in International Affairs in 1955. While at the Law School he served two years on the *Law Review* and received his degree *magna cum laude*.

Mr. Steiner's brother Daniel, LL.B. '58, was a Democratic New York State Assembly candidate this fall in Manhattan's "Silk Stocking district." He lost, but "made a very good showing," in that heavily Republican district. (This district is the one which was recently challenged as being drawn up unconstitutionally by the New York legislature. A U.S. Constitutional Court upheld the district's composition, 2-1, on November 26.)

Mr. Steiner explained that his work with Sullivan & Cromwell involved frequent trips to Europe and frequent negotiations with foreign lawyers. Mr. Steiner speaks French and German, but no Japanese, although he often dealt with Japanese counsel. "To illustrate the communication problem," Mr. Steiner said, "I was discussing a problem with a Japanese lawyer one day concerning one of the firm's American clients. I mentioned that we would send a written affidavit by mail to them. He replied that he could not rely solely on a written statement. I then explained that an affidavit was a sworn document. His reply: 'Ah, yes, a holy piece of paper.'"

Professors' Writings Listed

By Thomas E. Woodhouse

From time to time a student, a professor, or perhaps a dean, wishes to know what has recently been written by a particular member of the faculty. He need not thumb through the Index to Legal Periodicals in fear that an important speech or article will not be reported. He can consult the Annual Bibliography of Works by the Faculty of the Harvard Law School or the most recent of its periodic installments, released three times during the year. Either can be found in the Librarian's office or behind the circulation desk, and a third set can be found in Dean Griswold's office.

The first periodic installment for the current year (which, for the library, runs from July 1 to June 30) is being prepared right now and will be released December 15. The operation is solely under the control of Mrs. Page Elliott, who, while not doing research for her husband, 3L, busily scans the ILP, the Current Legal Bibliography (CLP), and the Index to Foreign Legal Periodicals. A card is made for each article by a faculty member

and is filed under his name in a file box. Shortly before the deadline for the release of the periodic installment, a memo will be sent to each faculty member setting forth the articles, books, comments, notes, or book reviews of which he has been the author. He will then be asked to note any additions which may not have been reported in any of the three indices and to check the entries made. At this stage speeches and testimony before Congressional hearings are added. From the memos as corrected, the periodic installment will be compiled.

To avoid the tedium which might be expected to result from meticulous scanning of three very comprehensive indices, Mrs. Elliott plays games. The search for articles becomes a race among earnest contenders, each trying to outstrip the others in the number of cards added to the file box. From frequent refereeing, Mrs. Elliott has found that she can make predictions on the outcome. The usual winner is Dean Pound, whose publishing she regards as voracious. Another top contender is Dean Griswold. At last report the two of them were tied for first place in the file box now being filled, the count standing at four to four.

NOTICE

In recognition of the lateness of the Christmas mails and the vacation period, as a service to our members, December 1st bills, usually due by the end of the month, will be eligible for Patronage Refund if paid on or before January 10th, 1963.



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Equal Justice — Not in Mass.

By Neil L. Chayet

"The facts of life are that we are saying to about one billion uncommitted peoples in this world, that if one in the United States is charged with a crime that could result in death, or imprisonment for life, unless one has money, unless one is of the highest economic class level, one will have less of a chance to adequately defend himself and thus will have a greater chance of being convicted and electrocuted."

So argued Paul T. Smith, a prominent Boston criminal lawyer, in an address before the Medico-Legal Conference on Murder and Suicide held recently in Boston. Mr. Smith issued a scathing attack against the inequities of the law which allow an appointed defense counsel in a murder case a scant \$100 for expenses and \$1000 for his fee. According to Mr. Smith, compensation greater than four times these amounts is needed to conduct an effective defense.

Mr. Smith stated that the practice in Massachusetts of limiting compensation for expert witnesses to a maximum of \$400 is "one of the most shocking indictments of our judicial system." In contrast, the prosecution has unlimited access to funds, investigatory witnesses, the press, stenographic services, expert advice, and expert testimony.

