

The Harvard Law School Record

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PRICE TEN CENTS

Choose '53 Officers Starting Tomorrow At Harkness Polls

Election of class officers for the Class of 1953 will be held tomorrow from 11 a.m. to 7 p.m., and Saturday from 11 a.m. to 2 p.m., in the lobby of Harkness Commons. Posters have been placed in Langdell Hall and Harkness Commons with the photographs and short biographical sketches of the candidates.

After the election the ballots will be counted by members of the temporary class committee. The winning candidates will be notified by mail before any other announcement of the event is made. Except for winning candidates, standings will not be announced, but other candidates may see results in Secretary Dimmitt's or Dean Bevins' offices.

The temporary class committee asks that persons casting their ballots give some serious thought to the problem.

Candidates Listed

The candidates are as follows: Class Secretary: M. Bernard Aidinoff, Kenneth J. Bialkin, Edgar H. Booth, Charlotte P. Horwood, Frank E. Loy, Stanley Rothenberg. For class marshal: A. Jack Kevorkian, Edgar M. Pope, Jr., Burton S. Resnic, William F. Swanson, Jr.

The candidates for class treasurer are: Richard Harrington, David Sanderson, and David Schechner.

Those persons running for the executive council are: Joseph B. Carney, Norman Dorsen, W. Louise Florencourt, Mathew Foner, William E. Glynn, Eugene L. Henderson, Alan B. Ives, Harvey S. Krieger, Thomas E. Leggat, Austin B. Noble, John J. Sexton, Jr., Jack M. Stark, Kent L. Thompson, and Stephen K. West.

Justice Tyndall Of Court of Arbitration To Discuss Labor Law In New Zealand

Arthur Tyndall, Senior Judge of the Court of Arbitration of New Zealand, will deliver an informal talk Monday evening at 7:30 in the Meeting Room in Harkness Commons. The subject of his discussion will be aspects of labor law in New Zealand.

Mr. Justice Tyndall was appointed Visiting Lecturer in the Department of Economics and Social Science at the Massachusetts Institute of Technology. He arrived in the United States on Feb. 27 for a six-weeks' visit under the sponsorship of M. I. T., and he is scheduled to give a series of lectures based on his

university on April 16, and at McGill University (Montreal) at a date to be announced.

Other Visits

Mr. Tyndall's distinguished career was developed mainly in New Zealand, but he has made other extended visits to this country. In 1923 he was associated for some months with a firm of structural engineers in Los Angeles and in 1924 he took a short specialized course at M. I. T. In 1930 he was the official delegate from New Zealand to the Sixth International Road Conference held in Washington. (See TYNDALL on page three)



Arthur Tyndall

distinguished background of experience as Senior Justice of the Court of Arbitration of New Zealand, a post which he has held since 1940.

He will also lecture at the University of California (Berkeley) and at the University of California at Los Angeles from March 30 to April 3, at Princeton Uni-



Andrew Kaufman

Kaufman Is Named Law Review Head In 26-Hour Voting

Andrew L. Kaufman, 2L of Newark, N. J., was elected president of the Harvard Law Review Sunday in the climax of a 26-hour election. He succeeds Raymond L. Falls, 3L of Youngstown, Ohio.

Other new officers and editors of the Review are Bruce W. Nichols of Manhasset, N. Y., Articles Editor; J. William Doolittle, Jr. of Wheaton, Ill. Treasurer; Edward C. Stebbins of Niagara Falls, N. Y., and Stuart J. Land of Haverhill, Mass., Case Editors.

Also Phillip E. Areeda of Dearborn, Mich., and Norman M. Gold of Chicago, Note Editors; Peter A. Bator of New York City, Developments Editor; John T. Noonan, Jr., of Brookline, Mass., Book Review Editor; and Leonard M. Leiman of Maspeth, N. Y., Director, Legal Research Program.

Four Ballots

The decision in favor of Kaufman came on the fourth ballot after a lengthy process in which other second-year members of the publication were gradually eliminated. The initial voting was done only by the thirty-two third-year members of the Review, but as second-year men were eliminated they joined in the voting.

Balloting began at 2 p.m. Saturday and was concluded at 4 p.m. Sunday. After the new president was elected, the treasurer was chosen by the group. Other editors were appointed by the president.

Kaufman prepared for college at Newark Academy, and received an A.B. degree magna cum laude in history from Harvard in 1951.

