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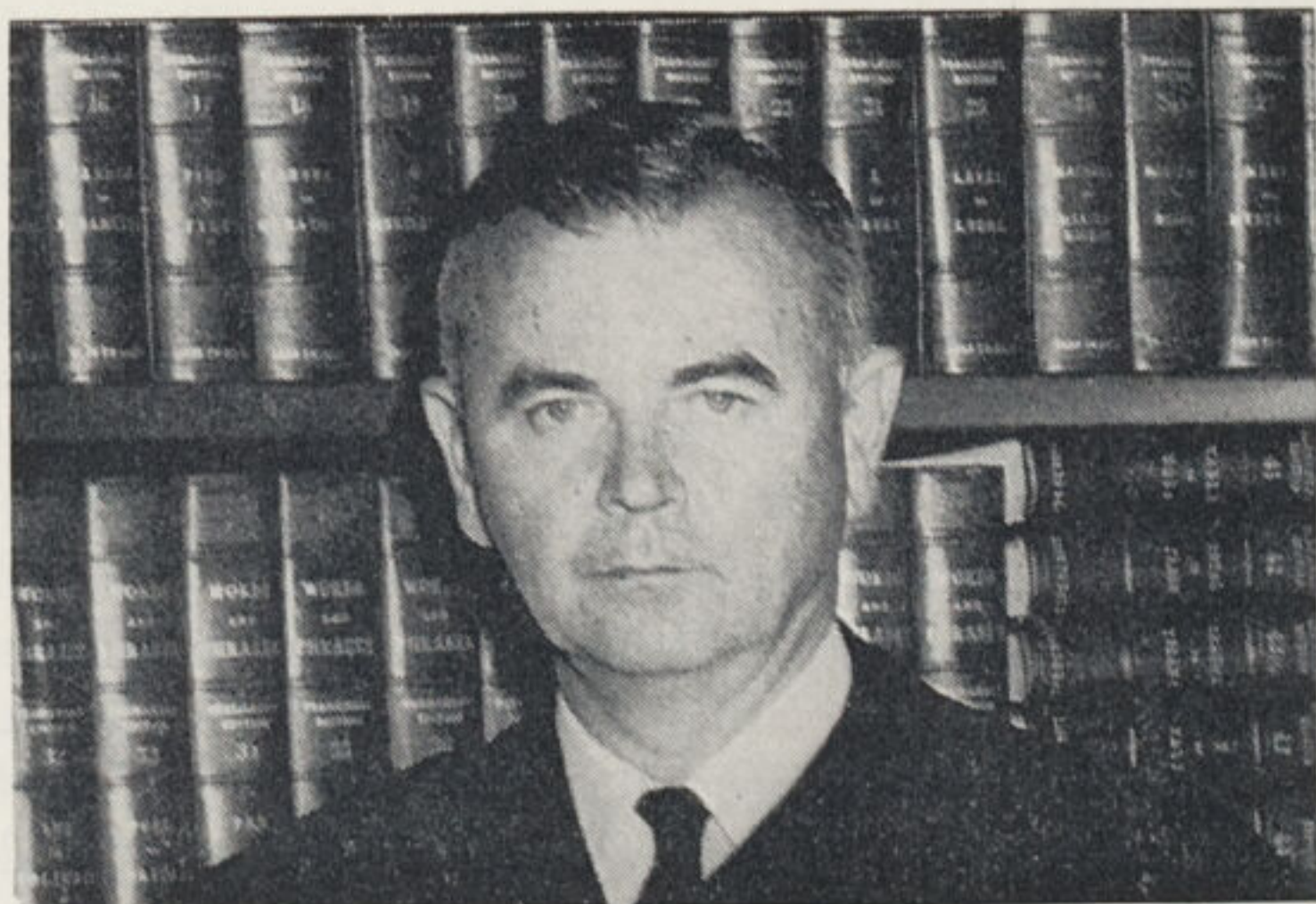
CAMBRIDGE, MASS., DECEMBER 13, 1962

NO. 9

Brennan To Honor Legal Aid

Associate Justice William J. Brennan, Jr., of the United States Supreme Court, a member of the Legal Aid Bureau in 1930-31, will be the principal speaker at the Bureau's 50th anniversary banquet. The site of the banquet scheduled for Wednesday, February 13, 1963, will be the Harvard Club of Boston.

Other speakers include Chief Justice Raymond S. Wilkins of the Massachusetts Supreme Judicial Court, one of the Bureau's founding members, and Associate Justice R. Ammi Cutter, also of the Massachusetts high court, who was a Bureau member in 1923-24. Dean Erwin N. Griswold will represent the Law School Faculty.



Justice Brennan

Alumni Invited

Invitations to all Bureau alumni will be mailed soon. Legal Aid President David R. Anderson, expressed the hope that as many alumni as possible would reserve the date and make every effort to attend.

Returning alumni will be invited to an open house at the Bureau office in Gannett House, at which Mrs. Esther L. Cushman, the Bureau's secretary since 1947, will be hostess. They will also be welcome to attend classes with current Bureau members.

Since its founding in 1913, more than 1200 Law School students have served in the honorary society, which claims to be the oldest student-formed Legal Aid Bureau in the country.

The Bureau currently has 38 members.

Dems to Get A.A.'s

By L. F. Kaplan

The Law-Graduate Democratic Club is instituting a program to help Democratic legislators in the State House of Representatives. The program, the brain child of the Club and COD (a reform Democratic group), will provide administrative assistants to individual legislators, according to Club President John A. Rava.

(Continued on page 13)

The Rule of Reason

As we said last week, the inflexibility of the parietal rules poses serious ethical problems for the student body. Certainly, even if students are offended by the arbitrariness of the rules, they should observe them while they continue the battle to have the rules changed.

