



Harvard Law Record

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Abolition of HUAC Demanded

Seven Harvard Law School professors are among 92 authorities on constitutional law who have petitioned the House of Representatives to abolish its Committee on Un-American Activities.

Professor Mark DeWolfe Howe is one of the 12 sponsors of the petition, which has been presented to House Speaker John W. McCormack, and copies of which are being sent to members of the 89th Congress.

Trial-by-Press Decried

By Thomas S. Johnson

Attacking trial-by-press with the same partisan gusto of the jet fighter pilot he once was, F. Lee Bailey, currently chief counsel for Dr. Sam Sheppard, sarcastically labeled

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Joining in the petition with Prof. Howe are David F. Cavers, Fessenden Professor of Law; John P. Dawson, Charles Stebbins Fairchild Professor of Law; Louis L. Jaffe, Byrne Professor of Administrative Law; and

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Surrey Analyzes Tax Policy

By Robert M. Goff and Edward H. Hein

Stanley S. Surrey, Assistant Secretary of the Treasury, former Professor of Law at the Harvard Law School and co-author of the best-selling textbook among second-year students, *Federal Taxation*, addressed a large crowd of third-year tax students at Harkness Commons last Friday afternoon.

Stressing that he expressed only his own views, he discussed the tax policies of the Kennedy-Johnson administrations, characterizing them as "the aggressive use of tax policy in aid of fiscal policy."

Two factors led to this use of taxation as a vehicle for achieving fiscal goals: first, the balance-of-payments situation, which continued to be serious throughout the first four years of the decade, prevented the liberal use of monetary policy; second, the climate of Congress prior to the assassination of President Kennedy made adoption of a

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Stanley S. Surrey

A Silent Burial

Perhaps now is the time. True, the House Un-American Activities Committee has not been much in the news this past year, and no longer is Fulton Lewis III known to travel the college circuit along with the noted movie "Operation Abolition," which drew raves from some because it seemed to show the extent of Communist infiltration in America, and which at the same time caused dismay among others because it seemed to show the incursions into the liberties of American citizens.

Perhaps, now that the Committee is so little in the news, it can be silently buried and, as suggested by the petitioning Constitutional law authorities, its function of investigating matters pertaining to legislation necessary for assuring internal security, and administering the existing laws in this area, can be taken over by other House committees.

Supposedly a progressive Congress was elected this autumn, and it well behooves that group to give careful consideration to removing this organ which, at its worst, is but a vestige of the McCarthy era. It is not enough for Congressmen to do as they have in the recent past, approving of the Committee by overwhelming majorities and without much apparent thought — believing, it must be supposed, that their fellows on HUAC are trustworthy and will not abuse its power.

The petition comes down hard on the Committee's greatest weakness, the vagueness of its defined area of action. No one should have the power to root out and expose "un-Americanism." In a free society no one man, nor group of men, has the right to declare what "Americanism" is and then to seek to suppress its opposite in their fellows. "Americanism" might well be said to involve the right to free expression, and thus a group which through witch-hunting tactics seeks a restrictive definition of the phrase may well be termed "un-American."

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TONGUE 'N CHEEK

By Fenno

The Christmas spirit has invaded the Law School and all about are signs of good cheer and fellowship.

The season officially opened last week with the first freezing rainfall of the season. Austin and Langdell were decked out in a beautiful raiment of snow and all the walks and drives were encased in ice. "Tort, tort," was the merry cry of scholars as they gaily slid down the steps after class.

The Cambridge post office became a friendly meeting place as happy students sang carols while waiting for the chance to mail their laundry home.

The halls of the Law School were festively decorated with black and white announcements of makeup classes and moot-court qualifying-round results.

And all about were happy little groups planning Christmas parties. My law club, holding its first meeting of the year, met on the Langdell South stairway to map out plans for our Annual Yuletide Gala.

"How will we ever match last year's splendid effort?" I asked the club president. "After all, what can top a round-table discussion of alternate routes to New York and New Hampshire?"

"I've got something great in mind," he replied. "How about a model study group for the entertainment part and an outline exchange instead of the usual gift-giving?"

"Could we at least have some egg nog and Christmas spirits?" I caroled.

"I thought we'd have beer. It's more in keeping with the program and the foam does look like snow," he answered.

"What about a little holly and ivy, mistletoe, and maybe a small tree," I asked.

"What on earth for?" he asked.

"Peace," I said.

Two Winners in Williston Semis Named

Winners of two out of three contests in the semifinal round of the Williston Competition were announced this week by the Williston Committee.

No final determination has been made as yet concerning the third contest involving the fate of the disqualified team.

The team of George L. Damoose, Wallace H. Glendening, Gerald L. Jensen, and David A. Self was selected the winner over the three-man team of Donald M. Feferman, David C. Hilburn, and Lawrence W. Kanaga. The solutions were judged by Irwin Schneiderman, LL.B. '49, of Cahill, Gordon, Reindel & Ohl of New York City.

The problem involved advising a shareholder on the best way to change his corporation's needlessly tight-fisted dividend policy. The solution also required the drafting of appropriate documents, such as proxy statements.

The six-page opinion written by Mr. Schneiderman discussed in detail the legality, practicality and effectiveness of the two solutions. He praised the winning team for having recognized that it "should avoid a flattering over-estimate of the detailed knowledge possessed by the senior partner" in discussing relevant citations, and for its imagination in going beyond the literal words of the assignment in order to be effective.

In the other contest, the three-man team of Jerry B. Black, Joseph E. Irenas, and Kenneth E. Warner was given the decision over the team of James H. Bell, Noel E. Hanf, Phillip C. Olssen and William Williams.

Judging the two solutions was Claude M. Maer Jr., a 1948 graduate of Yale Law

School and member of the firm of Holland & Hart of Denver, Colo.

The problem involved setting up a two-man New York corporation to publish a national right-wing political magazine.

Mr. Maer, in a nine-page opinion, considered both solutions "well thought through and well drafted," but judged the Black solution superior in its organization, its ingenuity, its detailed handling of the problems, and its helpful use of legal authority.

Mr. Maer also said he especially appreciated "the comments directed to each document . . . Such organization allows an efficient review by a senior partner in that the problems and criticism of the work can be easily isolated and handled."

Commenting on the work done by the judges, the Williston Committee felt that the thorough analysis and frank opinions from the point of view of the senior partner would give the participants "an insight into the practical requirements of legal writing."