At the college he was elected to Phi (See REVIEW on page four)

Schlesinger To Speak On Cold War; Schwartz Fixes Blame For China Fall

Prof. Arthur M. Schlesinger, Jr., will discuss the question, "Will Psychological Warfare Win the Cold War?" at the Coffee Hour Tuesday at 1:30 p.m. in the Meeting Room, Harkness Commons.

Mr. Schlesinger, who returned to Harvard this semester, after working on the campaign staff of Adlai E. Stevenson, is the author of "The Age of Jackson," which won the Pulitzer Prize and the New York Newspaper Guild's Annual Award for 1945. He is also author of "Orestes A. Brownson; a Pilgrim's Progress," and co-author of the recently published "The General and the President." Mr. Schlesinger has also contributed articles to *Life*, *Fortune*, *The Atlantic* and *The Nation* magazines, and to several newspapers.

From 1943 to 1945 Prof. Schlesinger served with the Office of Strategic Services. After his discharge from the Army, he was awarded a fellowship from the Guggenheim Foundation and an Academy of Arts and Letters grant.

He is on the National Board of Americans for Democratic Action and a member of the Consolidated Economic Cooperation Administration.

Schwartz On China

Last Tuesday's Coffee Hour speaker, Prof. Benjamin I. Schwartz of the Russian Research Center at Harvard discussed various aspects of the Asiatic problem confronting the United States today. Prof. Schwartz is one of the Center's authorities on China and the author of the recently published book, "Chinese Communism and the Rise of Mao."

Speaking of the triumph of Communism, Prof. Schwartz said the "fall of

China was a traumatic experience in the United States." He regards it as a tragedy for both this country and China. He went on to say that one of the greatest dangers confronting the United States today is "a reversion back to primitive attitudes toward the non-western world." Prior to the New Deal, Asia was not regarded seriously on either educational or governmental levels. Very few universities taught Asiatic history. Asia was just a place where things happened.

Internal Factors

In analyzing China's fall Prof. Schwartz blamed it primarily on internal factors. The peasant confronted with the Communist's offer of land reform as opposed to the Kuomintang's do-nothing policy, did not stop to examine the consequences of his choice. The idea of owning his own land was too great a temptation.

(See WARFARE on page three)



Arthur Schlesinger, Jr.

Roscoe Pound Returns For 'Relaxation' After 54 Years Of Teaching, Writing

Dean-Emeritus Roscoe Pound is back at his desk in his office in Langdell Hall. Nearly hidden behind a heap of old and new books piled on his desk, Dean Pound is "relaxing" from 54 years of teaching by preparing new editions of his work and continuously engaging in research and writing.

In the press at the moment is a new edition of "Introduction to the Philosophy of Law," which will be published by the Yale University Press. He is also preparing for publication a work entitled "The Legal Profession" for the West Publishing Co. Add to this correcting page proofs for a book on his Masonic writings, laying the groundwork for a Congress of the Academie Internationale Law to be held in 1954 by the Internationale de Droit Compare (of which he is president), and one can understand that Dean Pound is "working as hard as ever."

Reminiscing

Dean Pound takes special pride in two commissions from the Republic of China. He aided that government from 1946 to 1948 in the reorganizing the law schools of the country. He was also an adviser to the Ministry of Justice on the administration of the courts.

After completing his work in China, Dean Pound returned to the United States, and spent the last few years in helping to establish the law school at the University of California at Los Angeles.

With "everything well established" there, he has returned to Harvard Law School, where he was a teacher for over 35 years. He rightly considers himself part of the Harvard Law tradition and is proud not only of the past accomplishments of the school but its present deeds and its future potential as well. Dean Pound says, however, that teaching is a thing of the past for him. He commented that he "thought it was about time to stop teaching after 54 years."

In the last two years, he has written over a dozen articles and commentaries in various legal journals. Among his articles are "Natural Law and Positive Natural Law," "Legal Education in a Unifying World," and "The Law in China as Seen by Roscoe Pound."

Former Students

Dean Pound commented that he "receives nearly every day letters from men he has taught." Among these men are leading statesmen, judges, and law professors. Included in this list are John Morris of the English Court of Appeal



Roscoe Pound

and Chancellor Dauckertts of the English Chancery. He continued to smile softly as he recollected the numerous experiences, humorous and friendly, which he had with his students who have since gone on to achieve local, national and world-wide fame.

In reviewing his present tempo of work Dean Pound commented, "I am just as busy as ever. I still do not wear an overcoat in cold weather. But, of course, I don't do some of the stunts I used to do."