It is difficult, however, for a conscientious student to live up to the rules. For a great number of the students who live in the dorms with him freely violate the rules, and the fact that these people do not regard their conduct as wrongful undeniably influences him to conform. We do not condone this surrender to conformity, but, on the other hand, we do not think it fair or right that the rules should be so arbitrary that the person who does follow them is labelled a "square" and ridiculed for his stand.

We say this for the reason that it is impossible for one who obeys the rules to segregate his life from the lives of those who do not. For example, suppose our conscientious fellow does not own a car and is socially dependent upon double-dating with his friends—a situation which does not easily permit him to select only those people who will guarantee in advance that they will observe the rules. When 12:30 Sunday morning arrives and his friend does not want to leave his room yet, what is this fellow to do—wait with his date in the cold, take a cab (a financial hardship), or violate the rules?

As reported elsewhere in this issue, the objective behind the Administration's parietal policy appears to be noise control. But we do not see how it follows that the inflexible rules guarantee a reduction in the number of decibels. Indeed, if the rationale is noise reduction, we feel that our students are mature enough to keep noise at a minimum while they are entertaining guests in their rooms. There would, therefore, seem to be no reason against liberalizing the parietal rules.

Furthermore, while noise was a major problem in the past, the excellent improvements made in the insulation of the rooms in five dorms over the past two summers have almost completely eliminated the problem of people being annoyed by noises from neighboring rooms.

We conclude that the proper solution would be to abandon the unworkable *per se* policy for a liberal set of rules, which would allow the Administration to deal with the problem on a case-by-case basis if any complaints of undue noise should be lodged. After all, the application of the "rule of reason" should not be limited to monopolies.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

Only 12 more shopping days until Christmas! How frustrating! Fortunately, this year the stores offer a whole stocking full of gifts tailor-made for the law student.

For the active man on your list, there's a 1000-piece *Erector Set* which will build a new Langdell, complete with a toy model Socratic method. The more scholarly type will appreciate a solid gold, engraved copy of the *parietal rules*—delivered by a special uniformed messenger for that "personal touch." Your athletic friends will like a man-sized pair of *hip boots* for fording the sidewalks leading to Harkness. For that young sophisticate, there's a 10 billion watt P.A. *amplifier* with 500 microphones and 500 speakers—perfect for classroom conversation.

Promise her anything, but give her a Palsgraf bathroom *scale*—no longer will she be within the risk of being overweight. Your cultured friends will enjoy a full-length, autographed *painting* of an innocent, lovable, ever-gullible B.F.P. For the young at heart, there is a very realistic, cuddly pin cushion *doll* in the shape of the Tax Commissioner; comes with special rules for playing several games.

Socialites on your list will drool over *two tickets* for a world cruise aboard the Good Ship Peerless—special stopovers in Bombay and Liverpool. Give your business-minded friend a sharp, sharkskin, three-button, narrow-lapel, stockholders' *suit*. Lovers of history will admire an authentic replica, complete with stand, of the *shaft* Hadley gave Baxendale. And now, due to popular demand, you can buy a personal-sized F.C.C. *decision*, with a hearing on a 12-inch long-play record, and complete with a 10,000 page transcript and a wind-up mechanical Sec. 11 little judge.

Finally, the most timely gift would be a set of cram *outlines* and *summaries* for the midyear exams. 'Tis the season to be *jolly*, but after that—no time for *folly*!

Forum Spotlights Morality Issues

By Stewart D. Davis

Protestant clergyman Joseph Fletcher, Catholic layman-scientist John Rock, and Jewish doctor Alan Guttmacher carefully wielded the double-edged scalpel of reason and belief against the three-pronged moral problem of our time — sterilization, contraception, and abortion — in Friday night's Forum program.

The groundwork for the debate, centering on rapidly advancing science which has contributed to the breaking down of inherited ways of looking at things and has brought about the population explosion, was laid by the moderator, Professor Louis Jaffe.

Jaffe mentioned three factors which have put birth control in the news recently. Legally there have been the Connecticut cases — the one on birth control instruments which the Supreme Court dismissed for lack of standing and the one dealing with the New Haven birth control center, which is wending its way to the Supreme Court.

Medically, the drug thalidomide and its adverse affect on fetuses led to a world-wide debate about Sherri Finkbine's abortion in Sweden and the killing of a deformed Belgian baby.

Illinois Controversy

And in the realm of information there has been controversy in Illinois when the public aid commission proposed to educate women, especially those on relief.

Dr. Fletcher, a liberal professor at the Episcopal Theological School in Cambridge, said that problem exists in the tension "between making love and making babies." His basic answer is that there is one thing which is intrinsically good and justifies all else — Love.

Dr. Rock, a Catholic clinical professor of gynecology and instrumental in developing the Enovid birth control pill, followed Church dogma in saying that the primary goal of matrimony is parenthood and noting that the Church sanctions the rhythm method of birth control. He defended the "pill" as a natural means of birth control, one that is not a sterilizing agent but which merely postpones ovulation.



Drs. Fletcher, Rock, Guttmacher

Dr. Guttmacher, President of the Planned Parenthood Federation, centered his talk on abortion. He stressed its practical necessity in many cases where it is now illegal and told of his attempts to bring about more rational abortion and birth control laws in this country.

Fletcher asked himself the question of whether, in this era of human mastery over human reproduction, men have the right to do anything to prevent or terminate unwanted babies.

He called the old theological doctrine, that pregnancy or the lack thereof is a result of Nature's ruling and therefore of God's intentions, "extinct like the dodo bird."

Personal Freedom

The present battle, he stated, is to replace this religious naturalism with a new Judeo-Christian personalism in which blind nature is subordinated to human freedom and personal responsibility. He feels that God stands behind man and his assumption of freedom rather than behind nature and its blind cause and effect.

Fletcher criticized the Catholic Church's pro-nature and pre-scientific view of sex but admitted that the Church is presently re-theologizing about birth control, recognizing the population problem, and beginning to seek a new sex ethic to fit modern realities.