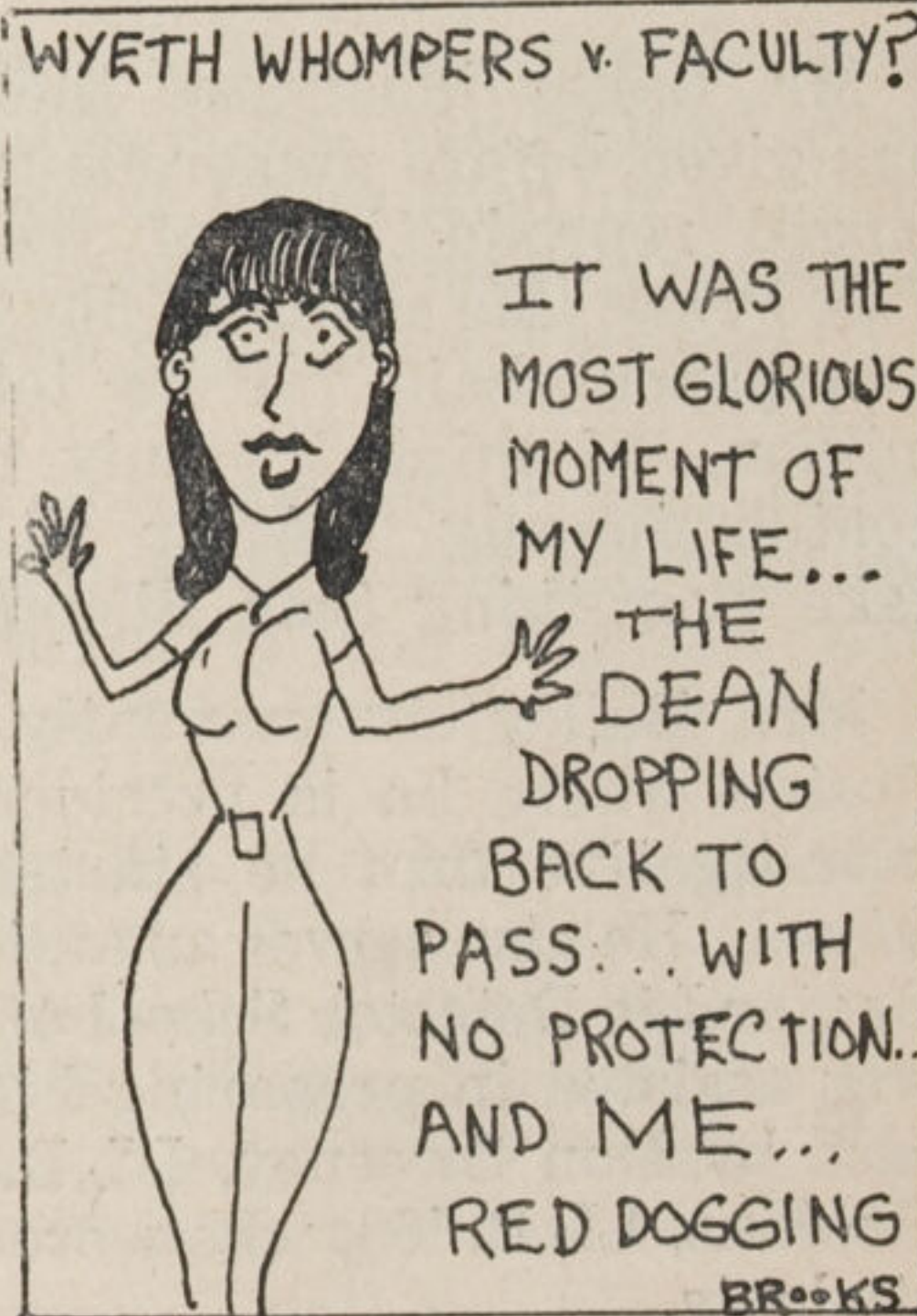
Law Review Whips Whompers

The previously undefeated Wyeth Whompers suffered their first loss of the 1964 season when they bowed Nov. 15 to the *Law Review* squad, 24 to 2.

The previously winless Gannett House boys jumped out to an early lead, but the determined efforts

of the Whompers, led by quarterback Jane Richards, 3L, brought the HLR to a halt in the second half.

Wyeth scored its lone two points when defensive specialist Anne Crotty, 3L, nabbed one of the fleet *Review* backs in the end zone for a safety.



Prof. Westfall Meets With OECD

Professor David Westfall participated as a consultant for the United States Treasury Department at a meeting of the Fiscal Committee of the Organization for Economic Cooperation and Development in Paris Dec. 1-2.

The Committee is drafting a convention for the avoidance of double taxation of estates of decedents who reside in one member-country and own property subject to taxation in another.

Sheppard Case

(Continued from page 1)

the role of *The Cleveland Press* in the Sheppard trial as "a form of attempted homicide." Mr. Bailey discussed the problem at a meeting of the Student Bar Association Dec. 7.

"Every newspaper ought to have the right to print whatever it wants without prior restraint," Mr. Bailey observed. But he then presented a carefully worded, caustic description of what might result when the First and Fourteenth Amendments clash.

Less than a year after his admission to the bar, Mr. Bailey, a 1960 graduate of Boston University Law School, found himself involved in one of this century's most controversial criminal cases.

Dr. Sam Sheppard, an Ohio neurosurgeon, was convicted of the murder of his wife after a prolonged editorial campaign by *The Cleveland Press* which Mr. Bailey termed "prejudicial" and "malicious."

After winding its way through the labyrinth of state and federal courts, the case was submitted to a federal district court upon a successful request for a writ of habeas corpus which alleged 23 instances of prejudicial error and was termed by Mr. Bailey "the strongest habeas corpus case ever to come out of a federal court." The matter now lays before the Sixth Circuit Court of Appeals.

Mr. Bailey illustrated the talk, which he has given before numerous groups, with enlarged reproductions of front pages from *The Press*. He plans to file suit against the newspaper chain for its total value, \$122 million. "I think it's only fair," he stated contemptuously. "After all, they tried to take everything Sam Sheppard had."

Mr. Bailey is currently practicing in Boston where he is president of a private investigative firm he started while in law school. He also serves as an instructor at the Baxter Lie Detector School of New York. He was assisted in preparing his habeas corpus case by Don Sweeney, LL.B. '63, and Steve Hoskins, LL.B. '63, who were then third-year students.