Russian Advocates Are Propagandists; Use Marxist Tenets For Legal Canons

This is the second part of an article by Fred Wyle, 2L, on the role of the lawyer in the Soviet Union. The first article dealt primarily with jurisconsults, i.e., lawyers for state business enterprises and similar organizations. This installment deals primarily with advocates, i.e., lawyers for private clients.

The article is based upon a series of interviews with six former Soviet lawyers now in this country.

PART II

In summarizing the description of the jurisconsult's job, the chief positive aspects seem to be: first, political safety; second, the relative independence allowed to the jurisconsult in pursuing his daily work; third, the important opportunity to travel to large cities on official duty, and the consequent opportunity to purchase scarce commodities; and lastly, the fact that the work is of an intellectual, or at least white-collar, nature, and associated with a "profession."

Chief Negative Aspects

The chief negative aspects of the jurisconsult's job seem to be: first, a sense of professional frustration, especially for those who had received legal training before the revolution, i.e., men

between fifty and sixty years of age; a sense of futility and uselessness; the general low standing of the jurisconsult, in terms of salary, public esteem, and governmental favor.

Three Jobs Illegal

The jurisconsult's salary ranged, in the late 'thirties, from 400 to 700 rubles, depending on the size of the enterprise, as compared with a skilled worker's average of 500 rubles a month and a general average of 250 rubles a month for the population as a whole. Many jurisconsults had two jobs, which was legal, and some even had three jobs, which was illegal.

As for the social "order" the six jurisconsults interviewed unanimously place the doctor, the engineer, the university professor, and artists ahead of themselves.

THE ADVOCATE

Formally, the advocate is supposed to fulfill the function of a lawyer engaged in the general practice of law. The cases which are brought to the "collegium" of which he is a member might be apartment difficulties, divorce cases, compensation and salary claims, de-

(See LAWYERS on page four)

Open Letter Replies To Critics Of Council

The Dormitory Council has explained the status of the Council's two major projects in an open letter to dormitory residents.

In the letter, which appears on page 2, the Council reveals that a television set will be installed in the first floor of Holmes Hall and the ping-pong tables there will be removed. The Council letter says that a plan to put the tables in the basement of Richards has been under consideration for two months without action.

The Council's decision to replace the tables with the TV set is designed, in the letter's words, "to bring this situation to a head."

Parietal Rules

On the other major subject of Council debate, parietal rules, the letter explains that the decision to change rules depends on the University administrators, who maintain a policy of keeping all graduate school parietal rules the same.

The letter suggests that the present rules are not being enforced uniformly throughout the graduate schools, and implies that the lack of uniformity works to the disadvantage of the Law School dormitory residents.

FORUM CANCELLED

The Harvard Law School Forum scheduled for tomorrow evening at 8 p.m. in the Auditorium of Rindge Tech has been cancelled.

The Forum, on the subject "In the UN, What Price for Far Eastern Support," was to have featured Madame Ranjit S. Pandit, Indian delegate to the UN, and Ahmed Khah Bokhari, Pakistan delegate, among others. Both speakers cancelled their appearances because of the current UN session. Mr. Bokhari is Security Council President and Mme. Pandit will also be kept in New York on UN business.

The program may be presented later in the spring.

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The Human Race

The relation between Negroes and whites is a question which necessarily imposes itself in the most varied circumstances. The University faced such a situation when the varsity track team was invited to the sixth annual meet of the Southern Relays in Birmingham, Alabama.

To participate in such a meet would be a fine experience for the athletes and would enhance the University's position in national athletic tournaments. There was a proviso however that no Negroes would be allowed to perform because of a city rule which prohibits Negroes and whites from competing together. This rule stands despite the efforts of Southern and Birmingham citizens to have it repealed or, at least, strictly limited.

The University made a decision and the track team declined the invitation. Clearly, it was a wise and proper decision. Inequality for Negroes means a lack of democracy in the society in which both Negroes and whites live. The matter, therefore, is of direct concern to all members of that society, having a corroding effect on all.

The principle of equality must be more than a pious phrase at graduation ceremonies. It must be part of the foundation on which democratic actions and policy are developed. In refusing the track invitation the University has shown how that principle must assert itself in the process of social living.

Class Elections

Class Elections will be held this Friday and Saturday, March 20 and 21. We urge all third year students to vote. The casting of a ballot is not only a responsibility to the candidates but also a guarantee that the Class of '53 will start its alumni days under the leadership of a sound and representative group of their fellow students.

Poet's Corner

WHAT IS THIS THING CALLED LAW?