On contraceptives Fletcher said that human beings have a right to control procreation by preventing pregnancy, and he brought

(Continued on page 4)

Forum on Morality

(Continued from page 3)

in sterilization by saying that either temporary or permanent birth control is proper if that is the best for all concerned.

On the subject of abortion, he said there is "more heat and less light." He said that, though there is nothing intrinsically evil in abortion, its support comes only from the humanists, except in cases where it is necessary to save life. Fletcher said, "Abortion is the best thing if it is the most loving thing possible." He added, "We love people, not laws," and concluded hopefully, "The wind is now blowing in the right direction."

Rock, in stating the Catholic viewpoint, quoted the Jesuit Quarterly: "Contraception involves substantial infringement of the process of the generative act, and violates a negative precept of natural law." The Church's current position, he said, is that the aim of marriage is procreation and that the rhythm method is sanctioned because it is the proper use of the right not to bring forth new life.

Defends Pills

He defended the steroid compounds which, he claimed, prevent reproduction by modifying the body's own functions. They are a means to regulate ovulation harmlessly and are not immoral, he concluded.

Guttmacher addressed himself to the abortion problem. He pointed out that in 43 states abortion is legal only to preserve the life of the mother and that there are about two legal abortions per 1,000 births in this country.

On the other hand, abortion may be had upon demand in Russia and her European satellites. In those countries it is performed in hospitals before the twelfth week of pregnancy and is justified because it eliminates the lifetaking problem of illegal abortions. In Japan abortion is legalized in order to cut down on the population problem; in that land, abortions slightly exceed births.

What Guttmacher wants in America are workable laws on the subject. He said that there is *not* yet a need for abortion *on demand* and that the country is not presently ready either socially or ethically for such legislation.

What he wants is evolutionary change to less restrictive laws. Such laws would allow

abortion to save not only the life but also the health of a mother. The laws would take into account the quality of expected offspring (permitting abortion for women with such diseases as German measles) and would consider the conditions of impregnation (allowing abortion in such instances as rape, incest, and pregnant young girls).

To such laws Guttmacher would personally like to add the factor of the social and economic conditions of the mother (permitting abortion of alcoholics and drug addicts).

On sterilization he said 28 states have unsatisfactory laws, which legalize the operation only for the feebleminded and the criminal.

He closed by attacking the laws on contraceptives in some states, such as Massachusetts and Connecticut. In the former, advice on birth control is given only to private patients, and in the latter, archaic laws prevent either prescribing or using contraceptives.

In closing, he pleaded for a clarification of the birth control issue by rational laws so that rich and poor alike may receive equal treatment.

A Long Winter's Nap



A local tree nursery was called in last week for the annual ritual of preparing the shrubs in front of Langdell Hall for the Cambridge winter.

The first process was to spray them with a protective coating of wax so that they will not freeze. Then workmen covered the roots with a layer of fertilizer. The final step was to protect them with pine bows to keep the snows from crushing them.

Note: The World Tree was not welded this week.

Deans Delay Parietal Decision

By Michael J. Henry

Re-evaluation of dormitory parietal policy is still on his projects-to-be-accomplished calendar, according to Vice Dean Louis A. Toepfer. The re-evaluation will be in response to a Dormitory Council initiative earlier this year. Delays have been occasioned by the fact that the re-evaluation requires the cooperation of both Dean Toepfer and Assistant Dean Wesley Bevins, both of whom have been out of town in the last few weeks.

Dean Toepfer said, however, in advance of a specific draft statement of policy, that a major goal of Administration dormitory policy would undoubtedly remain protection of the rights of students who did not want to engage in diversions at the particular times in question. This goal does not depend on the preferences of a majority but is consciously designed for the protection of minorities, if that is the situation. Dean Toepfer commented that this particular position rarely seemed to make any impact on those students who preferred extension of parietal hours.

With apparent resignation, he also noted that about every two years a new student generation brings forward proposals for parietal rules which are billed as the "perfect" system for all time — but that the problem seems to keep coming up again.

The poll of Shaw Hall residents reported in last week's *Record* showing an overwhelming numerical preference for extension of the parietal hours has joined the issue in one sense. However, Administration and student comments also often seem to indicate that not everyone is talking about the same thing.

Student responses to the Shaw Hall poll, e.g. that the present rules were Victorian, revealed that many conceive of the primary goal of the rules as "morals" regulation. Their position can be inferred from these responses that since morals are now considered to be primarily an individual concern, administrative regulations on the matter are improper.

However, the history of the parietal rules, as well as Administration statements, casts doubt on this interpretation. Rules that re-

quired rooms to be specifically registered each time women guests were entertained and that there always be at least two women guests present were eliminated several years ago. Administration statements, such as Dean Toepfer's above, suggest that the primary goal of the parietal policy is noise control rather than morals regulation.

Since the Administration will probably remain committed to what it conceives as minority rights, the issue will probably be joined not over how many people favor extension of parietal hours but whether any particular extension will or will not tend to increase the general noise level.

Council Aids PBH Drive

The Dormitory Council has unanimously voted to make a \$100 gift to Phillips Brooks House Charity Drive for the second consecutive year.

The continuing Coca Cola strike was a source of complaint from the attending representatives at the Monday meeting. The interruption in service, the second in two years, triggered a discussion concerning the possibility of switching soft-drink suppliers for the dormitory vending machines.

Buildings and Grounds Committee Chairman Stuart Hall reported that the frequent breakdown of the phonograph equipment in Holmes Hall was causing the committee to consider its abandonment. The frequent breakdowns, he said, are the result of the delicacy of the equipment and the large number of people using it.

A motion was also passed to install pencil sharpeners in the telephone booths on each floor of the new dorms and in each entry of Hastings. In other developments, Athletic Chairman Fred Profeta announced that Chancery, the winner in League A, would meet the winning League B team, the "Apostles," in the dorm touch football league playoffs.