Mississippi Is Focus Of Rights Challenge

By Walter V. McLaughlin, Jr.

The Harvard Civil Rights Committee has continued to step up its activities this year. Joseph P. Meissner, 2L, a member of the Committee, said this was due to a happy combination of two factors — a steady supply of worthwhile projects provided by Mr. William L. Higgs, '58, and a continuing response by the students who give their time and skill. Meissner himself has served as a contact between Mr. Higgs, a civil rights attorney, and the Committee.

One important recent effort, Meissner pointed out, was a "research weekend," during which the students devoted their full time to gathering information and framing arguments for the current challenge to the seating of Mississippi's congressional delegation. Mr. Higgs himself came to the Law School to supervise the work.

The challenge is being made on a variety of grounds: that Mississippi's constitution has been changed to violate the conditions under which she was readmitted to the union; that lawful petitions to run in the general election, as provided by the state's own law, were denied and the election was therefore invalid; and that since Negroes were effectively denied the vote in Mississippi the state's representation ought to be cut down as the 14th Amendment provides.

FBI Encouraged to Act

Meissner said that a new project dealing with the Federal Bureau of Investigation will be handled by a subcommittee composed of himself, Samuel A. Bleicher, 2L, Robert J. Klein, 2L, and John Rutherford Jr., 2L.

This project is intended to find out what powers the FBI has, and what protection it can give to people in the exercise of their civil rights. Meissner explained that "we want to encourage the FBI to extend itself to the fullest scope of its powers where local law enforcement officials fail to take their proper responsibility."

The project is particularly concerned, he went on, "with the problem of immediate action. Can the FBI step in if it witnesses

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Removal Issue to Be Heard in Wallace Case

By Michael Hampden

It has been 15 months since Fred L. Wallace, LL.B '64, was charged with felonious assault on a police officer in a courthouse in Farmville, Prince Edward County, Va.

The proceedings since late August of two summers ago are a study in legal delay. The procedural points are expected to be settled early next year, but there is as yet, no date set for trial on the merits.

According to his own account of the incident which led to the charge, Wallace, a Negro, was in the Farmville courthouse on business for his employer, when a police officer emerged from a lavatory and began verbally harassing the student. A crowd gathered and a scuffle followed. The authorities used this incident as a pretext to serve him with a warrant for his arrest for swearing in a public place, Wallace contended. The misdemeanor developed into a felony when it was discovered that an arresting officer had nicked his finger in the confusion. Wallace also faces four charges of misdemeanors. He was employed that summer in the Richmond law firm of Tucker & Walsh, which represents the NAACP in Virginia.

George E. Allen, a white lawyer from Richmond, was retained to defend Wallace the following September, and is still handling the case. He was the choice of the Lawyers' Committee on Civil Rights, headed by Harrison Tweed, LL.B. '10, of New York and Bernard Segal of Philadelphia. The Committee was formed at the invitation of the late President John F. Kennedy during the summer of 1963, and it has since taken an active interest in the Wallace proceedings. Its membership includes Dean Erwin N. Griswold of the Law School.

The trial was then twice postponed; first, because of the involvement of Wallace's attorneys in other business, and later, when the state Circuit Court judge disqualified himself from the case, and had to be replaced. A change-of-venue motion denied by the first judge was then renewed by Mr. Allen. The motion was argued for nearly two hours last January, but was denied.

Trial was set for Feb. 4-5, but was put off again when Wallace's attorneys moved for removal of the case to the Federal District

Court in Richmond, because, they argued, a Negro could not obtain a fair trial in the courts of Prince Edward County. The state countered with a motion to remand, which was granted by federal judge John D. Butzner.

As of last spring, it was not clear under then-existing law whether this order could be appealed. Judge Butzner nevertheless stayed his order, pending appeal to the Court of Appeals for the Fourth Circuit. Dean Griswold said this week that in his opinion the Civil Rights Act, passed during the summer, resolves this point in Wallace's favor.

A hearing on the issue of whether an appeal can be taken from a District Court remand to the state courts, and on the merits of the appeal itself, was scheduled to be heard by the Fourth Circuit last October. The Virginia prosecutor failed to file a brief in time, however, and the court set a new date for hearing in January. Dean Griswold reported that Messrs. Tweed and Segal are preparing a draft of a brief for Mr. Allen's consideration and use in the hearing.

Wallace is presently employed by the NAACP in New York City.

Law School Librarian Will Be on Television In Integration Series

By Frank R. Parker

The breaking of the suburban-housing color bar in Natick, Mass., will be used as an example of peaceful integration in a forthcoming CBS television documentary series entitled, *Fair Housing: The Northern Approach*.

Appearing in one program of the recently taped series is George A. Strait, attorney and Assistant Librarian of the Harvard Law School Library, and his family. The Straits are Negroes.

Two years ago, Mr. and Mrs. Strait, with the assistance of the Natick Fair Housing Committee, moved from Oxford, Mass., to a modern ranch-type house on Strawberry Hill Road in Natick, a suburb of Boston. The middle-to-upper income, well-landscaped and

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Civil Rights

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an abuse, or must it first obtain a warrant?

Other projects include an attempt to convince the United States Supreme Court that it should take judicial notice of the social situation in Mississippi. Meissner said that "we feel that this setting alone can make the Mississippi registration statutes unconstitutional, since it is really particular legislation aimed at keeping the Negro from voting rather than being the general legislation that it appears on its face." Such a ruling by the Court would cut in half the time required to declare a statute unconstitutional, since it would eliminate the necessity for referral back to the Federal District Court for a factual determination of whether the statute has been improperly applied so as to be unconstitutional.

Another project involves antitrust research which, Meissner explained, may be used against a newspaper in Jackson, Miss. "There is some indication that the paper may have forced its early competitors out of business in violation of some of the statutes." The paper also owns one of the two TV stations in Jackson and one of the six radio stations, Meissner added, and has had trouble obtaining a renewal of its TV license from the FCC because of its rabidly segregationist broadcasting policy.

SBA Plans Cocktail Party

The Harvard Student Bar Association will hold a cocktail party for its members Saturday from 5 to 7 p.m. in the Wheeler Room of Holmes Hall, organization President William S. Rubenstein, 3L, announced this week.

Librarian

(Continued from page 5)

wooded neighborhood into which they moved was formerly all-white.