"Lex est summa ratio . . ."

It says in the Reading Room;
Law may be highest reason,
But the question is: for whom?

"Law is for the birdies,"
Says the student who is slow;
Or, as the French would state it:
"Loi est pour les oiseaux."

"The law is a ass, a idiot,"
Wrote Dickens in his day;
Law is an old profession,
But not the oldest, they say.

"Law is the refuge of morons,"
Wrote irascible Bernard Shaw.
Lex is the sanctum sanctorum
According to Canon Law.

So before you try to define it
In words you'll later rue,
Take heed of the evidence *supra*—
It's all in the point of view.

But no matter how you view it,
One thing is sure, i.e., viz.:
Law is that elusive something
That the judges say it is!

J. S. GRATTON, 3L

Gallery

ANTHONY JULIAN
U. S. Attorney-Designate
District of Massachusetts



When Mr. Anthony Julian occupies his new post as United States Attorney for Massachusetts he will bring with him fruitful experiences in various areas concerned with the law—from participating in the making of the laws to enforcement of a particularized section of law under special conditions.

Mr. Julian's educational background is strictly Massachusetts. He attended St. Patrick's Parochial School in Watertown, the Boston College High School, Boston College, and finally Harvard Law School from which he graduated in the class of '29. He recalls that those were the days when only approximately 50 per cent of the entering students graduated. Soon afterwards the University appointed a commission to investigate the high "mortality rate" at the Law School.

Remembers Professors

"We were very fortunate in having men like Profs. Williston, Scott, Beale, and 'Bull' Warren," notes Mr. Julian. "I didn't have Prof. Warren, but we all used to jam into his class anyway—he layed out Property I—until a warning came from the Office that nonregistered students were not to attend Prof. Warren's classes."

Since his graduation Mr. Julian has been engaged in the general practice of law in Boston, except for the years 1942 to 1946 when he was in military service. He has also been very active in Massachusetts public life. He served for four terms as Town Counsel of Watertown, was a member of the Watertown Finance Committee for one term and in 1937-1938 was representative in the Massachusetts Legislature for Waltham and Watertown.

On Investigating Committee

During that time Mr. Julian was a member of the Legislative Commission for Investigation of Communism in Massachusetts. The Commission issued a comprehensive report of 600 pages—House No. 2100, 1938. "At that time," he remarks, "we were like voices crying in the wilderness, we were even criticized by conservative papers . . . yet, considerable use of the report was made by the Federal Bureau of Investigation, the Army, and the Navy during the war." Part of Mr. Julian's participation in preparing the report consisted in an hour-and-a-half interview with Earl Browder, then General Secretary of the Communist Party.

In 1942, the new United States Attorney entered military service as a private. After his basic training he was transferred to the Military Intelligence Training Center. He was then

selected for the first Officers Candidates School in the Judge Advocate General's Department. "In those days commissions were not generally given to lawyers," notes Mr. Julian.

At the University of Michigan Law School, where the O.C.S. was conducted, he met Warren Farr who at present is lecturing on Military Law in a series at the Law School. Mr. Julian was impressed by the beauty of the Michigan Law School campus which was made possible by a sixteen-million-dollar contribution by Cook of Cook On Corporations. "Cook did not make his money from the practice of law or royalties on his treatise but on telegraph stock," notes Mr. Julian.

European Service

He was soon transferred to overseas service in the European Theater Operations with the branch office of the Judge Advocate General. He was made a member of the Board of Review which, at the time, was the highest appellate tribunal in the Military Law System. There were several boards of review above the "trial court" in the system—the general court-martial. The Board of Review received no briefs and heard no oral arguments. "The entire burden of looking for errors and analyzing the case was on the Board itself," points out Mr. Julian. Today oral arguments are heard before the Court of Military Appeals.

The cases that the Board of Review handled at that time involved serious charges—there were many capital cases. The only execution that took place for "purely military offenses" occurred in ETO. Mr. Julian declares, "this was the first time since the Civil War. All other death sentences for purely military offenses were commuted."

When asked to comment on his new office of United States Attorney, Mr. Julian stated to the effect that it would be presumptuous to discuss any cases pending in that office until he had become thoroughly familiar with them. Further, as a general rule it is improper, and often detrimental to engage in public discussion of cases pending in court.

First Task

"The first thing now is the selection of a staff," Mr. Julian says. "A recent policy has been laid down that neither the U. S. Attorney himself or his assistants will be permitted to retain any private practice while serving in the office. All my cases that are pending will have to be turned over to other lawyers, with the client deciding, of course, who the new attorney shall be."