The Judiciary Committee reported that three cases of parietal hours violations had been tried and that penalties of three to five weeks suspension of guest privileges had been imposed.

Loss Back from Africa, Far East . . .

By Neil L. Chayet

Professor Louis Loss has recently returned from a five-month trip which took Mrs. Loss and him more than half-way around the world.

Spending most of his time in South Africa, Professor Loss was a visiting professor at the University of Witwatersrand (known provincially as "Wits") in Johannesburg. He taught the regular course in Company Law, in which he lectured one hour a week to law students and one hour a week to commerce students at the University.

South Africa, like most of the British Commonwealth countries, operates under corporation statutes modeled on the English Companies Act. Several of these countries, including England, are in the midst of considering revision of their Company Acts. Thus, there was a keen interest in Professor Loss's lectures on the part of statesmen, professors, lawyers, and students.

In addition to his duties as visiting professor at "Wits," Professor Loss gave a series of three public lectures in Johannesburg, which was attended by lawyers, judges, accountants, and others. The series was entitled "The Protection of Investors," and the lectures dealt with "The Role of Government," "The Role of the Accountant," and "The Role of the Courts." Professor Loss repeated the first two lectures at Cape Town, which is located about 1000 miles south of Johannesburg.

Universities Visited

Professor Loss also visited other universities in South Africa: Pretoria, located north of Johannesburg; Stellenbusch, near Cape Town; and the University of Capetown. Pretoria and Stellenbusch are Afrikaans-speaking; Cape Town and Witwatersrand are English-speaking.

There were, of course, many informal meetings with students, and at these, Professor Loss found himself constantly talking on two subjects in which the Africans were intensely interested—the racial problems of the United States, our federal system, and, often, the interrelation of these two subjects. Professor Loss found the students and university administration to be quite liberal in their views. "The students, faculties and admin-



Professor Loss attends evening dinner party, complete with geisha girls. Prof. Suzuki of U. of Tokyo, Prof. Yazawa, and T. Osumi, Attorney, are in the second row, left to right. In the first row are Prof. Loss (2nd from left), Mrs. Loss (3rd from right), Mrs. Suzuki (2nd from right) and Mrs. Osumi (far right).

istrations, in at least the English-speaking universities, are as a whole vigorously opposed to the government's apartheid policy." There are still a few non-whites left in the English-speaking universities, but they will be the last, as the law now prohibits integration in educational facilities without specific governmental permission.

Professor Loss also had a long conversation with Chief Luthuli in Stanger, a town in Natal within the magistracy district to which the Nobel Prize winner is restricted.

Before leaving South Africa, Professor Loss was invited to give evidence before the Broome Committee—a special governmental committee, headed by a retired Natal Supreme Court justice, which is considering revision of the Stock Exchanges Control Act.

The next major stop made by Professor Loss was Japan, where he was the guest of the Japanese Institute of International Business Law. In Japan, Professor Loss helped to give a week-long seminar, organized around his visit, which was attended by some 50 governmental leaders, members of the bar, professors, and securities people. Some ten papers were presented, and Professor Loss was impressed by the careful preparations for the seminar, including the translation into Japanese of almost 1000 pages of his treatise.

Japan has adopted the SEC statutes of 1933 and 1934 in substantially similar form.

... Taught at Univ. of Witwatersrand



Professor Loss explains investment company intricacies to Prof. Kitazawa of Nagoya Univ., Prof. Hiraide of Univ. of Hokkaido, and Prof. Yazawa of Univ. of Tokyo (Special student at HLS 1954-55).

Professor Loss also lectured in Tokyo and Osaka on various aspects of securities law.

Professor Loss arrived in India in late November to participate in a week-long seminar in New Delhi. This seminar, unlike the Japanese seminar, was not limited to discussion of securities problems but covered a broader range of corporate problems. India, in addition to borrowing the prospectus provisions of the English Companies Act, also has a special statute regulating the stock exchanges.

Other Participants

Participating along with Professor Loss in the Indian seminar were Professor Tune of Paris and Professor Yazawa of Tokyo, who was Professor Loss' host in Japan. Before leaving India, Professor Loss gave several public lectures and met with a number of law faculties at Calcutta, Bombay, Madras, and New Delhi.

Professor Loss was in India at the time of the "Ole Miss" crisis. He said that the reaction among students was one of admiration for the fact that the military power of the United States was being employed on the side of civil rights.

The last major stop was Israel, where Professor Loss, as a guest of the government, was invited to give evidence before the Yadin

Committee, which is considering the drafting of a Securities Act. Both India and Israel, though operating now under statutes modeled on the English Companies Act, have semi-socialist economies which strike a different balance between what they call the public (*i.e.*, government-owned) and private sectors.

During his trip, Professor Loss also visited Mozambique, Rhodesia, Kenya, Ethiopia, Egypt, Singapore, Hong Kong, Thailand, and Iran.

A second article on Prof. Loss' trip will appear in a later issue. — Ed.

Shapiro To Teach Here

David L. Shapiro, presently law clerk to Justice John M. Harlan of the United States Supreme Court, will be an Assistant Professor of Law at Harvard next year, it was announced this week. Mr. Shapiro, a native of New York City, graduated *magna cum laude* from Harvard College in 1954 and *summa cum laude* in 1957 from Harvard Law School. He was first in his law school class for three years, won the Sears Prize and the Fay Diploma, and was Note Editor of the Law Review. Before becoming clerk for Justice Harlan, Mr. Shapiro practiced with the firm of Covington and Burling in Washington.

Mock Registration Continues

Second-year mock registration survey forms can still be turned in to the receptionist in Langdell Hall until tomorrow, reported project head Arthur Lombard. Additional forms are also available at the same location for those who misplaced theirs or did not receive them.