In their CBS interview, which has not yet been scheduled for broadcast, the Straits reported that they made the move to locate in an attractive area near their work. Mrs. Strait is a secretary at the Wellesley College infirmary. In addition to the Straits, the program is to include Dr. and Mrs. Hershel Jick, the Straits' willing vendors, and other members of the Fair Housing Committee.

That there have been no incidents is at least partially attributed to the preparatory efforts of an adjoining neighbor, Mrs. Vincent Sharkey, who is a member of the Committee. Mrs. Sharkey conducted neighborhood discussions before the Straits arrived.

A Canadian HLS Suggested

Ronald I. Cheffins, Associate Professor of Law at McGill University, Montreal, has suggested that Canada establish one or two national law schools, patterned after Harvard, it was reported recently.

Citing the fact that more Canadian law teachers had done their post-graduate work at Harvard than at any other institution, Prof. Cheffins stated, "The development of a national school would be a good beginning in helping to break down the increasing regionalism which is afflicting the country at the present time."

He recognized the probable cost of such an undertaking, but minimized the possible adverse effects on the existing regional law schools.

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Gluecks Will Receive German Gold Medal

Professor and Mrs. Sheldon Glueck of the Harvard Law School are going next week to Frankfurt am Main, Germany, where they are to receive the newly established "gold medal first class" honoring the 200th anniversary of the publication of Beccaria's classic book on criminal law reform, *Of Crimes and Punishments*.

The Beccaria gold medal is conferred annually on not more than five persons throughout the world, in recognition of outstanding accomplishment in research or teaching in the area of criminal law and criminology, or for outstanding activities in crime prevention; in contributions to the better understanding of the causes of delinquency and crime; or in improvement of peno-correctional practices.

Published originally in Italy, Beccaria's essay led to basic reforms in criminal procedure and penology throughout the world. The book has been translated into many languages, and the French version contains a laudatory introduction by Voltaire.

The gold medal is to be conferred on the Gluecks on Dec. 12. The recipients were selected by a committee at the behest of the German Criminologic Society. The committee consisted of a member of the *Bundestag* (Federal Diet), a representative of the Ministry of Justice, the Chief of the German Department of Criminal Affairs, a representative of the German Society for Research,

a professor of criminology at a German university, a Chief Justice of a criminal court, a high official of the Attorney General's Office, a member of the directorial committee of the German Criminologic Society, and several members nominated at large by the Society.

Prediction Device to Be Tested

The Glueck Prediction Table, a widely publicized device to discover potential delinquents among groups of school children, will be tested soon by the New York City Youth Board.

The table was developed by Professor Sheldon Glueck and his wife Eleanor T. Glueck, of the Law School. Pilot studies with the table have shown it to be a highly refined and reliable predictive device.

The Glueck table takes account of the following factors: supervision by the mother, discipline by the mother, and cohesiveness of the family.

An official of the Youth Board reported that the ten-year project will involve 300 to 350 New York City children, aged seven to nine. Foundation funds are now being sought to pay for this practical implementation of the Gluecks' work.

The New York City Youth Board was one of the social agencies which carried out early tests of the Prediction Table.

Professor Sheldon Glueck, who became a member of the Harvard Law faculty in 1929, retired from teaching the year before last. He joined the faculty at the invitation of Dean Roscoe Pound, and from 1952-63 was the first Roscoe Pound Professor of Law.

The Gluecks' partnership began with their marriage in 1922 when both were graduate students at Harvard—he in law, psychology and sociology, and she in education. Their pioneering researches have covered the careers of criminals and juvenile delinquents, illuminated the surrounding fabric of criminal law and prison practice, and produced scores of scientifically detailed books and articles.



Howe, Jaffe, Cavers, Dawson, Sacks . . .

Abolition

(Continued from page 1)

Professors Vern Countryman, Clark Byse, and Albert M. Sacks.

The petition charges that the existence of the Committee "is irreconcilable with a system of free expression in this country," and has hindered new ideas and new approaches to problems "which face us in a rapidly changing world."

Three remedial steps are urged by the signatories of the petition: that the House of Representatives repeal paragraph 18 of House Rule XI, "thereby abolishing the Committee on Un-American Activities"; that the files of the Committee be transferred "to the Archives, under condition that they be not open for official or public inspection for 50

years"; and that the House amend paragraph 12 of Rule XI to give the Judiciary Committee power to investigate matters pertaining to the nation's security, "but not matters of opinion, speech, association for such purposes, or other forms of expression."

Other sponsors of the petition with Prof. Howe are Thurman Arnold, LL.B. '14, former Assistant Attorney General and Associate Justice of the U.S. Court of Appeals for the District of Columbia; David M. Helfeld, S.J.D. '54, Dean of the University of Puerto Rico Law School; Shad Polier, LL.B. '29, civil rights and civil liberties attorney; Malcolm P. Sharp, LL.B. '23, Professor of Law at the University of Chicago Law School; and William G. Rice, LL.B. '20, Professor of Law at the University of Wisconsin Law School.