"The policy of the U. S. Attorney's office will be, as it may well have been in the past, to see that Federal laws are vigorously and impartially enforced. This is a serious business. Every move you make is likely to have serious consequences on the individuals involved. The idea is to move deliberately and thoroughly."

Mr. Julian is also a leader in Massachusetts social and fraternal activities. For three consecutive terms, 1946-1951, he was elected head of the Massachusetts Grand Lodge, Order Sons of Italy in America which has over 20,000 members in the state. There is one activity, of a social nature, that Mr. Julian has never undertaken—he is still a bachelor.

J. L.

Off the Record

CONVINCING ARGUMENT

Professor Baker tells of an old English story concerning one Judge Kekewich who was considered to be not too intelligent or for that matter not too competent. In one case, as the story goes, a witty barrister opened his oral argument with the following remarks: "This is an appeal from a judgment rendered in the court below by Judge Kekewich, and that is not the only reason for this appeal."



"I SUBMIT, YOUR HONOR, THAT MR. QUIGLEY IS THE ONLY REASONABLE MAN ON THE JURY."

Sub Judice

PLAYING GAMES

The accused was convicted in the Municipal Court of the District of Columbia of the crime of soliciting a person for immoral or lewd purposes. He brings this appeal.

Officer Costanzo was the prosecuting witness. He met the defendant while in plainclothes under the most peculiar circumstances—in the men's room of a downtown movie. The defendant is alleged to have made suggestive movements in Costanzo's direction and to have initiated a conversation with the officer. Have you got a place to go? Costanzo further testified that the defendant then made certain suggestions and proposals which could leave no doubt that he wished to engage in acts of perversion. As defendant and Costanzo started from the theater together the arrest was made.

Defendant claims that it was Costanzo who started the conversation after first approaching him. Defendant claims further that it was the officer who solicited him and not *vice versa*. Defendant admitted that he used some of the terms attributed to him but denied that he was thinking of sex. The import of his testimony was that he was merely exchanging teasing words of banter, or playing with Costanzo to find out why the latter was "bothering" him by following him around.

Defendant's main contention was that if any invitation to perversion was made at all, it was made by Costanzo. To buttress this defendant relied on the following part of Costanzo's testimony: "I asked him where he was going to do all this. He said, 'I have no place. How about you?' I said, 'Well, I have a car parked outside.' He said, 'O. K. Let's use that.' It is defendant's contention that since Costanzo mentioned a specific place, it was he who did the soliciting.

Held: Conviction affirmed.

The court found that whether or not there had been a solicitation was a question of fact and refused to hold that the trial court had erred in its conclusion in the light of the defendant's own story. *Bicksler v. U. S.*, 90 A.2d 233 (Dist. of Columbia, July 1952.)

Letters to the Editor

AN OPEN LETTER:

Once a year 525 of you elect dormitory council representatives. Between September and June these men throw your dances; check on the prices, quality, and variety of food you eat in the dining and grill rooms; take your complaints on rooms, noise, grounds, and suggestions on improvements to those people who are supposed to be able to do something about them; and sit as a Judicial Committee for those members of the dorms who don't abide by the parietal rules set for everyone.

Here are the facts on two things many of you wanted and have been burned up about when we didn't produce them for you—parietal rule revisions and a television set for the law dorms.

The problem with television has been *where*. The money, your money, has been appropriated for the purchase of a television set, actually since last October. The Administration has said "No" to putting it in Harkness Commons. To put it in the only other available place, the first floor of Holmes, without making it unlivable for those men on the second floor of that building, a plan was submitted to move the ping-pong tables to Richards basement. That was almost two months ago.

To bring this situation to a head the Council at its last meeting voted to recommend that the tables be taken out now, regardless of the action on the Richards recommendation. We were not elected to provide you with television, nor to deprive you of ping-pong, but to do our job as we see it means making this a pleasanter and more comfortable place in which to live. You should be able to have both, not have to choose, nor should we have to make that choice for you. As there seemed to be no other way to bring you the television set a lot of you wanted, and at the same time point out the dilemma we were left in, we took this affirmative step. If any of you feel like griping about it, ask yourselves what you would have done. Then if you are still unhappy take your complaints to those men, who, despite our fancy name, still make the decisions on what is and what is not best for you, not only as students, but as residents.