Benevolent Dictator

"In short, the government, which professes the tender solicitude for persons accused of crime is in the role of the benevolent dictator and has the power to destroy and seldom restrains himself from the use of that power." The Commonwealth of Massachusetts, in a capital case, or any other criminal case, can utilize the services of the 261 men of the Boston Police Department and of the 637 men of the Massachusetts State Police and all of the facilities of the F. B. I. "The purpose is to try to throw the entire weight of the state

against an indigent person in order to insure a conviction—to establish a statistical record—in order to get more votes—in order to insure re-election or election to some higher office."

The "public press" was a major target of Mr. Smith's remarks. He pointed out that the problem of the press reporting an alleged crime in a prejudicial manner prior to arrest and indictment or during the trial—and the subsequent influence on jurors and judges—exists more in Massachusetts than in other states.

General denial of the right to have daily transcripts, of the opportunity to examine grand jury testimony, and of the right to bail are frequent happenings which complete the list of inequities in the dispensation of criminal justice in Massachusetts.

Helpful Suggestions

Mr. Smith offered several suggestions to alleviate these "practical, frustrating, maddening and anti-democratic problems with which the defense lawyer is generally confronted in Massachusetts."

(1) The Massachusetts bar associations should establish a list of 50 prominent trial lawyers who would be available, on a rotating basis, to indigent criminals accused of murder. (2) The bar associations should recommend that fees for appointed counsel in a murder case be raised from \$1,000 to a maximum of \$5,000 and be paid out of a fund set up by the Commonwealth. (3) The law schools throughout the Commonwealth should furnish to the bar associations a list of their top first-year or second-year scholars who could volunteer to act as investigators and researchers in cases involving indigent persons. (4) The bar associations should recommend that the courts order the furnishing of daily transcripts without cost no later than 8 p.m.

of the same day so that the indigent will have the same opportunity of astute cross-examination as the wealthy. (5) As a condition of his membership in one of the associations, every lawyer should pledge to devote at least 10% of his time to the defense of indigent persons.

As for the doctors, Mr. Smith suggested that (1) medical associations set up a panel of experts which would volunteer its services to the courts or would be available to assigned counsel in murder or voluntary manslaughter cases; (2) that it should be a condition of membership in a medical association that pathologists will make themselves available to testify in court for an indigent defendant; (3) that frequent conferences should be held to acquaint the medical and legal professions with each other and with their respective roles in the courtroom.

In conclusion, Mr. Smith suggested that the district attorney should furnish to a defendant all of his files concerning the case. "The only logical reason for refusing is that the defendant might be able to establish his innocence.... Every human being must first be presumed to be innocent and must be afforded, undiluted, every basic right and every basic protection from the possibility of prejudice and judicial error."

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Civil Liberties Emphasized

By Ralph Nader

Mr. Nader, LL.B '58, is a former President of the RECORD.

In 1960 there was a brief flurry of concern around the country over the results of a Purdue poll of 10,000 "representative" high school students on their attitudes towards the Bill of Rights and civil liberties generally. The replies yielded figures showing large percentages of students with serious inadequacies in their understanding and commitment to civil liberties and democratic values. Similar findings by other surveys focused some of the responsibility on the ineffectiveness of the educational programs in primary and secondary schools.

This year will be recalled as the time when a decision was made to do something about this problem. The Civil Liberties Educational Foundation (200 Park Avenue South, New York 3, N. Y.), with the cooperation of the National Council for the Social Studies, organized the Williamstown (Mass.) Workshop in July, which was attended by secondary school educators, two law professors, and a historian. The discussion ranged around what should constitute a program to improve the teaching of the Bill of Rights within the existing course structure — science, history, civics, etc. — chiefly of high schools. The emphasis was on weaving into the entire fabric

of secondary school education the meaning and application of principles of liberty under law.

A 138 page report, based on the Workshop proceedings, entitled "A Program For Improving Bill of Rights Teaching in High Schools," has just been published by CLEF and is available for \$1.65. It is a most worthy treatment. Members of the legal profession will be particularly interested in the lengthy appendices embracing suggestions and materials to assist the teacher as well as the statements by law professors Thomas I. Emerson (Yale) and Alan F. Westin (Columbia).