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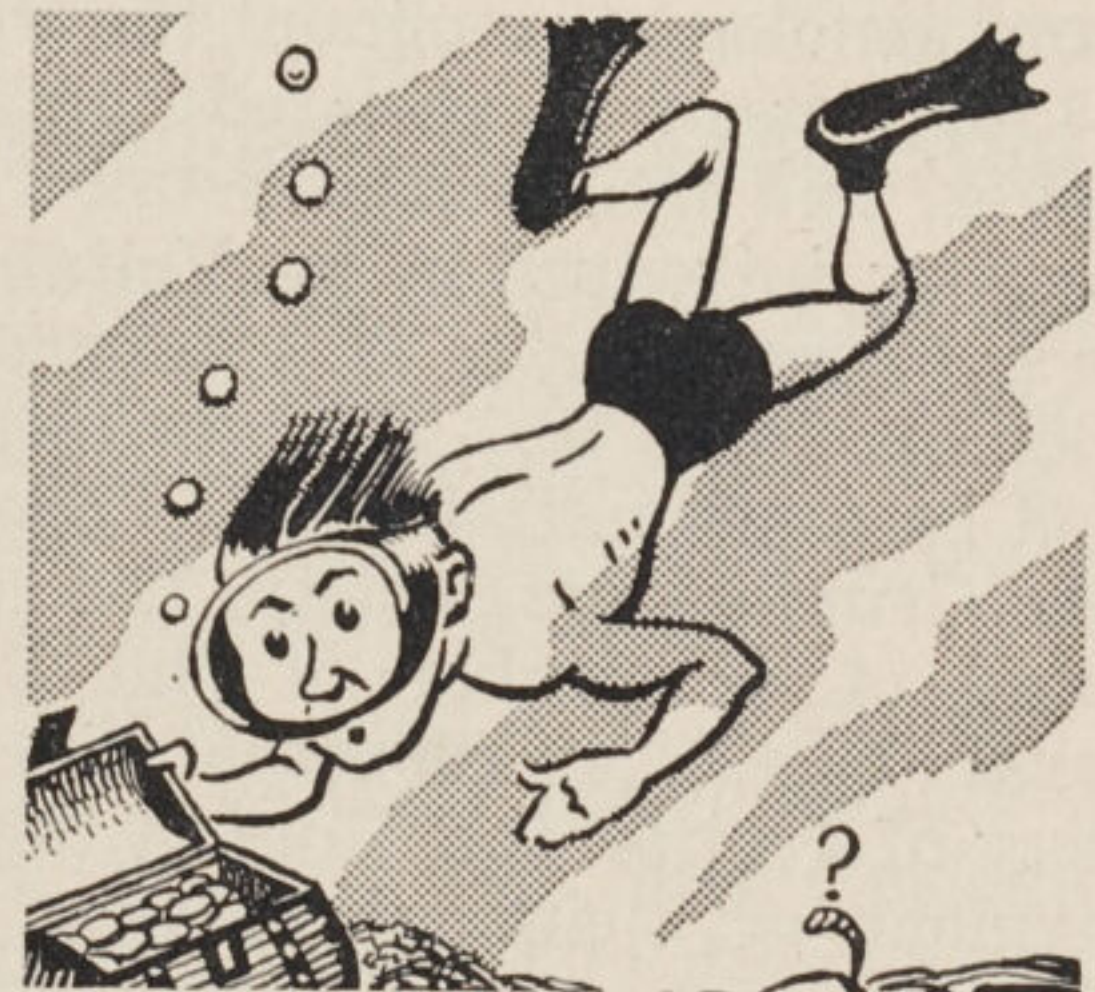
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Excerpts from Text Of the Petition

We, the undersigned, for the reasons set forth below, respectfully petition the House of Representatives to abolish the Committee on Un-American Activities.

The sole power conferred on the Committee is to investigate "un-American propaganda activities" and "subversive and un-American propaganda" in the United States. Its jurisdiction is thus limited to inquiring into ideas, opinions, speech and other forms of expression. Within this area, moreover, its powers are undefined, for no precise meaning has been, or can be, given to such vague terms as "un-American" or "subversive." We believe that the existence of a legislative committee with such authority is irreconcilable with a system of free expression in this country. The power of a legislative committee to summon witnesses, to interrogate them in public, to subject them to public exposure, and otherwise to mobilize the great force of governmental authority against the object of its investigation, constitutes an awesome exercise of official power. When such power is directed exclusively against the rights of Americans to free and open expression, or association for such purposes, it cannot be justified under any concept of democracy.

Extermination of Ideas

In its actual operation the Committee on Un-American Activities has wrought much harm. It has taken as its main function, as indeed is inevitable from its grant of power, the exposure and extermination of ideas, opinions and organizations which it conceives to be "un-American." Its methods have often been unfair. It has attempted to create in the legislative branch a permanent institution, consisting of staff, files, informants and similar machinery, designed to serve as a bureaucratic Big Brother to censor the opinions

and associations of American citizens. The result of these activities has been to curtail discussion of controversial issues and to hinder the development of new ideas and approaches to the troublesome questions which face us in a rapidly changing world.

Overlapping Jurisdictions

The Committee on Un-American Activities serves no useful purpose. So far as the operations of the House of Representatives are concerned, the Committee considers only a handful of bills each year, and all these fall within the jurisdiction of some other committee. So far as the Committee purports to serve the function of safeguarding internal security, it is quite unnecessary. We have adequate laws, regulations, specialized personnel and procedures for that purpose. There are serious problems confronting us, but the human and natural resources in this country are surely adequate to the task. What is needed is an opportunity to permit our democratic institutions to function as they are meant to do, with new and unorthodox ideas welcomed but subject to full and free discussion. The maintenance of a legislative committee to restrict this process betrays an ultimate lack of faith in a democratic society.

Believing that there is no place in our system for such a Committee, we urge the House of Representatives to abolish the Committee by repeal of paragraph 18 of Rule XI.

We do not suggest the abandonment of all legislative machinery for investigation of matters pertaining to legislation necessary for assuring internal security, or to administration of existing laws. We believe that adequate authority for these purposes is already vested in other House committees, particularly the Committee on the Judiciary. Under subsection 'c' of paragraph 12 of Rule XI, the

Judiciary Committee now has jurisdiction over "Bankruptcy, mutiny, espionage, and counterfeiting." Under this provision, and a similar one in the Senate Rules, the Judiciary Committees have traditionally dealt with matters of internal security. In the event members of the House feel that the authority of the Judiciary Committee should be clarified, however, this can readily be accomplished by amendment. In order to avoid perpetuation of the problems noted previously, such an amendment should make clear that the Judiciary Committee has power to investigate overt actions but not "propaganda" or other forms of expression, or association for those ends. We believe this objective could be achieved by amending subsection 'c' to read: "Bankruptcy and counterfeiting; mutiny, espionage, sabotage, insurrection and other overt actions relating to internal security."

Transferral to the Archives

There remains the question of disposing of the files of the Committee on Un-American Activities. These files are extensive, containing miscellaneous and often inaccurate data about millions of Americans. It may be assumed that, insofar as this material pertains to violation of law, it has been made available to the appropriate prosecuting authorities. The remainder is not of a character which should be maintained in a legislative file or furnished to the public. Self-respecting citizens of a democratic country cannot allow their representatives in government to keep dossiers on their beliefs, ideas, political views or associations. Such an enterprise is destructive of the sovereign rights of the individual and a perversion of the governmental process. We recommend that the files be transferred to the Archives, not to be open for official or public inspection for 50 years.

Faculty Members Prepare For Chicago AALS Meeting

Thirty-four members of the Harvard Law School faculty and staff are expected to attend the Association of American Law Schools meeting in Chicago, Dec. 28-30.

At the Conflicts of Laws meeting, Professor David F. Cavers will speak on "Some of Ehrenzweig's Choice of Law Generalizations."