As for parietal rules. We polled you and you voted 3 to 1 to ask for parietal rule revisions. The Administration has always said this was a question of uniformity among all the Graduate Schools. But the only place there is now uniformity is on the books. Our rules are being enforced. Ask the students of the other Graduate Schools what enforcement they have.

Judge for yourselves, the job we would like to do and the realities of trying to do it.

LAW DORMITORY COUNCIL

First-Year Ames Competition Ends; Winners Of Fall Prizes Announced

First-year Ames arguments were completed this week and nothing remains to be done to end Ames for first-year men except to announce winners of prizes for the best brief and the best oral argument.

The total number of competitors in Ames arguments has not been determined as yet nor has the number of participating clubs been announced. This information should be forthcoming in the near future.

The results of the first-year single arguments held this fall, were announced as follows: winners of prizes for the best oral and best brief respectively are, Lawrence A. Heller from Brooklyn (Ford Club), and Alan M. Warshawsky of Bradley Beach, N. J. (Toepfer Club). The second best brief was submitted by Dennis G. Lyons, Passaic, N. J. (Casper Law Club).

Hugo J. Melvoin, 3L of Highland Park, Ill., supervisor of the Cardozo Club, won the prize for the best first-year judge's opinion. Honorable mention for judge's opinions were given to Dave Sanderson, 3L of Littleton, Mass., and to John Kaplan, 2L of Brooklyn.

In the second-year qualifying rounds the best oral argument was made by Jeffrey O'Connell, 2L, from Worcester, of the Griswold Club. The Griswold

Club was also chosen as the best club in this round. The best brief was submitted by David R. Baker, 2L of Birmingham, Ala., and Jack H. Olive, 2L from Ruston, La., of the Leach Club.

The selection of the best oral is based on the marks that are given to counsel at the time of their arguments by the judges deciding the case. The selection of the best brief is made in a slightly different manner. The members of the Board of Student Advisers read six or eight of the briefs with the highest marks and from these briefs they select the one they think has come the closest to arguing the pertinent issue of the case.

Prizes for these awards consist of books either contributed by the West Publishing Company or purchased by the Board at the Coop.

Drafting Competition
The drafting competition has been carried out again this year with apparent success. Those clubs next in line after the qualifying finalists are split up into groups of fours and are given a drafting problem. These problems consist of contracts, wills, or deeds that have to be drawn up. The drafts, when submitted are judged by three men, usually lawyers in Boston.

The results of this drafting competition have not yet been determined.

Oil Market Decline Noted By Specialist

Mr. Richard L. Davisson, Jr., oil specialist with White, Weld & Co., spoke to the Bull & Bear Club last Friday in the Mallory Smith Room on "The Oil Industry."

Mr. Davisson emphasized that the investor must keep in mind both the outlook for the price of oil and the reserves of particular companies. The long-term reason for investing in the industry as a whole is based on the expected change in prices of petroleum products. After forming an opinion on the expected price changes, the investor then proceeds to examine the proven oil reserves of individual companies.

The method used by many analysts for determining the "real" value of an oil stock, Mr. Davisson stated, is to estimate the value of proven reserves and add to this figure the foreseeable increase in production. Then multiply the present market price of the stock by the number of shares of common stock outstanding. If the latter figure is lower than the value of the proven and expected reserves, the stock is "too cheap" and should be purchased. Particularly is this true if the foreseeable increase in production will greatly increase cash earnings from their present level.

Outlook Poor
Mr. Davisson believes that the immediate outlook for the oil industry is poor, except perhaps for California companies who have been able to enforce price rises in gasoline, due to the shortage there. In general, however, prices of petroleum products are falling. The refinery spread on a barrel of oil has dropped from \$1.13 to \$.94, while depreciation charges are rising because of increased plant facilities. Oil companies had prepared for a cold winter, which did not materialize. Hence petroleum stocks above ground are now at a record high.

The settlement of the Iranian oil dispute should not materially effect petroleum prices in the United States, Mr. Davisson stated. Cut-backs will probably result in Venezuelan production, since Venezuela is now supplying Europe with oil which will be furnished by Iran if the dispute should end.

Lists Good Buys
Mr. Davisson expects the tidelands oil controversy to be resolved during this session of Congress. He does not feel that the earnings of the oil companies will be greatly affected by the resolution of the controversy. He concluded his remarks by listing several companies which he considers good buys at current market prices, selected from the more than 35 companies which Mr. Davisson follows closely.

President Leonard Weinberger announced that annual elections would be held on April 9. Eight members of the Club will be guests of the Boston Society of Security Analysts at a luncheon on March 26.

