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Loan Fund Adds \$92,500

By Charles M. Hamann

Vice-Dean Louis A. Toepfer announced this week the receipt of \$75,000 from the Massachusetts Bar Association and \$17,500 from the University, part of Harvard's share in National Defense Education Act funds, for the purpose of student loans. He said the two new funds promise to ease the strain on existing loan resources of the Law School, which in recent years have been in chronic undersupply.

The Massachusetts Bar loan plan is essentially a loan guarantee program. Four ABA-accredited law schools in Massachusetts — Harvard, Boston College, Boston University and Suffolk — are the beneficiaries. State banks — in the case of the Law School, the



Dean Toepfer

Harvard Trust Company — will supply the actual loan funds. What the Bar Association has provided is \$25,000 for the purpose of paying off the debts of defaulting loan fund

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Job Placement Lags

By Neil L. Chayet

Hiring of third year students seems to be going slower than last year, Placement Director Eleanor R. Appel said this week.

She said this is merely a personal impression based upon her observations of the hiring process so far this year. But she has the feeling that students at any given level of ability are being hired somewhat later than students of similar ability were last year.

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Record Smoker

The *Harvard Law Record* will hold a smoker for interested students tomorrow, February 1, in the Wheeler Room, Holmes Hall, at 4:15. Opportunities are open for writers, accountants, photographers, artists.

The Last Step to Practice

Two graduates of the Harvard Law School took the bar examination of a certain southern state last August — and failed, as did nearly half of those taking the examination. Included in this number were several boys who had been hired as clerks for Justices of the state's Supreme Court and several law review members from the State University's law school. This rate of failure marks a new trend in this state which in the past has had a passing rate of 80-90%. The examination is given once a year.

The purpose of this editorial is not to cast aspersions on this state or its board of bar examiners. It is both impossible and inadvisable to draw any conclusions about the fairness of the examination or its grading, as the means for making an adequate judgement are not at our disposal.

The RECORD sets forth the facts listed in the first paragraph for the purpose of providing a somewhat jolting reminder that a bar examination is something which cannot be taken for granted, regardless of the state in which one plans to follow his profession. It is strongly urged that all who plan to take a bar examination in the near future give immediate consideration to not only the procedural prerequisites to the taking of the examination many of which are quite formidable but also to the substantive local law. The peculiarities of the latter may remain unsuspected by one pursuing a legal education which out of necessity does not, for the most part, take cognizance of the vagaries with which local law is often afflicted.

A lengthy discussion could be undertaken as to whether the prime purpose of a bar examination is to test the knowledge of law or is to act as a means of effectively regulating the number of aspirants entering the practice of law in a particular jurisdiction. To undertake such a discussion would be to violate our purpose which is to provide only a reminder and an incentive to investigation of the conditions surrounding the bar examination in one's proposed state of residence and practice.

Up to date information as to procedural requirements of the various states may be obtained at the Placement Office. Taking a bar review or well disciplined self-preparation should also be given some consideration.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

Exams in law school are really pretty unique. Remember in high school when questions were made up so that there could be only one possible answer, and that answer written in one word? This type of question would certainly be well-received. For example, why not have questions like the following?

(1) The words "and his heirs" were required at common law to create a conveyance in fee

(2) An "eggshell skull" is (a) a sensitive Bones man, (b) a bad rowing stroke, (c) a significant term in the law of torts, (d) a Chinese food delicacy.

There were always questions which the professor chose with care so that everybody could answer them. This type of question is rarely seen at Harvard Law School. Occasionally, though, one is thrown in — perhaps to bring back the good old days. Last spring one of the torts exams contained a question whose fact situation was sure to have been given some thought by all who had taken the course. The question: "A, in a fit of depression, attempts suicide late one night by jumping into the icy waters of the Charles. B, who has a weak heart, rescues him but suffers permanent injury. What are B's rights against A if any?"

It is rumored that those who allowed B to recover damages failed this question, on the logical premise that they hadn't given enough effort to the course to really have thought of the question. Those who denied B recovery were given high grades, especially if they then found B criminally liable. However, their papers were turned over to the Mental Health Clinic. Those who gave equivocal answers reportedly were given A's, but their papers were thrown into the Charles and the students themselves bundled up a week or so later by some white-coated gargantuans. Surely, exams are the true test of a man.

Why Some Turn Us Down

By Donald W. Kramer

More than half the students who chose to attend other law schools after being accepted at Harvard last year did so because they received larger scholarships elsewhere, Vice Dean Louis A. Toepfer revealed this week.

Of the 281 students who withdrew before registration, 249 answered a questionnaire for the Admissions Office's annual study of the incoming class. Of this group, 149 (60%) said they were attending other law schools and 80 of them (54%) listed higher scholarship offers as a reason for the decision.

Dean Toepfer said the School is not worried about students who receive an extra \$500 at another school when Harvard had offered enough to attend here. "More power to them," the Vice Dean commented.

But the administration is concerned about "making it possible for any student we admit to be able to come." "It is a fact," the Vice Dean said, "that some can't come because we cannot show them how they are going to meet their expenses."

Great Strides Made

"We have made great strides in the last ten years," he said. "But we still have a long way to go."

He pointed out that the entire scholarship allowance in 1952-53 was \$104,500 for 173 students. This year 88 first year students were granted more than \$100,000 in scholarship aid.

He also emphasized that the student loan fund has been sharply increased for the benefit of first year students and he mentioned several state loan funds which are available for incoming students. He said second and third year students could virtually "dismiss their worries" about not having adequate financial resources.

The Vice Dean explained that the Harvard scholarship philosophy is to spread the available money among as many students as possible according to need. The School can cover about 90 first year students a year, he said, with grants averaging about the size of tuition costs.

He said the School has only two or three Scholarships which pay more than \$2000, and the Law School has no intention of trying to compete with some of the \$3000 grants given by some Law Schools.

He added that there is not much "buying and selling" of prospective students by competing with scholarship offers. Several of the Eastern law schools—including Harvard, Yale, Columbia, Penn and Cornell—exchange information every year on their scholarship offers. When admissions officers have made sharply different estimates of a particular applicant's promise or need, they often confer in order to maintain relatively similar standards of decisions.

Of the 80 students who said they received higher scholarship offers elsewhere, Dean Toepfer said about three-quarters were not given a grant by Harvard.

The Vice Dean added that he is also concerned about the unknown number who decide without applying that Harvard would not give them adequate financial aid.