Professor Albert M. Sacks will chair the Legislation discussion of "Reform of Congressional Organization and Operation." He is also a member of the Sociology of Law round-table panel.

Vice Dean Louis A. Toepfer will address the Pre-Legal Education and Admissions meeting on "The Significance of the NORC Research for Law Schools."

Speaking on "The Integration of Academic Corporate Law with Tax Consequences" at the Business Associations meeting will be Professor David R. Herwitz.

Professor Robert E. Keeton is termed a critic in the Torts seminar entitled "Automobile Accident Compensation: Out of Whose Pocket?" which will feature the thesis of Chicago's Professor Harry Kalven, Jr.

At the meeting dealing with Teaching Law Outside of Law Schools, Professor Harold J. Berman is to be one of the speakers.

The Criminal Law discussion has as its chairman Professor Paul M. Bator and features as its speaker Visiting Professor Jerome A. Cohen. The subject is "The Criminal Process in Contemporary China."

ILC Party Set

The International Law Club will hold its annual Christmas Party Saturday, Dec. 12 at 9 p.m. in the Old Library of Leverett House.

Based on a theme of an "Olde English Christmas Party," the club will assess a toll of \$1.50 per couple from members, \$2 from non-members.



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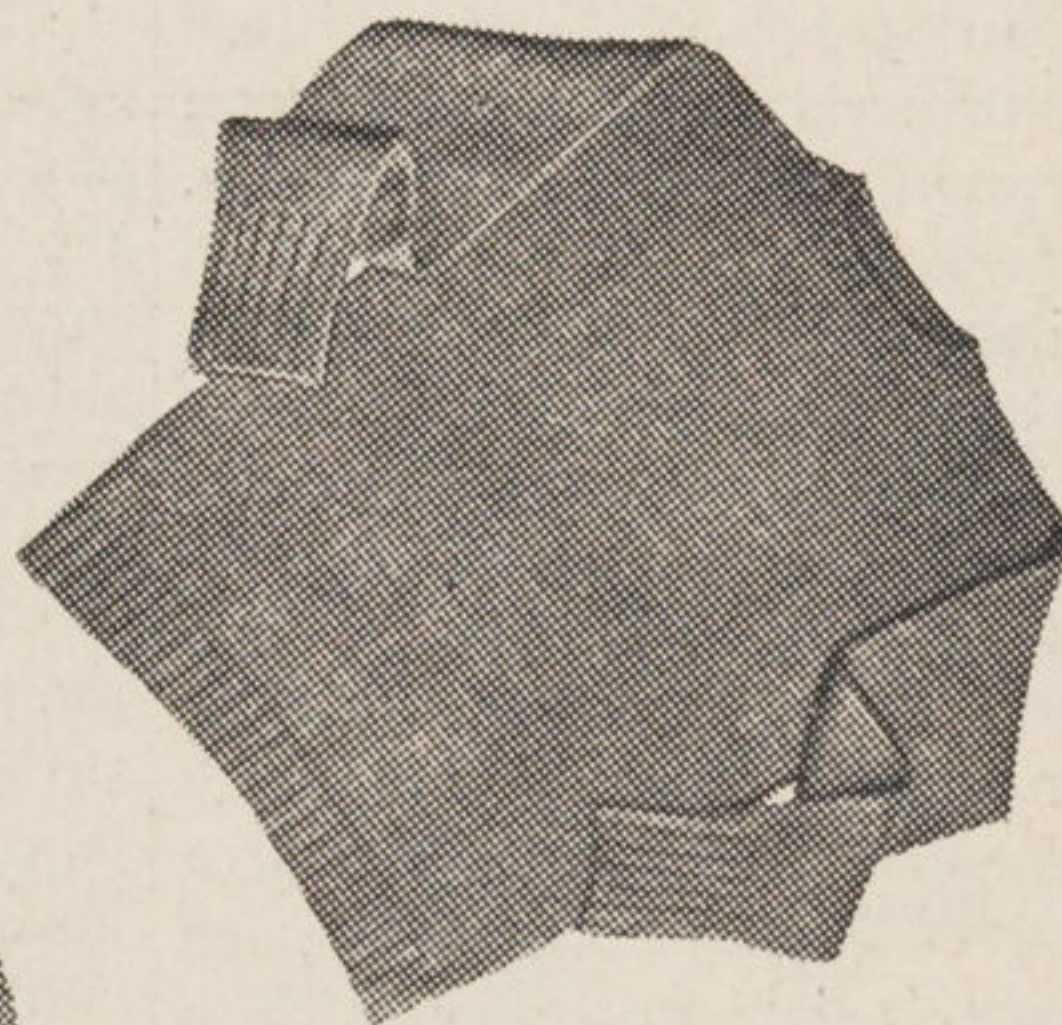
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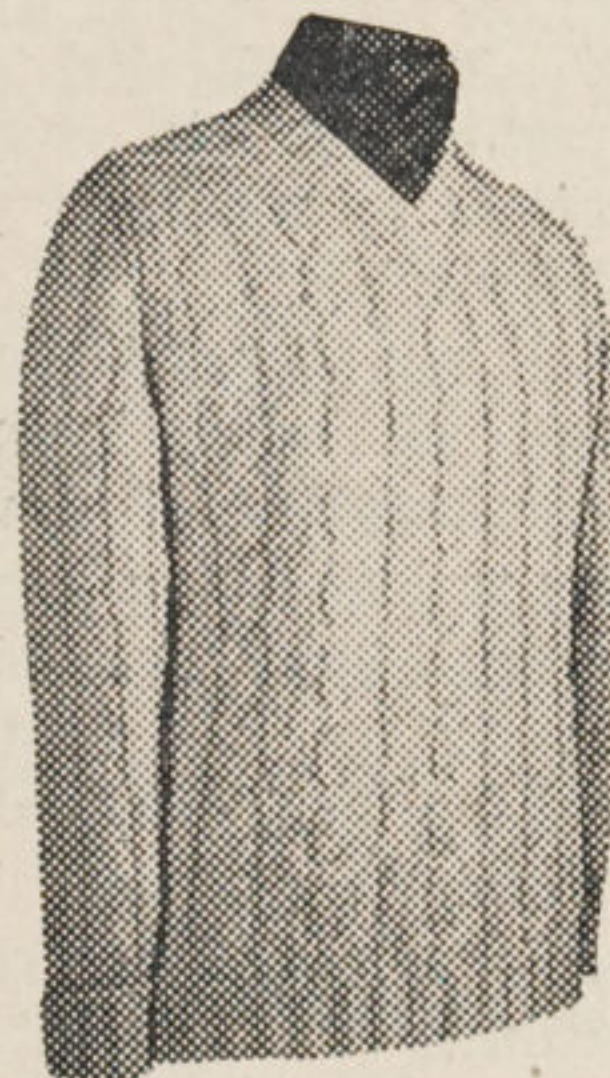
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Recent Book

The Winding Path of Kefauver's Drug Bill

The Real Voice. By Richard Harris. New York: MacMillan Co., 1964. Pp. 245. \$4.95.