Approximately 150 forms have been returned out of nearly 500 distributed. Secretary of the Law School Russell Peck said that the response, while not overwhelming, was sufficient to be helpful in planning next year's course offerings.

The goal of the survey is to assure that adequate third-year elective sections will be available. The chief finding of the survey was that a very large number of second-year men plan to take commercial transactions next year. Substantial interest in trusts and labor law was also revealed.

Scott Club Heads Ames Winners

By Donald W. Kramer

The Scott Club, with a 4-0 record, led eight teams into the quarterfinal round of the Ames Competition last week, but not until a dramatic administrative appeal decided the eighth team in the standings.

At a hearing last Friday afternoon, the Jaffe-Warren Club appealed a point and a half penalty assessed by the Board of Student Advisers for excessive length of a brief submitted in an argument with the Scott Club. If the penalty had been overruled, Jaffe-Warren would have won the argument and would have finished with a 3-1 team record, a result which would have placed the club in the quarter-finals.

Without the added victory, however, the team's total points were not enough to qualify with a 2-2 record.

In addition to Scott at 4-0, five teams qualified with 3-1 records. They are the Freund, Griswold Equity, Holmes, Marshall Equity, and Marshall Law clubs. Bevins Law qualified with the highest point total of the 2-2 clubs. Dawson Law also qualified when the Jaffe-Warren appeal was denied.

Eighteen clubs finished with 2-2 records in one of the most even competitions in recent years.

Approximately 50 people turned out for the appeal Friday, more than attend most second-year arguments.

Jaffe-Warren had been penalized by David S. Foster, Chairman of the Second Year Competition, because their brief had been more than a page over the permitted length. The Club argued, however, that each page contained less than the permitted number of lines and the total number of lines was less than the maximum obtained by multiplying the lines per page by the number of pages allowed.

Members of the Dawson Club argued that the page limit should be strictly enforced, while Scott Club members said they would go along with any Board ruling.

The Board's Second Year Committee of Erroll Stone, Stephen B. Rohrbaugh, and Joel Rabinowitz upheld Foster's ruling.

In other qualifying round awards, Jonathan Shapiro, of Field Equity, was named the

best oralist with a grade of 76. On the basis of his brief score, he was named the winner over three others who had scores of 76 on their orals. They were James Kellogg, Story Law; Alexander A. Bernhard, Marshall Law; and Dennis Hunt, Jaffe-Warren.

The best brief award went to Robert Campbell and Michael Connell of the Holmes Club.

Marshall Equity had the highest point total for the four arguments, but the best team award went to the Scott Club with its four wins.

The members of the qualifying clubs are:

SCOTT: R. Daitz, P. Ginsberg, M. Hannan, J. Lane, H. Miner, B. Roberts, S. Schoenfeld, L. E. Striebeck.

FREUND: W. Andrews, B. Berger, E. Fox, M. Iorillo, M. Lando, R. Pauley, R. Stark, F. Wallace.

GRISWOLD EQUITY: J. Betz, A. Cronkite, H. Dunning, R. Embry, P. Galvani, J. Lorenz, J. Wheelock, B. Winokur.

HOLMES: S. Bixler, R. Campbell, M. Connell, N. Kasfir, E. Lichtman, R. McDougald, C. Steele, J. Verani.

MARSHALL EQUITY: T. Arnold, J. Bailey, J. Hopkins, J. Lawing, A. Lombard, A. MacPherson, J. Mitchell, J. Scharff.

MARSHALL LAW: W. Atkinson, A. Bernhard, C. Buffon, W. Burnham, W. Haynes, A. McDonnell, W. Thackston, R. Van Hooser.

BEVINS LAW: N. Anderson, C. Caton, J. Childs, M. Ganzglass, T. Lamia, G. Link, J. Olson, W. Turner.

DAWSON LAW: R. Bernhardt, J. R. Johnson, G. Jones, A. Pasachoff, M. Polansky, A. Reichert, Jr., G. Rourke, A. Thompson.

Santa Expected Saturday

The only "clause" that counts for children of Harvard Law School students will make an appearance Saturday afternoon in Harkness Commons from 3:30 to 5.

This means that Santa, fresh from reading the gift section of the 1962 Revenue Act, will arrive to distribute twenty-five cent gifts to the sophisticated Law kiddies. Santa has requested that mothers and fathers bring the gifts, since Santa isn't sure that they would be tax-exempt if he gave them. Parents are asked to wrap the gifts and to tag them with the child's name, so Santa can call each child personally for his gift.

Tape Shows Strength of Juries

By Richard A. Hannaway

Even after a seven-hour trial running until nearly midnight, the Ames jury in the case of *Donnelly v. Hines* accurately remembered the facts of the case and carefully tried to follow the instructions of the judge. This was revealed in a tape recording of the jury proceedings.

Teaching Fellow Stanley M. Johanson, who was in charge of the Model Trial November 8, said recently that even though the caliber of the Ames jury is probably above the national average, a study of the deliberations pointed up several of the strengths of the jury system.

In listening to the tape, it was apparent that the jurors were quick to correct any factual mistakes made by the other jurors and were willing to challenge the reasoning of others whose conclusions were the same as their own.

In initiating the deliberations, the foreman said: "First, we must decide for the plaintiff or for the defendant; then, if we decide for the plaintiff, we must decide on the amount of damages. How can we start? I'm as green as you are? Who wants to start?"

A lady juror offered to begin. (Throughout the deliberations, women did at least an equal amount of talking although they were in the minority.)

After only a few minutes discussion, the foreman divided the case into two issues:

1. Was the defendant Samuel Knight an active accomplice in the crime?
2. Was he reasonably coerced?

By a 9-3 vote the jury decided the first question in the negative.

Surprisingly, they then decided, although it was not a part of the case, that his fiancée Marsha Mather was probably mixed up in the burglary without Knight's knowledge. Her story about how Harry Keeble had the keys and knew about the trip to the store that night seemed too pat.