All-Stars Trounce Yale In Weekend Tilt, 41-29

In the basketball game of the year in the law school circuit the Harvard Law School All-Stars decisively trounced its Yale counterpart, 41 to 29, at New Haven last Saturday afternoon.



Playing for the Harvard All-Stars were: Kenny Hirsch, Nat Herschey, Ev Parker, Sandy Ross, John Horty, Lenny Pastolov, and Peter Labe. The Harvard team jumped out in front in the first quarter and maintained its lead throughout the game.

Ev Parker, Lenny Pastolov, and Kenny Hirsch accounted for most of the Harvard scoring. Pastolov, who stands at six feet six, was a tower of strength under both boards. Among the Yale players was Dick Joyce who was captain of the Yale varsity basketball team in the 1949-1950 season.

TYNDALL—(Continued)

Mr. Justice Tyndall was born and educated in New Zealand and after winning several scholarships was trained as a civil engineer in the Public Works Department of that country. From 1914 until his appointment to the Court of Arbitration he held engineering and administrative posts of increasing responsibility with various departments of the New Zealand government.

As Judge of the Court of Arbitration, a post subject to the same privileges as that of Judge of the Supreme Court of New Zealand, he has served on a number of distinguished boards and commissions. Among these have been chairmanship of a Commission of Inquiry into apprenticeship and technical education in New Zealand and membership on the Fact-Finding and Conciliation Commission on Freedom of Association established on behalf of the International Labour Organization and the United Nations.

Since 1952 he has been a member of a Technical Assistance Mission of five international experts appointed by the International Labour Organization to assist the Government of Pakistan in carrying out a comprehensive survey of the labor problems in that country. He arrived in Cambridge from Karachi.

A Civil Engineer
Mr. Justice Tyndall has for many years been an associate member of the Institution of Civil Engineers, London, and a member of the New Zealand Institution of Engineers. He is also a solicitor of the Supreme Court of New Zealand and has studied and taken examinations in accountancy.

Early in his career he won the Baylis Prize of the Institution of Civil Engineers in the examination for Associate Membership and in 1939 he was made a Companion of the Most Distinguished Order of Saint Michael and Saint George by the late King George VI.

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WARFARE—(Continued)

He also laid blame on the western world's failure to establish a "dialogue with the politically articulate elements of China." The New Deal attitude laid too much stress on economic aid and failed to take into account political and spiritual ramifications of the problem.

Prof. Schwartz concluded by saying that the situation in Asia is not hopeless. "The Point Four program is doing a great deal of good. If the West can establish successful relations with the politically articulate element of Asia another China may be avoided."

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LAWYERS—(Continued)

fenses in criminal actions, inheritance disputes, private contract and property cases, etc. However, the resemblance of the Soviet advocate to the Western lawyer handling similar cases must be tempered by political considerations, as will appear.

An important function of the advocate, in the eyes of the regime, is to act as a propagandist. In the Soviet Union, court trials are very well attended, especially where other entertainment is scarce, as is often the case. This provides the prosecutor, the judge, and the advocate with an audience, and the regime insists that this opportunity for making propaganda is properly exploited.

Discuss Marxism-Leninism

Thus the speeches of advocates in court are often general discussions of Marxism-Leninism, of Comrade Stalin's pronouncements, etc., having only the most tenuous connection with the case at bar. Of course, this function places the advocate into considerably greater danger than the juriconsult.

Those who speak to educate the public are carefully monitored, and when they stray from what a local Party or secret police representative thinks is the current line they may be charged with insufficient theoretical understanding, lack of class vigilance, or worse, counter-revolutionary agitation.

This defense, it would appear, consists chiefly in a speech condemning the heinousness of the crime of the accused (who has already confessed, in most instances), some general intonation of the correct Party formulae to show that the heart of the advocate is with the regime, and then a plea for mitigation or reduction of the sentence in view of the accused's previous good record, his aged mother, or his tender years.

An Inept Advocate

One of the advocate respondents scornfully related the failure of an inept advocate in such a situation. It appears that the advocate was defending a person accused of Trotskyism, and in the course of his defense he presumed to define Trotskyism to the court. The judges became so upset at hearing these unorthodox words expressed in their

presence that they demonstrated their vigilance by sentencing the lawyer to a longer period than the accused. The point of my respondent's story was not the irony of the situation but the ineptitude of the advocate.