By Thomas E. Woodhouse

The functional approach to the study of political institutions has received merited praise from political scientists, and *New Yorker* studies of all our institutions deserve the encomiums they receive. This is a chronicle in and out of Congress of Public Law 87-781, Kefauver's drug bill. Richard Harris is on the staff of the *New Yorker*, and the material in this book first appeared as a series of articles in that magazine.

The legislative process appears, not as outlined in charts of political organization, but as those outlines are fleshed out in a living Congress.

The central figure in the story presented here is not a person, but a bill, which we watch grow from conception to its social debut. The child-life of a legislative bill is not irreproachable. Many bills have compromised their virtue before adulthood. Still, much of the promise they may show as toddlers remains in the final product, the law as passed by Congress and signed by the President. The story of the drug bill is a story of growing up, and is as readable as many good novels.

A Long and Lonely Battle

The book is also about a man, the late Senator Estes Kefauver. Harris was able to get the close cooperation of the Senator while preparing his *New Yorker* articles, and acquired an understanding of the man as thorough as his under-

standing of the history of the drug bill. Kefauver fought a long and often very lonely battle against strong drug interests, even when it appeared that his own political career might be forfeit in the battle. In the end he saw a bill passed by both chambers of Congress and received the first pen with which President Kennedy signed the bill and made it law. The bill was not all that Kefauver had wanted; he had to pay the price of compromise more than once to see the bill all the way to the President's desk. What it did contain was due to the persistence and preparation of Kefauver and his staff.

In Tone a Partisan

Harris handles the facts fairly and skillfully. In that sense his account is an objective one. The bill's opponents cannot complain that they have been victimized by his presentation—yet there is never any doubt how Harris would have voted had he been in Congress, nor that Kefauver is a hero of his piece. In tone Harris is a partisan, and his account reads the better for it.

A legislative history of an act is always instructive; this history fully acquaints the reader with the intent of the principal draftsman of the drug bill.

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Surrey on Taxation

(Continued from page 1)

liberal expenditure policy unlikely.

As early as 1962 the Treasury favored a permanent cut. It felt that to grant only temporary relief would confuse the issue. In adopting this view it ran up against the Council of Economic Advisors, which advocated a temporary cut.

Soon after taking office in 1961, the new administration undertook reforms of the tax structure in order to eliminate preferential provisions. Mr. Surrey cited the fact that tax reforms had created \$600 million additional revenue during 1942-62, but that the 1962-64 reforms added an estimated \$1.7 billion in revenue.

Abuses were curtailed in the areas of expense accounts, sales of depreciable property, personal holding companies, and the treatment of individual life insurance.

During this period, Mr. Surrey said, the Treasury favored withholding of tax from dividends and interest, but was unsuccessful, and had to settle for the reporting system with banks and corporations filing information returns. He recognized that it would take time to determine its effectiveness, but felt that should it fail, the only alternative would be to resort to a withholding system.

Mr. Surrey also outlined areas in which he feels the Treasury is in favor of further reform.

The Treasury hopes to rationalize the capital-gains area, eliminating the free step-up basis provision at death under the present law. He feels, however, that this is only a long-range possibility, and that action on

this proposal must await a comprehensive re-examination of the estate tax area.

Mr. Surrey characterized the complicated procedures required for reporting retirement income by persons over 65 as "outrageous," pointing to the fact that they occupy an entire page of a 1964 income tax return.

In the more immediate future the Secretary foresees a reduction in excise taxes, a plan endorsed by President Johnson. He feels that the many miscellaneous taxes of this nature only confuse and clutter the tax structure.

The Treasury is also planning a closer scrutiny of now-exempt private charitable foundations.

Also to be brought under a more rational tax umbrella will be income earned in the United States by foreign investors. Such a reform will be accompanied by a flurry of activity in the area of tax treaties. Administrative guidelines will be laid down in the sec. 482 area for the first time.

On the administrative side, Mr. Surrey noted that the Treasury is still struggling with the regulations dealing with consolidated returns. They are hopelessly out of date and complicated, he said.

Depreciation policy is also under administrative review. This is a formidable job, since the results of changes in policy are obscure. Mr. Surrey expressed disappointment that the accounting profession has not been more imaginative in this area.

Concluding, Mr. Surrey indicated that the Treasury hopes to increase its efficiency by the introduction of data-processing equipment, and by the adoption of a system whereby the General Counsel can keep a comprehensive overview of all issues currently being litigated by the Department.

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Yearbook Will Honor Dean Roscoe Pound

By Robert M. Goff

The first week of April has been selected as the target for distribution of the 1965 Harvard Law School Yearbook, according to Editor Richard A. Hannaway, 3L. The work on the volume is well under way, and Hannaway is confident that the printer's deadlines will be met.

The Yearbook Editorial Staff will dedicate the volume to the late Dean Roscoe Pound.

Among the new features to be presented this year will be an expanded faculty section. The large pictures which last year only included those of the faculty holding the named chairs, will this year include the entire permanent faculty and the visiting professors.

The larger pictures will be accompanied by a facsimile of the handwritten signature of each professor, as well as a longer write-up.

The pictures of third-year students are also expected to be larger.

In the activities section of the book, a new

and varied format is envisioned. The pictures of Ames clubs and other groups were taken from different angles and with different backgrounds, in contrast to the Langdell steps "mug-shots" of prior years. Interspersed with these pictures will be informal shots taken at Ames arguments and at various places of interest around the Law School.

The cover will be similar to the 1964 version, but end-pieces will be illustrated this year for the first time.

Business Manager Douglas F. Burns, 3L, stated that orders have already been received from approximately 1000 students and 200 law firms. He emphasized that orders were still being taken, and that students who failed to order during the autumn sales campaign may do so prior to the Christmas vacation to be certain of obtaining their copies.