The most recent convocation was that of the newly organized National Assembly on Teaching the Principles of the Bill of Rights, which was held last month at Warrenton, Virginia. The meeting was sponsored by CLEF and three other groups, including the Association of American Law Schools. One of the participants was Professor Harold J. Berman who wrote a textbook, *The Nature and Functions of Law*, for use in college courses in law.

In the six-page statement prepared by the Assembly and signed by a distinguished group including Justices William J. Brennan and William O. Douglas, the following was declared: "We have pointed out that the Bill of Rights is not for lawyers and judges only, but is part of the fabric of our society as a whole. [T]he Constitution and laws are basic determinants and sanctions of conduct, and we believe that far more attention should be given in the schools to discussing the meaning and nature of law and illuminating its place in the world which the students are discovering. The liberty of which we speak here is liberty under law, and the meaning of both words must be explored in any presentation of the Bill of Rights which deserves the name of education."

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Shaw Hall Residents Want More Liberal Parietals

Student discontent and dissatisfaction with the Parietal Rules manifested itself Wednesday, Nov. 28, when two enterprising (and perhaps wishful) students took a poll of Shaw Hall on the question of changing the parietal hours regulations.

An overwhelming majority of those polled voted for a liberalization of the current rules. Those participating in the referendum represented 69.8% of all residents in the dormitory (44 out of 63).

The ballot offered four alternatives — abolition of all rules; liberalization of rules including later weekend hours and week night privileges; present rules; and lastly, abolition of all privileges. The results of the ballot were;

Abolition of all rules	22	50.0%
Liberalization of Rules	19	43.1%
Present Rules	2	4.6%
Abolition of all Privileges	1	2.3%
	44	100.0%

Many of the students who checked liberalization commented that they would have preferred abolition of all rules but that liberalization was all that they could hope for.

Various students commented on the present rules as "Victorian throwbacks" and "worse than undergrad rules." One student proposed that all law students apply for rooms in the Radcliffe Graduate Center next year since it has more liberal Parietal Rules. Continuing to comment on the reverse double standard, he stated the girls can have male guests in the Center until 1:00 a.m. on weekends and 10:00 p.m. weekdays while the Parietal Rules now in force in the law dorms extend from 5:30 — 12:30 a.m. on weekends and 5:00 — 7:00 p.m. on week days.

Law School Forum Will Treat Moral Problems

Tomorrow the Harvard Law School Forum presents a sociological, economic, religious, and legal problem for today's overcrowded world.

"Moral Problems of Our Time: Sterilization, Contraception, and Abortion" will be the subject of the 7:30 p.m. Forum offering.

Speaking will be Dr. Joseph Fletcher of the Episcopal Theological Seminary; Dr. Alan Guttmacher of Columbia University and President of The Planned Parenthood Federation; and Dr. John Rock, who is co-developer of the Enovid birth control pill and a recipient of the Lasker Award.

Law Professor Louis L. Jaffe will moderate the panel in the absence of Yale Professor Fowler Harper, who recently underwent emergency surgery.

Birthday Card for Chadbourn

An idea, which came out of a "coffee-klatch," resulted in a birthday card for James A. Chadbourn, a visiting professor at the Law School last year. Professor Chadbourn, the sendee, is presently teaching law at the University of California in Los Angeles. The senders were members of his last year's Civil Procedure section, whom he had dazzled with the intricacies of Common Law writs.

The contents of the card, sent special delivery Thursday night to Professor Chadbourn's California home, included a poem written in the Professor's honor by John M. Schwartz, 2L, and five pages of signatures. Over 100 members of the class signed the card, which was bound in a blue brief cover.

According to unofficial report, Professor Chadbourn may return next year to teach at the Law School.

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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.

THIRD YEAR INTERVIEWS

Baltimore: Baltimore Gas and Electric Company. Paul S. Clarkson, Esq. (1 p.m., Friday, Dec. 7). Friday, Dec. 14.

New York: First National City Bank. Dec. 6.

THIRD AND SECOND YEAR

New York: Lowenstein, Pitcher, Hotchkiss, Amann & Parr. Harry B. Clark, Esq. Friday, Dec. 7.

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