In general, Marsha was very badly treated

The Model Appeal will be held at 8 tonight in the James Barr Ames Court Room in Austin Hall. Professor Roger D. Fisher will represent the plaintiff-appellant, and Professor Frank E. A. Sanders will argue for the defendant-appellee.

by the jury. In fact, they even decided that if the crime had succeeded, she would have run off with Harry and left Sam holding the bag. Most of the jury did not feel that there was enough evidence to prove that Sam was a conspirator.

After a little more discussion, all agreed on the first issue, and the foreman wrote their conclusion on the blackboard. The question then was whether he was reasonably coerced.

The jury immediately excluded the consideration of threats against Marsha as the judge had instructed them.

Practically all the arguments and explanations presented by both counsel on the question of his coercion were considered. While this argument was going on, one of the jurors, a clergyman, told the others that one of his parishioners several years ago had held two people captive with a gun, driven around in a car with them for several hours, and then shot them both, one of them while he was attempting to run away from the car.

Before the effect of this had subsided, the foreman asked: "Who has ever had a gun pointed at them? Well I have, and you do exactly as you are told." The foreman, the president of a bank, had been present when his bank was robbed. He went on to tell the other jurors that his tellers are instructed to take no chances but to do as they are told.

Several jurors indicated their difficulty in accepting certain parts of the defendant's explanation although they were unwilling to disbelieve it entirely. One lady expressed the general feeling: "There is no evidence for conviction; I do doubt part of his story, but still..."

Few Factual Errors

Remarkably enough, here and elsewhere, the jury made few errors about the facts. One of them was in thinking that Sam had never been brought before the grand jury. In fact, the grand jury had refused to indict him after a hearing, but nothing had been said about it at the trial.

The vote on the question of coercion was almost unanimous for the defendant, but several jurors were still bothered by certain elements of his story and wanted to discuss it further. After more deliberation, a final vote was taken and all jurors agreed in a verdict for the defendant.

One of the lady jurors said she thought it was remarkable that no one had given weight to whether Mrs. Donnelly needed the recovery money. One of the jurors said he would like to have seen her win. But since the law went the other way, he felt that the jurors had to decide according to the law and not according to their personal feelings.

Actually, there were three verdicts rendered in the case. There was the one reported, and two others which were suggested by one of the ladies as a suitable ending. These were that Sam should break off his engagement to Marsha and also that Marsha should be reported to the District Attorney as an undesirable person.

With the clinkings of coffee cups being cleared from the table, the jury in *Donnelly v. Knight* finished its deliberations.

Katz Discusses The Common Market

By L. F. Kaplan

Professor Milton Katz spoke on "The Atlantic Community — Internal and External Relationships" before the World Affairs Council of Northern California in San Francisco December 4.

In his speech he examined the inter-action among three groupings of nations in which the U. S. has a vital interest, which range from the tightly knit Common Market to the Atlantic Community and to the loose association of those nations which comprise the Free World.

Professor Katz directed attention to the importance of assuring that U.S. relations to the Common Market and future Common Market policies harmonize with the interests of the Atlantic Community and the still larger interests of the Free World.

The speech, coordinated with a press conference and a radio interview, also analyzed the policies and actions to be pursued under the Trade Expansion Act of 1962 in the context of the inter-actions of these multi-na-

tional groupings. Prof. Katz also discussed the implications of the possible accession of the United Kingdom to the Common Market and mentioned alternative terms of entry. He examined the possible effect of Common Market policies on Latin America and on Japan as an example of the problems of inter-action. In each case he stressed the potential effect of United States policies on the final outcome.

Shortly after his trip to California, Professor Katz presented the report of the Committee on Foreign Affairs Personnel to Secretary of State Dean Rusk in Washington on December 8. The report reviewed the needs and prospects of U.S. government personnel dealing with foreign affairs.

The busy professor has been invited to São Paulo and Chile. The conference is going to organize the meeting of a small group of U.S. lawyers, economists, and sociologists with corresponding groups from São Paulo and Chile. The conference is going to examine ways and means of putting into effect at the University of São Paulo and the University of Chile recommendations concerning legal and economic education and research made by Professor Katz.

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FEATURES SECTION

Lawyers Get Football Honors

By Daniel J. Kucera

Four lawyers are among the twenty-five former college football heroes elected to the 1962 *Sports Illustrated* Silver Anniversary All-America roster. They are United States Supreme Court Justice Byron "Whizzer" White, James K. Nance, David W. Jasper, and Barth "Jiggs" Walker.

The 25 winners — gridders who played their final season in 1937 — were selected for their achievements in college and their accomplishments since graduation in their careers and communities. They were chosen from a field of 60 football lettermen; each represented a different school and was nominated for outstanding leadership both during and after his sports experience by his college president. Each winner received an award symbolized by miniature silver goalposts.

Justice White has also received the Gold Medal of the National Football Foundation and Hall of Fame. He has described football as an exciting and enjoyable game. "But for the player it is experience, too — experience with his own character and personality, experience with other people and of theirs with him and experience which repeatedly exposes him to demands for exceptional performance within the established rules of the game. Few have suffered from it. Many have gained immeasurably."

All-American half-back at the University of Colorado, member of Phi Beta Kappa, Rhodes Scholar, and professional football star with Pittsburgh and Detroit, Justice White received his law degree *magna cum laude* from the Yale Law School in 1946.

According to *Sports Illustrated* in its December 10 issue, law school was the most stimulating experience he had had up to that moment. "At Yale they had a very exciting approach to the law and its relationship to the world around you. The law was interpreted in relation to the social and economic aspects of our society. After my first year there, I was chosen for the *Law Review* [sic], but I went off to play football and make some money instead."