Of the 249 withdrawals who responded to the past card poll, 59 (24%) went on to

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Record Picks Chayet

The Harvard Law RECORD has elected new officers for the current term. Elected President was Neil L. Chayet, 3L, Arlington, Mass. He succeeds Emmanuel H. Smith, 3L, Tyler, Texas, who will remain as executive editor. Chayet is a 1960 graduate from Tufts University, where he was a government major. He is married and has one child.

Other members of the newly-elected Board include Donald W. Kramer, 2L, Bala-Cynwyd, Pa., elected Managing Editor; Charles M. Hamann, 2L, Riverside, Conn., elected News Editor; Daniel J. Kucera, 2L, Westchester, Ill., Features Editor; Bruce Abel, 2L, Dayton, Ohio, Make-Up Editor.

Refusals

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other types of study, 21 (8%) entered the military, 16 (6%) are now employed. Four failed to enter for miscellaneous reasons, including a "jaunt around the world," and a hitch in the Peace Corps.

These figures are about the same as other recent years, the Vice Dean commented. "I don't see any significant trends."

Yale Law School attracted more than a third of the students who did not come here, 54 out of 149. Columbia was second with 18, Chicago was third with 17 and Michigan fourth with 12. Other schools listed were Stanford (10); New York University (9); University of Virginia (6); University of Pennsylvania (5); Northwestern (4); Duke (3); Georgetown and Minnesota (2 each); and Pittsburgh, Texas, Vanderbilt, Villanova and West Virginia (one each).

The Harvard survey also compiled data on the 539 students — including 23 women — who registered. Eighty had completed military service, 132 had attended more than one college. The average age was 22.3 years.

Liberal arts majors made up 89% of the class, with history and government majors accounting for more than half. English was third with 13%, followed by economics, philosophy, accounting, international relations, and foreign languages.

I. L. C. Journal Distributed

The semi-annual International Law Club Journal, featuring articles about Contracts in Communist China and the Extraterritorial Application of U. S. Trademark Laws, was distributed last week.

The issue marked the fourth year of publication for the magazine. It is distributed free to members of the International Law Club and by subscription to libraries, law firms and others.

Both featured articles are papers written for third-year seminars by students last year. Other contents are a note on "Islamic Law and the World Community" by Ibrahim Shihata, three notes on recent U. S. and Common Market cases and two book reviews.

The next issue is planned for April. Copies of the current issue may be obtained from the ILC at their office, ILS-205.

Placement

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"If a student without a job now had had a twin brother in last year's class," she said, "the twin would probably have gotten a job by this time last year."

She said she knew no reason why the hiring should be slower this year, but she said there seemed to be no cause for worry among third year students.

To date, 168 third year students have reported jobs for next year, compared with 146 who had reported by this time last year. The increase, however, is due to the response to a questionnaire sent to students for the first time this year.

Other than the slightly slower rate of hiring, Miss Appel stated that there have been no unusual developments in the pattern, except that more people seem to be taking positions in California than in past years.

This is apparently due to the increased number of California firms which have been conducting interviews in Cambridge this year. A total of 20 1962 graduates (as of June, 1962) took jobs in California; this year, ten have already accepted California positions.

Last year, a total of 38 graduates accepted positions in Massachusetts; up to the present time 22 members of the Class of 1963 have accepted like jobs. Forty-nine have accepted New York jobs while last year's graduates accepting New York positions numbered 78.

Fifteen 1962 graduates had jobs in Illinois as of June, 1962; up to the present time 11 have accepted Illinois positions. Nine have thus far accepted jobs in Washington, D. C. By June of last year, 29 were so situated.

Types of positions accepted by June of last year are roughly analogous to those accepted up to the present time. By last June, 44 graduates had taken judicial clerkships. Up to the present time, 14 have accepted clerkships. Last year a total of 173 accepted jobs with law firms, eight with business concerns, 23 with Government and 22 in accounting. A complete breakdown of this nature is not yet available for the present year, but 114 of the 168 who have jobs, have them with law firms.

Deadline Approaches For Williston Competition

By Thomas E. Woodhouse

With the deadline for entering the Williston Competition rapidly approaching, second year students are forming into competitive teams. Approximately 400 members of the second year class, or all those who are not members of the Law Review, the Board of Student Advisers, or Ames Quarter-Final Clubs, are eligible.

Because the rewards for participation, both tangible and intangible, are great, and the "terms of the Competition are not onerous," Williston Competition Chairman Ben Schenck expects a full slate of entrants.

The Competition, begun in response to a faculty recommendation in 1951, has borne the name of Professor Emeritus Samuel L. Williston since 1956. Its success may be attributed primarily to the fact that it offers experience and training in drafting, legal writing, and problem solving — skills which formal legal training may not adequately stress.

The success of the Competition may also be attributed in part to the beneficence of the Boston Safe Deposit and Trust Company, which every year provides \$500 prize money and a banquet for all the finalists.

Supervising the Competition will be the Williston judges, all top attorneys from the various jurisdictions in which the problems are set.

A new feature of the Competition this year is that teams may select both the jurisdiction and the subject matter of the problem to which they will be assigned.

The sign-up period for the Competition will expire at 5 p.m., Friday, February 8. Students interested in participating are urged to sign up at the Office of the Board of Student Advisers on the first floor of Austin Hall.

Law Wives to Hear Lyons

Louis Lyons, curator of Neiman Fellows of Harvard University, will address the Law Wives on February 6 at 8:00 P.M. in Harkness Commons. He will talk on recent events in the news.



— Record Photo by Richard S. Toder

New Look in Langdell Lobby

By Stewart D. Davis

Adequate lighting and a big rug are two of the outstanding features of the redecorated Langdell Hall receptionist's lobby.

Assistant Librarian Philip Putnam said that to him the lobby appears attractive for the first time. He pointed out that the paintings on the wall were hardly noticeable in the past against the yellowish parchment walls, but now stand out against the white walls and under the new lights.

Receptionist Stephanie Gardner, who has worked at the big round Roscoe Pound desk for the past two years, is especially fond of the big gray-blue carpet which covers what for years was just a bare floor. She considers the "new" lobby "magnificent," as compared to the lobby's previous old English club atmosphere.

Responsible for the renovation is Mary Conlan, administrative assistant to Dean Griswold. She keyed the redecoration to the maroons and mustard yellows in the primitive American painting of the Royall family by Robert Feke.

The two lighting fixtures which highlight the paintings were decorated by James Perry, who did the walls in the Ames Courtroom.