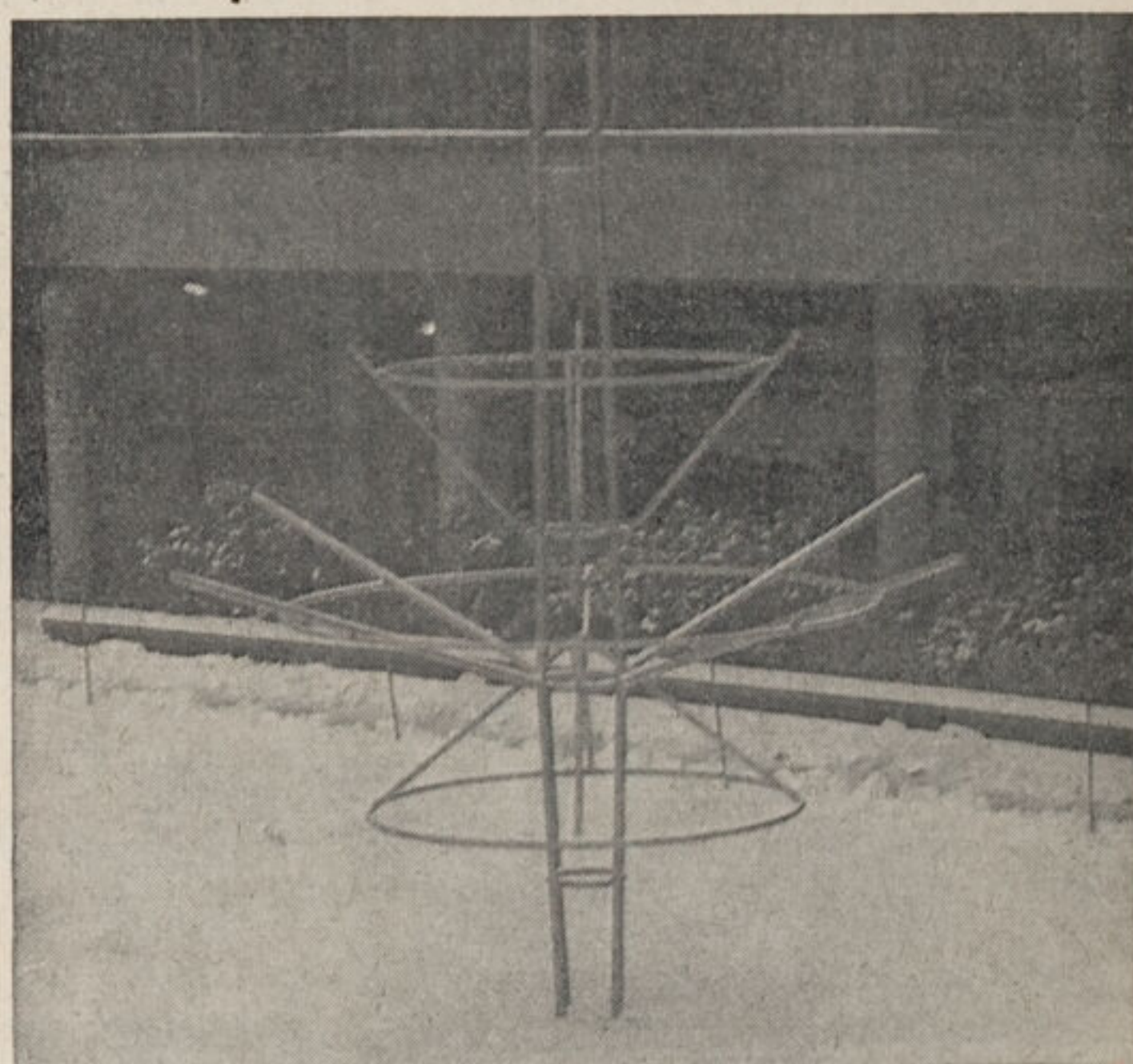
Airline Head Exhausted By Administrative Remedies

James W. Austin, President and Chairman of the Board of Northeast Airlines, addressed the Bull and Bear Club Dec. 1 at Harkness Commons.

Speaking off the record, Mr. Austin detailed Northeast's continuing difficulties with the Civil Aeronautics Board.

The same afternoon, CAB announced that it had again denied Northeast's application for permanent certification on the New York-Miami route.

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Prof. Leach, Down Under, Lectures on Estates

Professor W. Barton Leach, on leave from the Law School for the spring semester last year, travelled to Australia and New Zealand to lecture on the Rule against Perpetuities. Prof. Leach visited the universities at Melbourne, Monash and Canberra in Australia and at Auckland and Christchurch in New Zealand.

Prof. Leach found the system of legal education quite different in the "down-under" countries. The case system is not used, but the traditional English system of reading law is followed. The stu-

dents read textual material and participate in individual tutorial sessions with the instructor. Lectures are optional and the Socratic method is not employed. Prof. Leach often spoke to special meetings, and he lectured occasionally in place of the regular instructor.

Law students in Australia and New Zealand receive their legal education on the undergraduate level, and Prof. Leach was impressed by the comprehension of the younger audience. Australia's universities are required by law to admit all secondary-school graduates. In spite of this, Prof. Leach remarked that the quality of the students was very high.

In describing Australia's approach to the growing demands for education, Prof. Leach commented of the foresight of the government, which plans to establish more schools before a critical shortage of facilities develops. As an example, he cited the new University of Monash, now being built 15 miles from Melbourne to accommodate the projected overflow from the university there. Prof. Leach lectured to the opening class at the new school.

In New Zealand, Prof. Leach's Harvard conditioning proved em-



Prof. Leach

barrassing. Accustomed to projecting his voice to be heard in the Law School's large classrooms, Prof. Leach, at a press interview in a small restaurant in Christchurch, answered questions in a voice that could be heard throughout the room. After every answer, Mrs. Leach would tell her husband to "shush." When the story appeared in the newspaper, it included Mrs. Leach's asides. Upon returning to Christchurch later, Mrs. Leach was in great demand by the press. She had become known as the professor's wife with the one-word vocabulary. A second article was published to deny the allegation and point out that her vocabulary was in fact more extensive.

Florida Christmas Party

The Harvard Law School Association of Florida will hold a cocktail party for students interested in practicing in that state in Miami on Dec. 23.

The party will be held at 7770 S.W. 120th Street from 6:30 to 8:30, according to Florida HLSA President S. George Albion, LL.B. '47.

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