In the Cotton Bowl at the end of the 1937 season, fellow Silver Anniversary All-America winner **James K. Nance** bumped heads with Whizzer White. Both were dazed, and a time-out was called. Although Whizzer intercepted a pass and ran for one touchdown, tossed a pass for another score, and kicked 2 extra points to give Colorado a 14-point lead in the first 10 minutes of play, Mr. Nance's team from Rice eventually won, 28-14. During the game, Mr. Nance — also a Phi Beta Kappa man — outstepped Whizzer to permit the completion of a long touchdown pass.

A starting left end for Rice and a *summa cum laude* graduate, Mr. Nance received his LL.B. in 1941 from the University of Texas Law School. Like Justice White, he was awarded the Order of the Coif, a legal scholastic honor. Presently, he is a partner in Baker, Botts, Sheperd and Coates, a leading firm in Houston. He specializes in trial work in admiralty and maritime law.

Another lawyer-former football great of 1937 is **David W. Jasper**, Vice President and General Counsel of the Carrier Corporation. Co-captain of his Kenyon College team, he was also a Phi Beta Kappa scholar. In a game against Rochester, he played end with a broken rib because Kenyon had only 15 men on the team; his team won 18-6. After graduation from the Northwestern University Law School in 1941, Mr. Jasper joined the firm of Scott, MacLeish and Falk in Chicago and specialized in anti-trust and labor law. Now with the Carrier Corporation, he is responsible for all legal aspects of the \$260 million a year manufacturer of air conditioning equipment.

A guard and kick-off specialist for the University of Oklahoma, **Barth "Jiggs" Walker** is an international authority on oil and gas law. A member of Phi Beta Kappa, like his 3 other lawyer-Silver Anniversary All-America teammates, Jiggs received 2 degrees at Oklahoma's 1940 commencement: a

(Continued on page 12)

Exam Shift Explained

Secretary Russell Peck explained this week that second-year examinations had to be pushed up a week in January because it was impossible to schedule examinations in second-year electives and classes in third-year courses in the same week without creating conflicts.

The problem arose, he said, when third-year students chose a greater number of second-year elective courses than had been anticipated when the course changes were instituted last year.

He said the School did not want to be in the position of telling students they should be taking an examination in one course and attending the first meeting of another course at the same time.

Peck added the problem was complicated by the fact that first-year classes are going on at the same time and occupying classrooms. He said professors were unwilling to give up a week of classes for mid-year exams.

Under the revised arrangement, he believes only a few second-year students who have been excused from accounting will face conflicts. He said special arrangements will be made for these men.

Republican Club Elects

A hot contest for the Presidency of the Harvard Law-Graduate Republican Club ended in a narrow victory for Russell E. Van Hooser, 2L, over Harry W. "Woody" Turner, 2L.

For Vice-President, Mark W. Murphy, 2L, defeated Richard B. Klein, 2L. Maura Nolan, the assistant to Dean Bevins, and Richard F. Tozer, an engineering student in the Graduate School of Arts and Sciences, were elected by acclamation Secretary and Treasurer, respectively. Members-at-large on the Executive Committee are Stuart C. Hall, 2L, Emil H. Frankel, 1L, and Robert C. Kirkwood, 1L.

Scientists for Congress

By Edwin S. Kahn

"To some scientists the idea of a scientist running for political office is as incomprehensible as for a Law School student to conceive of himself a beggar in the streets of Calcutta," Prof. Howard Greyber declared Friday.

Prof. Greyber, the unsuccessful Republican candidate in the Eighth Congressional District, discussed the problems he faced in the recent campaign in a speech before the Law-Graduate Republican Club.

"People want progress and a change in their lives to match the changes in science and technology," he said. "Modern Republicanism can meet this need by creating new institutions and new laws."

The Republican Party in the Boston area is only "a paper organization which needs life. Campaigns are run on a fragmented, individualistic basis," he charged.

In addition, the traditional thinking of local GOP leaders is inadequate, he said. "We live in a world which transcends the thinking of most Republican leaders in comfortable suburbs."

"In Massachusetts the image of a Republican is that of a good, well-meaning person concerned with his own problems but not those of the average man." That image can be changed, he stressed, by hard-working modern Republicans.

Football Honors

(Continued from page 11)

B.S. in geology and a LL.B. from the University's College of Law. Presently, he is in private practice and has his own firm in Oklahoma City. He has written numerous papers for law reviews and government personnel, and he is a lecturer at the Southwestern Legal Foundation of Southern Methodist University. In addition, Mr. Walker is a successful oil and gas businessman and a director of several corporations.

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Malaysia Discussed

By Thomas E. Woodhouse

Over dinner and sherry, members of the International Law Club were addressed by L. A. Sheridan, Dean of the Singapore Law School, on "Politics and Constitutional Development in Malaysia" on December 5 in the Mallory-Smith Room. At this moment, Singapore is a British colony enjoying a high degree of autonomy. The most immediate political and constitutional problems both in Singapore and in the Federation of Malaya are engendered by proposals of reunification between these two entities.

Since Singapore became a separate colony, Mr. Sheridan observed, every one of its political parties has been in favor of reunification. Until last year, the idea was opposed by the Federation, but a sudden reversal of opinion in the Federation now makes it appear likely that reunification will occur, probably on August 31, 1963. The Federation's reversal may well have been predicated on a hope that a Singapore within the Federation can be better controlled than an independent Singapore.

Malaya has been reluctant to admit Singapore to the Federation for three reasons. The first of these is fear of Chinese dominance. In the Federation there is no majority nationality group. Malays, the "so-called indigenous peoples," comprise a bit more than 40 per cent. There is another 40 per cent of Chinese, around a million Indians and Ceylonese, and a lesser number of Europeans and others. In Singapore, the Chinese comprise 80 per cent of the population. The Federation has taken steps to avoid such domination by requiring that Malays have a preference over all other peoples in the Civil Service in a ratio of four to one.