The outer lobby has been repainted in a soft blue to contrast it with the white inner lobby and to set off the Joseph Story statue.

What has remained after Miss Conlan's renovation is the famous round desk of Dean Emeritus Roscoe Pound. The Coolidge of

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New Loan Funds

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borrowers. The Harvard Trust Company has \$6,400 of this sum on deposit for the use of Harvard Law School.

Dean Toepfer praised the "particular genius" of Professor Livingston Hall, who played an important role in working out a program for Law School students "on terms similar to the Law School's own," and the "enlightenment and generosity" of the Massachusetts Bar. The loan guaranty fund will replace a small scholarship fund, thereby expanding twelve and one half times the amount made available to Law students by the Bar Association.

The revised terms of the Massachusetts Bar Fund loan are similar to those which attach to ordinary Law School loans — 2 per cent until graduation, 4 per cent thereafter. The chief difference, according to Dean Toepfer, is that a regular installment schedule makes repayment of the new loans somewhat less flexible. The notes are repayable after graduation in 60 equal monthly installments.

The loan fund represents the first excursion of the Massachusetts Bar into the field of graduate loans. "The application form still has bugs which need to be ironed out. It asks some questions which need not be asked," Dean Toepfer admitted. But he added that all persons concerned are amenable to suggested improvements and is working to revise the form.

At present the Law School is requiring students to fill out only that part of the form which corresponds to the standard Law School form. Subject to omission are a section dealing with parental resources and a question asking whether the applicant is an active member of a religious group. The former sections, Dean Toepfer acknowledged, would be more appropriate on a form for undergraduates, because they are usually still dependent on parental support.

Another complication of the new form is the presence of conflicting interest rates. The official contract, entitled "Massachusetts Bar Association Fund Note," establishes a 6 per cent rate of interest, but a supplementary agreement for reduction of interest, provided by the Law School, brings the interest rate

into line with the 2 and 4 per cent rates which the Law School charges on its own loans.

The \$17,500 National Defense Education money is the result of a decision by Harvard University to participate in the government program, now that the disclaimer affidavit provisions have been repealed from the 1958 act.

Public Law 87-835, amending the original act, eliminated the requirement that an applicant file with the Commissioner of Education an affidavit that he was neither a member nor a supporter of an organization that advocated the overthrow of the United States Government by "any illegal or unconstitutional means." This provision caused many private universities to refuse to participate in the loan program.

The amendment to the 1958 Act still retains a Loyalty Oath, however. The applicant must be willing to swear (or affirm) that he bears "true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all enemies foreign and domestic." False oaths are punishable under Title 18, Section 1001 of the United States Code by imprisonment up to 5-years or a fine up to \$10,000. A knowing member of a proscribed Communist or pro-Communist organization is liable to similar punishment should he apply for a government loan.

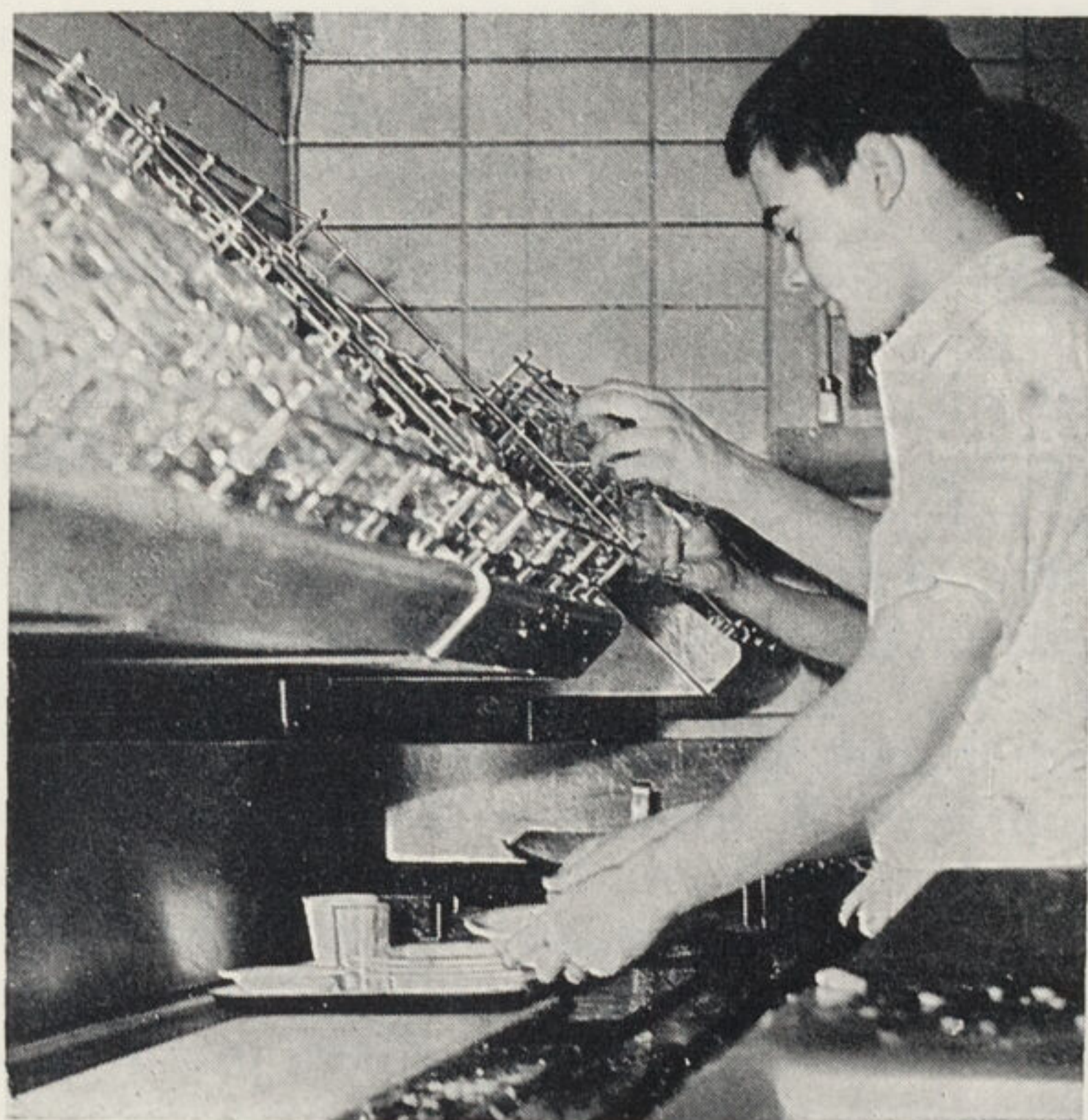
For those willing to take the oath, the National Defense Education loans offer more favorable terms than those of regular Law School loans. Interest payments at a 3 per cent rate and payments of principal do not begin until one year after graduation or discontinuance of school. Loans (the maximum annual loan is \$1000) are repayable in regular installments over a 10-year period, the borrower possessing the right to accelerate repayment.