The chief limitation on the function of the Soviet advocate in criminal cases is the political structure of his society. The agencies of internal security have overreaching power to take complete



Fred Wyle

charge of any case which they consider to have political or counter-revolutionary significance.

Variety of Cases

In addition, in criminal cases in the regular courts involving a possible political element, the functions of the advocate vary infinitely according to the shade of the case in the spectrum of political significance. The exercise of judgment as to what degree of freedom is permissible in a particular trial is a fine art, perhaps one of the finest developed in the Soviet Union.

In a political case, the advocate generally pleads apologetically for clemency. In an apartment dispute, however, or a compensation case or other civil litigation, the advocate may display forensic talent, wit, scorn of the opponent—in short, he becomes an adversary much like his Western colleague.

Dangerous Argument

The stress on the advocate's role as a propagandist can, at times, be turned to the advantage of an advocate who is glib and intellectually nimble. He can interpret his client's case as being an opportunity for the judge to enforce the current Party line by applying in the field of law the eternal verities of the political doctrine. The judge may see through the verbal fog but he is not anxious to test whether Party or police

emissaries in the audience are equally astute, and he holds for the advocate's client. This is a dangerous game, of course, and takes a skilful player.

Though the advocate can do little in court, in cases involving the intervention of internal security agencies, he has a sensitive and broad understanding of the realities of the political power structure. He knows to whom to write, what line or approach to take with the various agencies, whom to attempt to bribe. He also appears to act as the conduit for bribes in some cases, according to the persons interviewed. This function of "power counselling" seems to be of considerable value, within the limitations of the political system, to the advocate's client.

Advocate's Rewards

To summarize, judging from the reports of the Soviet emigre lawyers interviewed, the chief positive aspects of the advocate's job seem to be a professional pride (though this pride has about it rather heady spirit of one who flirts with danger); the independent work situation; the relatively high earnings (twice that of the juriconsult, in the case of a good advocate) which are based on the amount of work done rather than on a fixed salary, and the intellectual challenge of the work.

The chief negative aspects seem to be the sense of professional frustration at seeing non-legal agencies superior in power deciding in certain types of criminal cases, what he considers legal issues, or would like to see as legal issues; a sense of intellectual dishonesty, again probably stronger among the older advocates; and the considerable demands made upon the advocate's time as a propagandist, in and out of court.

Position In Society

The advocate is not as safe politically, of course, as the juriconsult, but it appears that he is still safer than the director or chief engineer of an enterprise.

Aside from political considerations, the role of law and lawyers in the Soviet Union is greatly handicapped by the lack of firm precedents, the lack of adequate reporting of cases even to the extent that precedent is admitted, the low educational level of the judiciary (according to official Soviet statistics, over 60% of the judges had no formal legal training as late as 1947, and the tremendous overloading of the court system.

But assuming that these difficulties will lessen in a number of years, still the role of the Soviet lawyer cannot approach that of his Western colleague so long as the political structure in which he functions differs so radically from that of the West.

Book Ban In Brooklyn Brings Protest Of ACLU

American Civil Liberties Union is protesting an effort by a Brooklyn, N. Y., group to put pressure on shopkeepers designed to stop the sale of comics and pocketbooks listed as objectionable.

The National Council on Freedom from Censorship, in a statement by its chairman, playwright Elmer Rice, called the pressure brought by local supporters of the National Organization of Decent Literature "a violation of the spirit of civil liberties and the right of Americans to see, read, and hear." The Council has written to the publishers of the prescribed books urging them to take "appropriate action" to protect their publications.

The affair began when small stationery stores and luncheonettes in Brooklyn were visited by members of the Decent Literature Committee of Our Lady of Christians Roman Catholic Church, operating under the direction of the national censorship group. According to reports received by ACLU, unless the shopkeepers agreed to cull out of their stocks some 350 titles the committee threatened to withhold a "certificate of cooperation." According to William F. Loehfelm, head of the committee, "Parishioners have been asked to help by patronizing the cooperating stores."

The list used by the committee is prepared by the Chicago Archdiocesan Council of Catholic Women.

CHARLES SNACK BAR

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REVIEW—(Continued)

Beta Kappa, national honorary society, was assistant business manager of the yearbook, and Solicitations Chairman of the Combined Charities Drive.

A brother, John, received his LL.B. from the Law School in 1949, and is currently in general practice in Newark with their father, Samuel, who graduated from Columbia Law School in 1916.

Nichols graduated from Princeton in 1951, where he had majored in the School of Public and International Affairs. Upon graduation from the Law School he plans to enter law practice in New York City.

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