The second reason is fear of Communist infiltration. The government of the Federation expects that the Chinese in Singapore will feel a greater loyalty to China than to the Federation and fears that the Chinese will serve as willing or passive instruments of Communism. The third reason is related — it is feared that the more efficient political parties of Singapore, which are of a leftist bent, will defeat the benevolent conservatism fostered by Malayan parties over the last

fifteen years. At present, the Peoples Action Party, a left-of-center group which has, nonetheless, assumed an anti-Communist stand, holds office in Singapore by a majority of one. Due to the unpredictable nature of politics in Singapore, however, where a losing party generally disappears before the next election, no bet except one as to the defeat of the present government in Singapore's next election would be safe.

Mr. Sheridan concluded that, without doubt, Singapore will enter the Federation as its twelfth state. The arena for political struggle will be clearly marked. In anticipation, the Federation has suspended its provision for citizenship by birth, which would result in the Chinese overwhelming the Malays, and has engineered a system of weighting of rural votes, which will favor the Malays. Singapore, however, is a city with a high level of sophistication and high educational standards. It in almost all respects is a more likely capital of the Federation than is Kuala Lumpur. It will be hard for citizens of Singapore to accept the idea of political domination by the Federation.

Democrats

(Continued from page 1)

Since state representatives are not provided with funds for assistants, there is a great need and desire for assistants to help legislators in all aspects of their work, Rava said.

The duties of the assistants will range from helping in research and drafting amendments to bills to representing legislators at committee meetings and issuing and preparing press releases. They will be spending between four and five hours each week from February to April at the State House, at committee meetings, and in the field.

The program, which is going to start off with ten assistantships, is open to students from all states. Each will work with a young Democratic representative who is a member of COD.

Mr. Sumner Kaplan, retired representative from Brookline, and Mr. Michael Dukakis, the newly elected representative from Brookline, will discuss the program at an open meeting today at 1:45 in the Harkness Meeting Room.

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Davies Explains New Plea

By Daniel J. Kucera

"The English courts in recent years have been busy trying to define what 'diminished responsibility' means and what it does not mean." According to the Los Angeles *Metropolitan News*, Professor D. Seaborne Davies explained England's development of "diminished responsibility" in a series of Thomas M. Cooley Lectures delivered recently at the University of Michigan Law School. Mr. Davies is Dean of the Faculty of Law at the University of Liverpool.

According to the Professor, the plea of diminished responsibility to reduce murder to manslaughter differs from the old defense of insanity in several ways. In the first place, the doctrine can apply only to cases of murder, whereas the defense of insanity applies, in theory, to all crimes. Second, diminished responsibility is not a complete defense which will negate all criminal liability; rather, it is a plea in mitigation. Third, it covers a broader field of mental disabilities than does an insanity plea. "The most interesting feature of it so far," Mr. Davies said, "is that it has been held to cover an irresistible impulse — which the

old defense of insanity does not cover."

The English courts, however, have had some difficulty in determining exactly what diminished responsibility is. "The first inclination," the visiting Dean declared, "was to follow the law of Scotland, from whence it came, and to say it is something bordering on insanity." Currently, however, "the courts have begun to say that this is too restrictive an interpretation of the plea."

At the present time, diminished responsibility is considered as "a state of mind so different from the normal that the ordinary reasonable man would treat it as abnormal. It must arise from one of the causes specified in the Act of Parliament — from retarded development, any inherent cause, or from disease or injury."

The defense of diminished responsibility has other implications, also. Professor Davies stated that it puts the whole concept of responsibility in law in the spotlight again.

"When courts have to determine a question of responsibility, it is not one which can be answered completely on a scientific basis," he commented. "The existence and the causes of mental abnormalities are matters susceptible of scientific proof, but questions of responsibility raise issues which no scientist as such can answer."

The lectures given by Professor Davies honor Thomas M. Cooley. A former University of Michigan Law School Dean and justice of the Michigan Supreme Court, Mr. Cooley was regarded as one of the nation's leading jurists of the last century.

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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 INTERVIEW

Boston: Sherin & Lodgen, Arthur L. Sherin, Esq. (first-come, first-served) Tuesday, Dec. 18.

SECOND YEAR INTERVIEW

New York: Patterson, Belknap & Webb (first-come, first-served) Monday, Dec. 17.

THIRD AND SECOND YEAR OPPORTUNITY

Atlanta: Smith, Swift, Currie, McGhee & Hancock. Contact Frank M. Swift, Esq.

THIRD YEAR OPPORTUNITIES

Baltimore: Jacques T. Schlenger, Esq. Contact Mr. Schlenger.

Boston: Phillips, Morse & Altman. Contact Asa E. Phillips, Jr., Esq.

Des Moines: Brody, Parker, Roberts, Thomas, & Harris. Contact Thomas B. Roberts, Esq., and Val L. Schoenthal, Esq.

New York: McGoldrick, Dannett, Horowitz & Golub. Contact Myron S. Isaacs, Esq.

SECOND YEAR OPPORTUNITY

Atlanta: Summer Clerkship. Hansell, Post, Brandon & Dorsey. Contact John H. Bowman, Esq. Robert L. Marchman will interview interested students sometime in January.

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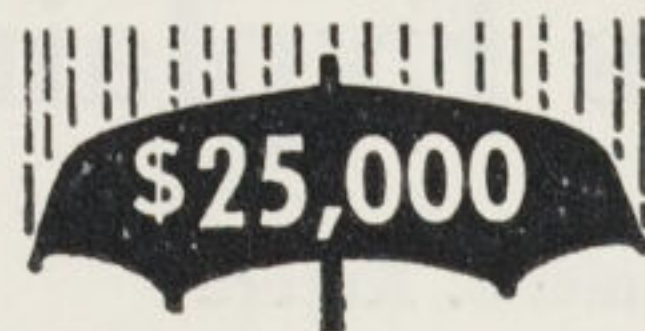
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