The \$17,500 available to the Law School represents its share of money made available to Harvard University generally. The University divided the lump sum among the different schools in accordance with their need for additional loan funds.

Prior to receipt of these two new funds the Law School's own loan fund was having a "hard time" and requiring regular "sweetening," Dean Toepfer said. He added, "Please

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Harkness Gets Belt for Waste-Line



By Charles M. Hamann

"It's a ball — a riot working," Harkness Steward Warren Thompson said about the dish-carrying conveyor belt installed in Harkness Commons cafeteria during Christmas vacation. The new belt, installed primarily for student comfort and convenience, serves the double purpose of (1) increasing the efficiency and speed of dish disposal by diners and (2) decreasing the sloppiness of the operation.

The apparatus, arranged like a squared-U, consists primarily of three blond-colored rubber belts which carry trays into the dish room where the glasses and dishes are removed and placed in racks. At the end of the belt, the trays are automatically stacked.

Because of a gap of several inches between

each belt, all dishes must go into the dish room on a tray. "That is an unequivocal fact," said Steward Thompson. "The apparatus will *not* take a single glass or dish."

Because of the constricted limits of the working area, which permits a maximum of three workers to line up shoulder-to-shoulder, the tray clearers cannot remove everything from the trays, particularly when they are coming in at the maximum rate of 22 a minute. Consequently the management has requested diners to remove silver and paper from the trays before placing them on the belt. Steward Thompson described this departure from the ideal as "unfortunate."

Mr. Thompson thought that from the student's point of view the new system represented a "vast improvement." From the point of view of those who work it, the gain is not so clear. "This system has no give, no flexibility to it," he said. "The workers have to handle trays just as fast as they are coming in." He compared working behind the belt at the peak dinner hour to attempting an escape from a pit into which a couple of bulldozers are pushing sand.

Asked about the cost of the new mechanism, Steward Thompson replied "too darned much." The working machinery — the stainless steel frame in which the belts are set, excluded — cost \$10,000 alone. Financed out of the excess profits of last year's operations, the new machinery does not save money. This is in accordance with expectations.

Now that one problem has been solved, Mr. Thompson is seeking the answer to others. He admits that keeping tables clean during the noon and evening rushes is a "real problem — one which I have to solve."

New Loan Funds

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don't conclude that our financial aid problems are solved as a result of these funds."

The Law School has a private loan fund of \$1,200,000, virtually all of which is in use. According to Dean Toepfer, "as fast as it comes back in, we lend it out again — indeed, faster."

Skyrocketing loan needs have accounted

for this development. The increased demand is attributable to tuition increases and a general increase in the cost of living. More married students with enlarged needs and the disappearance of veterans armed with their accompanying GI benefits have also contributed to the shortage of loan funds. In the past decade annual loan expense at the Law School has increased from \$65,600 in the year 1952-53 to an estimated sum of \$325,000 for the current academic year.

Democrats Pick Aides

Eight Democratic state legislators traveled through heavy slush and snow Sunday to meet the administrative assistants assigned them by the Law-Graduate Democratic Club. Three others did not attend.

Addressing the informal meeting was Sumner Kaplan, LL.B. '44 ('48), retired state representative from Brookline. Kaplan was instrumental in founding a similar AA program five years ago, and is presently spending some of his time working for COD, a Massachusetts reform Democratic group.

Kaplan outlined what an assistant might do for his legislator. Suggestions included: research on particular problems for the legislator's speeches; review of bills and preparation of questions coming before the legislator's committees; attending other committees while the particular legislator is attending his own committee meeting. One of the jobs Kaplan gave his assistants, he recalled, was the sifting and answering of correspondence.

The following are the legislators expected to serve in the program and the law and graduate students tentatively assigned:

Sen. Michael J. Galvin, Newton — Stephen Kunian, 2L, Eliot Halperin, 1L, and John Bailey, 2L.

Rep. Joseph G. Bradley, Newton — Jerome Levine, 2L, Judy Wilson, 2L, and David Cole, 3L.

Rep. Daniel W. Carney, Hyde Park — Brian Frawley, 3L, Nicholas Grace, 3L, and Robert Sugarman, 2L.

Rep. Michael S. Dukakis, Brookline — Ted Burton, 1L, Arlene Lezberg, 2L, and Robert Johnson, 1L.

Rep. Irving Fishman, Newton — Joel Henning, 2L, and Robert Jablon, 2L.

Rep. William P. Homans, Cambridge — Gerald Jensen, 1L, Melvyn Zarr, 3L, and Billy Williamson, 1L.

Rep. Carl R. Johnson Jr., South Braintree — James Ehrman, Public Administration, Abraham Lowenthal, Public Administration, and Robert Saylor, 1L.

Rep. Paul C. Menton, Watertown — Edward Stadum, 1L, Lawrence Browne, 1L, and Thomas Woodhouse, 1L.

Rep. Patrick Nee, Roslindale — Richard Blankstein, 3L, G. Oliver Koppell, 1L, and Peter Sill, 1L.

Rep. Andre Sigourney, Nahant — Ronald Gregg, 3L, and Joseph Rosenthal, 3L.

Rep. Norman S. Weinberg, Brighton — David Dreyer, 1L, and Lawrence Browne, 1L.

Rep. Paul Murphy, Dorchester — Joseph Bosco, 1L, and Robert Sommerville, 2L.

Areeda, Chadbourn Named To Law Professorships

Phillip E. Areeda and James H. Chadbourn have been appointed to professorships at the Law School, effective July 1, Dean Griswold announced last week.

Mr. Areeda, aged 32, served President Eisenhower in the capacity of assistant special counsel before joining the Law School Faculty as an Assistant Professor in 1961. He became the President's counsel in 1958.

Mr. Areeda's school career was brilliant, both as an undergraduate at Harvard College and as a student at the Law School. From both schools he graduated summa cum laude: from Harvard College in 1951, from the Law School in 1954. At the Law School he was note editor of the Law Review and winner of the Sears Prize and the Fay Diploma, the highest academic awards offered by the Law School.

Mr. Areeda, a native of Detroit, but now a Cambridge resident, teaches Administrative Law and Antitrust Law, and a seminar on International Business Regulation.

Professor Chadbourn, a Visiting Professor here in 1961-62, has been Connell Professor of Law at U.C.L.A. since 1950. He has had a long and distinguished teaching career, having served on the faculties of the University of North Carolina, Duke University, and the University of Pennsylvania before his move to the Pacific Coast.

The co-author of numerous books on Civil Procedure, Professor Chadbourn, a South Carolinian by birth, has also produced books independently. He is the author of "Lynching and the Law," published in 1933, and "Cases and Materials on Civil Procedure," published in 1961.

Professor Chadbourn was graduated summa cum laude from The Citadel in 1926 and received a J.D. degree from the University of North Carolina in 1931.

Professor Leach Sick

Illness has forced Professor W. Barton Leach to relinquish temporarily his teaching tasks for the second semester. Associate Dean A. James Casner said this week he hopes Professor Leach will be able to return soon.

FEATURES SECTION

Inventors Puzzle Patent Office

By Daniel J. Kucera

What would Samuel Hopkins say about it today?

You remember Sam . . . he was the first patriot to ever get a patent in the United States. That was way back on July 31, 1790, when the ink of the Constitution was barely dry. Contrary to folk-tales and epic poems, he did not invent a bigger and better mouse-trap either. Rather, the government granted him protection on a "method of making pot ash and pearl ash."

At that time, the Patent Office was only about three and one-half months old. It was probably a pretty modest set-up, too. Simple deduction leads to the conclusion that it took Sam Hopkins no *more* than three and one-half months to convince colonial bureaucrats that his invention was "patentable."

Oh, how the times have changed! Now it would take Sam about three and one-half *years*, not months, to get his patent. Why the delay?

First of all, Sam's application for a patent collects dust in the Patent Office for six to nine months after it is received. That's because an examiner has to eat his way through a pile (he can't be chewsy) of thousands of other applications in order to get to Sam's — a FIFO inventory problem.

A Long Process

Then the examiner must make a "search"; i.e., engage in an ancient tribal custom of seeing who else has patented ash. Finally, without shedding a tear, the examiner writes a "Dear Sam" letter, flatly rejecting the application and citing oodles of other patents. Thus, Sam must wait almost 12 months after he hopefully mailed his application away before he gets the discouraging word.

Now, Sam has six whole months to reply — usually by amending his application so that it is "clearly distinguishable" from the cited art. Back it goes to the friendly old examiner. After about six more months, the examiner uncovers the amended application. He stirs

the ashes a little, kindles the fire in his pen, and flatly rejects it again, citing other patents or some obscure point of patent law, e.g., "it's obvious."

Back the thick envelope goes to Sam, who has another six months . . . and on it goes, until the examiner runs out of ideas and says "final rejection." Then Sam has his last chance to amend, or he can appeal to the Board of Appeals. All in all, the whole process takes an average of about three and one-half years.

How Come?

How come it takes so long? What is wrong with the Patent Office? Is it just another snail-pace government agency or is it suffering from some unique problems?

In the first place, the Patent Office is working much harder these days than back in 1790. Over three million patents have been issued in the United States. But even more startling is the rate at which inventors are creating bigger and better ideas. There is a literal invention "explosion." Since 1953-54, expenditures by the government for research and development have increased almost 300 per cent, and by industry, about 200 per cent. Since 1952, applications for patents have increased from 60,000 per year to an estimated 85,600 per year. Including the backlog, there are about 200,000 applications now being processed.

Not only are there more inventions, but the ideas are more complicated, too. This increased technological complexity plus the fact that as time progresses there are more and more patents which must be searched and compared with an application result in reduced examiner productivity. In fact, an examiner today can dispose of only about half as many cases as he could thirty years ago.

You don't believe it? The largest patent ever issued was received three years ago by the Bell Telephone Laboratories. It covers

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Patent Office

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a computer which is an automatic accounting system for customers' charges on long distance direct dialing. The application weighed 38 pounds, included 1,233 typewritten pages, and required two "attorney-years" alone by a patent lawyer. In its final printed form, the patent contains 243 claims, 266 pages of specifications and claims, and 354 sheets of drawings. How would *you* like to be the patent examiner on that job?

Another problem is space. Although the Patent Office takes up over one-half of the Commerce Building in Washington, its storage requirements leave little breathing space for employees. And each year, some 3,000 additional square feet are needed to hide away new patents from the United States and 26 other nations. Altogether, there are nearly nine million patents stacked away, some 650,000 of which are still in effect and must be searched manually.

Big Turnover

A persistent and difficult problem is the 20 per cent yearly turnover of patent examiners. According to David L. Ladd, Commissioner of Patents, "the Patent Office has suffered, and suffers, from a terrible turnover in personnel." This dilemma is chiefly due to greater opportunities offered by corporations and legal firms. Mr. Ladd told the RECORD that "many patent attorneys and patent agents began their career in the field of patents by employment in the U. S. Patent Office. Indeed, even today, this is considered very desirable training for patent professionals outside of government. By working in the Patent Office, it is possible to gain insight and knowledge of the policies and procedures of the Office while at the same time attending evening classes in law at one of the local universities. Accordingly, many firms of patent attorneys and corporations having a patent department are most anxious to secure the services of men having had this experience in the Patent Office. Of the approximately 200 examiners who leave the Patent Office each year, most of them enter patent work on the outside. Consequently, the Office is confronted with a continuous train-

ing program resulting in the loss of many examiners at the time they are particularly valuable to us."

In spite of this turnover, the Patent Office must *increase* its staff to cope with the rising number of applications. This is hard to do in terms of time and money. The Office operates on a comparatively small budget of \$25 million. Yet, they must pay salaries which compete with the private world in order to keep and attract the needed men.

Mr. Ladd has pointed out that "while we may casually talk of an increase of 1,000 cases, the full meaning of this comes home when we realize that 1,000 cases at our present rate is a full annual work load for more than 10 men — and not 10 *new* men, but 10 *experienced* men."

Moreover, training takes up the time of experienced examiners, thereby sacrificing productivity in the short run. In testimony before the House Appropriations Subcommittee on General Government Matters in 1961, Commissioner Ladd explained the difficulties: "Our problems are mostly long-range by nature. Building an experienced staff of patent examiners is the key problem. Full capacity generally means about eight years of experience. The staff composition at a recent date shows that one-fourth of our examiner-assistants have less than two years, nearly one-half have less than four years, and about two-thirds have less than eight years of experience. With chronic turnover among examiner-assistants, progress toward optimum staff capacity is slow and necessarily of a long-range character."

Problems, problems! At this point even Sam Hopkins might feel a little discouraged. With all these new inventions, wouldn't you think that someone could invent a bigger and better Patent Office!

(Next week: some solutions.)

Barnett to Speak at Forum

Mississippi Gov. Ross Barnett, who led the fight against admitting James Meredith to the University of Mississippi last October, will speak to the Harvard Law School Forum at 8:30 Monday night in Sanders Theater. He has chosen to speak on "Mississippi Opportunities, Constitutional Government, and the Rights of the States."

Williams Chides Law Students

(These are excerpts from an interview by Donald McDonald, Dean of the College of Journalism of Marquette University, with Edward Bennett Williams, a prominent Washington lawyer. The interview is one of a series conducted in connection with a study of the American character by the Center for the Study of Democratic Institutions. © the Fund for the Republic, Inc. 1962.)

QUESTION: Mr. Williams, in *One Man's Freedom*, you say that, after having spoken as a guest lecturer at twenty-five law schools in this country, you detected "disturbing signs of apathy and indifference to some of the freedoms guaranteed by the Bill of Rights." Did this apathy exist among both law students and their professors?

MR. WILLIAMS: My contacts were generally with the students. After speaking at a law school forum to the student body, I would stay and answer questions for perhaps another hour or hour and a half. Usually there was a dinner beforehand, or a little social gathering afterward, and I would have a chance to exchange ideas. I quickly discovered that most of the law students have as their professional goal the securing of a position with a large law firm, preferably in New York, San Francisco, or Los Angeles, and that they want to work in the field of antitrust, or corporate law, or in the taxation field. I discovered minimal interest in the field of advocacy and even less interest in advocacy in the criminal area. They are preparing for professional careers in fields wholly concerned with problems affecting property rights. The facets of the law dealing with human freedoms and individual liberties safeguarded by the Bill of Rights hold their interest only in an academic way.

QUESTION: Why?

MR. WILLIAMS: For one thing, the whole curriculum of the law

school is oriented in that direction. Most law schools treat the course in criminal law as a rather unimportant aspect of legal education. Courses dealing with property rights are emphasized and are regarded as the real test of whether a student has an aptitude and a feel for the law. I found that students are rather blasé and unconcerned about some of the basic freedoms guaranteed by the Bill of Rights. They are quite indifferent, for example, as to whether the privilege against self-incrimination is retained in the law. They have come to feel that the right of the accused to confront his accuser should be circumscribed in loyalty and security cases. Many of them now feel that we have reached a period in our history when freedom of political expression should be reexamined, because, as they say, we are competing at the world level with an abhorrent ideology and we must not do anything to foster its expression in our own country. Actually the student in the law school today has come to regard it as rather déclassé to devote his professional career to the defense of people accused of crime.

QUESTION: You say that the structure of the law school curriculum suggests this to students?

MR. WILLIAMS: Yes. I don't know of any law schools that have deliberately tried to correct this attitude, with the possible exception of Yale, where I found great sensitivity to the problems centering around personal liberty. This perhaps reflects Dean Rostow's influence at the school. I was at Yale this year and judged their final moot court competition. They had the best advocates of the law school there try a criminal case. They did a brilliant job, a superb job. At Yale I found a genuine enthusiasm for and interest in the field of criminal law and the field of constitutional liberties. . . .

QUESTION: What do you consider to be the most critical areas in

American life as far as violations of human liberties are concerned? What are some of the most serious and flagrant abuses of those liberties?

MR. WILLIAMS: I think it should be said, first of all, that there are many shortcomings in the administration of justice. It is a human institution and has defects like all human institutions. There will always be some occasions when justice will miscarry. It is my conviction that the most serious defects in the administration of justice exist on the criminal side of the court. I am convinced that many of our criminal procedures are long overdue for an overhauling. They need to be modernized and liberalized as civil procedure has been. We need to reexamine the reasons for some of the rules that we blindly follow simply because "we have always done it this way."

But whenever one talks of modernizing and liberalizing criminal procedure he is met with the argument that the crime rate is rising. I don't think that this is really germane to the question. I don't think that lawful enforcement of the law stimulates or encourages crime. I don't think that those criminal procedures which safeguard individual freedom have very much to do with the crime rate in this country. When you start to talk about why we have crime you have to look at the social and economic and moral factors involved. Crimes are not committed because somebody says, "Well, the Mallory rule is in force in the District of Columbia. Let's go out and commit a robbery because if the police detain us too long we won't be convicted." That kind of thing does not go through the mind of a man who is preparing to commit a crime. I don't think that anyone who commits murder plans to commit it in

(Continued on next page)

Williams

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a jurisdiction where there is no capital punishment. The criminal mind does not work that way. It works on the assumption that it won't get caught. The criminal is not particularly interested in the procedures that will affect him if he is caught.

QUESTION: What do you consider to be the most urgent problems in the administration of justice?

MR. WILLIAMS: The most urgent one centers around the defense of the indigent. One of the reasons law students are not anxious to get into the criminal field is that 60 per cent of the people who are their potential clients cannot afford to pay them a penny. There is no other learned profession in which that is true. Under our system we have to provide the indigent with counsel; we must find a way to furnish them with adequate representation. But I think we must do it without resorting to socialization of justice. Everytime we have an onerous responsibility the easy way to handle it is to socialize it, but I am not sure that is the prudent thing to do. I think the best way to handle the defense of the indigent is by rotating among the trial lawyers in the community, giving them the responsibility to defend these people without compensation and establishing a good legal intern system as a supplement to the efforts of the trial bar.

All the law schools in the country should offer a graduate degree to encourage students to stay another year in school and work on cases involving the indigent. They could do the investigative work, even try the cases, go into court, examine witnesses, make arguments, and really participate in the courtroom proceeding. The students would get valuable trial experience. They would get it to a degree that can be offered by no private firm. The community would be served. The trial bar would be served. We would once again have a good law school program for the training of advocates. I think a combination of the

trial lawyer rotation system and the legal intern system would take care of the problem of providing adequate defense for the poor. I personally am not in favor of the public defender system.

QUESTION: Why?

MR. WILLIAMS: In a public defender system there is a strong tendency to settle problems of human liberty on a mass-production, impersonal basis, the way a claims adjuster, for example, settles cases. A claims adjuster may settle several cases with a plaintiff's lawyer as a result of an afternoon's conference. The adjuster and the lawyer deal with each other on scores of cases through the year. A pattern of give and take develops unconsciously. The lawyer may give in a little in one case and hold fast to his demand in another until the adjuster capitulates. This may not be so disturbing when you are talking of a few dollars, but it is quite another thing when you are dealing with a person's liberty. . . .

Another disadvantage is that the public defender and the prosecutor are trying cases against each other every day. They begin to look at their work like two wrestlers who wrestle with each other in a different city every night and in time get to be good friends. The biggest concern of the wrestlers is to be sure they do not hurt each other too much. They don't want to get hurt. They just want to make a living. Apply that to the public defender and prosecutor situation and it is not a good thing in a system of justice that is based upon the adversary method. . . .

QUESTION: You have spoken in the past about "guilt by client" as one of the burdens a criminal lawyer must learn to carry. How prevalent is this association of the lawyer with his client in the mind of the public?

MR. WILLIAMS: I'm sure that this identification permeates the thought of many laymen and even many lawyers. All the problems of humanity can be broadly divided into three categories—physical, spiritual, and social. The physician,

the clergyman, and the lawyer devote their lives to the solution of these problems. . . . Only the lawyer is expected to withhold his help from those who need it most. When you stand in a courtroom to defend, say, a Soviet spy under our American system of giving him his right to counsel, you become suspect; people begin to think you sympathize with his Communist ideology. But no stigma attaches to the doctor who might treat a physical disease of that same Soviet spy, or to the clergyman who might counsel with him on moral or spiritual matters. . . .

QUESTION: Do you detect any cause-and-effect relationship between the legal profession, how it operates and works, on the one hand, and the formation of the American character, on the other? Does the law reflect the nature of our national character, or does it also affect it?

MR. WILLIAMS: I think the law is not merely reflection. I think it can be influential on the American character. Of the three branches of government—legislative, executive, and judicial—the average citizen is most likely in his lifetime to come into contact with the judicial. This is the branch from which his impression of government is apt to be formed. If you have a good judicial system and the citizenry develops confidence that wrongs can be righted and that laws can be enforced properly and that the judiciary really plays the role of impartial arbiter between citizen and citizen, and citizen and state, then the citizenry will develop strong respect for government. Conversely, if the administration of justice breaks down, the citizen will lose confidence in his government. If the citizen begins to look upon government as being corrupt or remiss or callous or indifferent or inert in settling grievances, he is going to think of the government as nothing but a collection of charlatans and scoundrels. Cynicism and indifference will set in and the national character will be seriously affected for the worse.

Conservative Awakening?

By Michael A. Glass

The views and opinions expressed herein are entirely those of the author.

Last week, instead of finding the *Harvard Student Calendar* deposited at my door, I found a tiny tract entitled *The Harvard Conservative*. Disappointed that I could not find out what was new at the movies, I decided to see what was new in political thought.

"A New Challenge," an editorial statement of problems and purposes, is a modest and realistic disclaimer of any great numerical following of conservative thought at Harvard or throughout the country. The writer attributes this lack of public interest and support to the reluctance of conservatives to abandon "their various individual functions . . . or their various individual interests . . ." and attempt to persuade America of the validity of their philosophy. One readily could be convinced of the *Conservative's* lack of practice in the subtle art of persuasion by wading through the stylistic awkwardness of the editorial. As a statement of what we can expect the magazine to contain, "A New Challenge" presents very little which is new or challenging. There is the rather shrilly stated contention that "liberalism" undermines our society because it denies that our mission is "spiritual salvation to be gained primarily through the grace of God working within the soul of a free individual." Further,

the editorial seems to contend, the state has sought to supplant God in foisting its concept of perfectibility on man in the form of social security, workman's compensation, and the like. Rounding out this conservative credo is the airing of some standby shibboleths on the dangers of relative morality, materialism, and the dogmatism of the liberals.

Russell Kirk, the Ayn Rand of the philosophy of conservatism, in his piece, "The Conservative Impulse" seemed to say that he was a conservative through natural perversity. From the hardships of his youth, Kirk intuited that something was wrong with society. Intellectuals, industrialists, labor leaders were liberals: therefore, it is liberalism which is society's problem. Having dedicated himself to resisting liberalism (consisting of a passion for progress and the use of society as "a machine for aggrandizement, and of happiness as the gratification of appetites") Kirk became a conservative. In outlining what the conservative wishes to conserve, he lists "the heritage of civilization" and "the elaborate civil social edifice which, under Providence, has developed in America."

Kirk seems to feel that events in American history from 1932 onwards form a hiatus in the organic development of the American system. This rupture, this "fanticism and craze for novelty," is bad be-

cause he can find for it no precedent in the wisdom of our ancestors. (Query: whether social concern is unprecedented and whether twentieth century man should content himself with the role of a piggy-back pigmy.)

In the last paragraph of "The Conservative Impulse," Kirk, again citing his "curious perversity," opts to perhaps "lose with Socrates . . . than win with Lenin." His identification with Socrates is inappropriate in that Socrates displayed a passion for cogent reasoning and clear definition while Kirk has, in his explication of the *Conservative*, merely trotted out shopworn aphorisms of the home, God, and mother variety.

Richard Derham's ability to formulate a re-evaluation of the United States immediately became suspect to me when he characterized Senator Thomas Dodd of Connecticut as a stalwart liberal in the company of Senators Jackson and Fulbright. In "The UN: Time for Re-Evaluation," he commented upon the Soviet policy of following U.N. resolutions only when it suited Soviet interests and urged the U.S. to follow the Soviet example. Formerly, said Derham, the U.S. could place its trust in the U.N. because U.N. policy was formulated by the U.S. Because of the influx of Asian and African nations, he feels the U.S. has lost its grasp on the U.N. as a tool of American foreign policy; and, therefore, we should first decide what is in the best interest of the world. If the deliberations of the Assembly of Nations mesh with our

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Germans Visit Law School; Talk on Berlin Wall

By Richard A. Hannaway

Berlin came to the Harvard Law School campus Monday in the persons of 20 young German legal trainees who have been traveling in America and studying the U.S. legal system. By German law, all candidates for the legal profession, after completing their formal legal education must serve a three and one half year internship, during which they work as civil servants in the German court system.

These 20 trainees, all residents of West Berlin, are on the last week of a five-week tour of the United States as a part of their internship, under the auspices of the Association of Berlin Gerichtsreferendare (legal interns), the West Berlin government, and the U.S. State Department. At their first stop, Washington, D. C., they visited with the Attorney General, Robert F. Kennedy, who is one of the co-sponsors of their tour.

Their program of activities for Monday included auditing a "typical" law class, to get experience in the "case method"; a luncheon as the guests of the International Law Club; and afterwards a tour of the University.

Monday evening, after returning from a reception given in their honor in Boston by German Consul Dr. Philipp Schmidt-Schlegel, they spoke to a meeting of the International Law Club on the general subject of the Berlin wall; and showed two films of the wall which they had obtained from the German government. After the showing of the films, they received questions from the large audience attending concerning the films, their views on Berlin, and the German government. This was followed by refreshments and informal discussion groups.

Practice Trauma

Saturday, January 26, first-year Law students were exposed to that annual premonition of horror, the Practice Exam. One student thought it fun to take an exam which didn't count, but a less sanguine neighbor declared that he was packing his bags. For those that missed the Saturday performance, a Monday afternoon make-up was scheduled.

B-Ball Leagues Unroll

The Law School basketball league, under the direction of Fred R. Profeta, 2L, will divert the attention of about 160 prospective law reviewers this year.

The competition has been broken into four leagues which have been handicapped by Profeta according to their ability. Each league has five teams except for the "D" league with four. All teams have started the season with eight players on their rosters though all athletes may not survive the four weeks of play.

Among the more imaginatively named squads are the Estovers (or is it the Leftovers), the Langdell Losers (aren't we all), and the Ferae Naturae (before or after Property I).

Obiter dictum: Chancery completed an undefeated season by handing the Apostles their only defeat in the touch football championship.

Lobby Renovations

(Continued from page 5)

Shipley, Rutan, & Coolidge designed the desk while designing the unfinished Langdell Hall. Coolidge had the idea of a round table to help Dean Pound handle his myriad tasks, but the Dean suggested the round desk. Dean Pound recollects that the desk allowed him to work on five or six jobs at once.

Mr. Putnam recalls that the desk remained in the dean's office, but saw less use, during the years of James Landis' deanship from 1936-1946. Its next position was as reference desk in the library, where it remained until the summer of 1958.

Mr. Putnam said that the lobby was virtually closed to students before 1936. Before that time the front door was locked, and the professors used the lobby as a faculty lounge. That door was unlocked to students only upon "state occasions," such as a memorial service for two students killed by a truck while walking to Harvard Square. In those bygone days students saw professors only by inquiring at either the desk in the library or at the desk in the west wing.

In 1936-37, when Landis opened the door, the lobby had only a regulation desk at which the receptionist sat, the desk being situated beneath the Royall painting.

Conservatives

(Continued from page 13)

decision, then we should agree to play marbles with them.

He cites as a "proper use of the U. N." the sending of U Thant to persuade Castro to give in. I offer the suggestion that any attempt by the U. S. to use the U. N. as a tool or messengerboy would destroy any use the U. N. has in promoting world peace.

The last contributor, M. Stanton Evans, succeeded in convincing me of the obvious. Even those not gifted with Mr. Evans' acute sense of history would be willing to admit that the U. S. S. R. has repeatedly broken its treaty obligations. I do, however, rebel against the underpinnings of this reprinted chapter from Evans' book, *The Fringe on Top*, that the "Kennedy State Department" (and, I suppose, by implication, all liberals) are through stupidity or design bargaining the country down the Volga.

Although I was somewhat less than enchanted with the inaugural issue of "The Harvard Conservative," I am delighted with the objective they have undertaken. Focusing on divergences in political philosophy is an instructive and a healthy activity, but before there can be such a discussion there must be a clear setting forth of the positions to be discussed. The conservative position can and ought to be presented articulately and intelligently. Indeed, this laudable objective is the *raison d'être* of "The Harvard Conservative." The first issue, however, presented only fuzzy thinking, a collection of bromides which have characterized the conservative vocabulary, and a noticeable lack of novelty or challenge. I sincerely hope that future issues will bring more substance and satisfaction.

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THIRD YEAR OPPORTUNITIES:

Connecticut: Connecticut General Life Insurance Co., Hartford (Legal Dept.), E. J. McAlenney, Esq., leave resume at Placement Office by Jan. 29.

Illinois: Martin, Craig, Chester & Sonnenschein, 135 South La Salle Street, Chicago 3. Contact Jacob H. Martin, Esq.

Massachusetts: Contact Mr. Rufus S. Dunbar, Bear Hill Farm, Rutland. (to specialize in land law)

Michigan: Zwerdling, Miller, Klimist & Maurer, 3426 Cadillac Tower, Detroit 26. Contact A. L. Zwerdling, Esq. (labor law)

New Jersey: Baker, Garber & Chazen, 1 Newark Street, Hoboken. Contact Bernard Chazen, Esq.

New York: Demov & Morris, 1450 Broadway, New York 18. Contact Paul R. Karan, Esq.

New York: Pell, Butler, Curtis & LeViness, 375 Park Avenue, New York 22. Contact Ronald R. Atkins, Esq. (Only those exempt from military service).

New York: Buerger & O'Connor, 1525 Marine Trust Building, Buffalo 3. Contact Alfred A. Buerger, Esq.

Ohio: Schwartz, Gurevitz & Schwartz, 50 West Gay Street,

Columbus 15. Contact Stanley Schwartz, Jr., Esq. (70 average or above).

Washington, D. C.: Office of the General Counsel, Dept. of the Air Force, Wash. 25. Contact William W. Hancock, Esq.

Switzerland: Rinderknecht & Co., Inc., Dreikonigstrasse 7, Postfach, Zurich 22. Contact Donald Cronson, Esq. (Tax law, must know German).

Illinois: American Civil Liberties Union, 19 South La Salle Street, Chicago 3. Send for application form. (Executive position)

Pennsylvania: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh 30. Industrial Engineering Trainee. (Some science background required). Also, Labor Relations Trainee. (Major in Industrial Relations or related field, no military obligation.)

New York: Public Utilities Reports, Inc., Rochester. Contact Mr. Steidel. (Associate Editorship).

Editorial Legal Careers: Call at Placement Office for information.

SECOND YEAR OPPORTUNITIES

New York: Davies, Hardy & Schenck, 2 Broadway, New York 4. Contact Mr. Herbert A. Hearwagen, Esq. (Summer clerkship)

Massachusetts: Sailing Instructor at a yacht club for the summer. Call at the Placement Office. (First year also eligible).

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