

Ms. Pulling

The Harvard Law School Record

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PRICE TEN CENTS

Ames Round Dates, Final Club Listings For Competition Announced By Board

Round dates and final club listings for the Ames Competition were announced yesterday by the Board of Student Advisors. Also announced were the new regulations governing the Qualifying Rounds of the annual competition.

Men arguing in rounds one and two in First Year Competition will have their docket posted next Wednesday; facts will be issued next Friday; and the facts conference will be held on Monday, October 20.

Second year Qualifying Round arguments will be held on the following dates: Nov. 17, 18, 19, 20, and Dec. 5, 8, 10, and 12.

First rounds of the Second Year Competition will be posted on Oct. 17.

Competition Rules Revised

The Board of Student Advisors undertook the revision of the rules governing the Qualifying Rounds of the annual competition. Copies of the new regulations will be given to all those arguing when they receive their facts. The following include some of the major changes:

"1 (d). No person who has been a member of a law club during the first year may at any time thereafter become a member of another court of the same club, or of another club of substantially the same name, or of any club with which it is closely affiliated.

"3 (d). No club shall be excused from arguing in the Qualifying Round against another court of the same club, or against another club of substantially the same name, or against a club with which it is closely affiliated, by virtue of such affiliation.

"5 (b) iv. Counsel are not permitted to accept suggestions or assistance from anyone, whether or not a member of the same law club, in the preparation of revision of briefs."

It was noted by the Board of Student Advisors that infractions against rules 1 (d) and 5 (b) iv. will ordinarily result in the disqualification of the entire club.

Prof. Seavey Given Yearbook Salute

The 1953 Yearbook will be dedicated to Prof. Warren A. Seavey, who has completed more than 25 years of teaching at the Harvard Law School, announced Co-editors Alan Ives, 3L, of New Haven, and Melvin Kraft, 3L, of New York City.

Now in the process of being assembled in the new offices at 23 Everett St., under the direction of Ives, Kraft, Business Manager David Sanderson, 3L, of Littleton, and Advertising Manager, Martin Friedman, 3L, of West Orange, N. J., the ten-man staff is collecting data of all types.

According to Ives, as in the past, sections devoted exclusively to Ames Clubs and extra-curricular activities as well as to each of the three classes in the school will be included.

Correct Information Cards

Editor Ives asked all students to have their information cards filled out correctly, because of the importance of the book for use in future reference, when searching for a classmate's name.

A check will be made on the cards when all students show up at the yearbook offices this week and next for photographic appointments.

October 15th has been set as the deadline for Yearbook subscriptions, also announced.

(See YEARBOOK on page three)

International Legal Studies Second Class Under Way

Twenty-five students make up the second class of the International Legal Studies graduate program in the Law School.

William S. Barnes, Secretary of the program, stated that about half of the foreign students registered in the Law School along with several American students are participating. These include graduate law students from 22 countries including the United States.

Students in International Legal Studies concentrate their work in international law courses, but also take other courses, both in the Law School and other departments of the University. Some 150 other students are also taking courses in international law leading to a Bachelor of Law degree. Most of these men are taking the courses as electives along with their required courses in the Law School.

The program was developed in answer to the increased demand following World War II for an understanding of legal problems outside the domestic scope, explained Barnes.

'American Law Of Property' Treatise, Multi-Author Book, Is Edited By Casner

American Law of Property, recently published by Little, Brown and Co., is the first multi-author treatise ever to be written on any phase of American law.

Twenty-five experts in various portions of property law, working under the editorship of Prof. A. James Casner of the Law School, have composed this seven-volume work which deals with the law of land "comprehensively . . . yet . . . not exclusively . . ." Real property is its primary consideration, but the treatise is more than a gigantic conveyancer's handbook.

"In its comprehensive treatment of

Bartley Crum, D. Thompson Will Air 'Can Israel Survive'

Centering its attention on the increasingly volatile situation in the Near East, tomorrow evening the Harvard Law School Forum will present Dorothy Thompson, Bartley Crum, Feris Malouf, and the Rev. Karl Baehr to speak on "Can Israel Survive?"

The program will begin at 8:30 p.m. in the Rindge Tech High School auditorium. Prof. Richard Frye of Harvard will serve as moderator.

LEGAL AID ELECTS

Two new officers were elected at a special meeting of the Harvard Legal Aid Bureau last Thursday.

John W. Barnett, 3L, was elected Treasurer, replacing Sedgwick W. Green, 3L, who joined the Law Review. Paul C. Shafer, Jr., 3L, was elected a Junior Director, which post was formerly held by Barnett.

The Bureau was in operation for ten weeks during the past summer, staffed by volunteers under the direction of Shafer. It reopened, after a brief closing, on Sept. 18.

Wills Also Considered

Similarly he points out in a preface to the work, that in the extended discussions of future interests, much of the law of wills and intestate succession is also considered. However, because excellent treatises are already available in both of these fields, no sections are devoted exclusively to them.

A master plan originated by Professor Casner and modified by the authors themselves makes the work a true treatise, rather than an unintegrated series of monographs. Although the literary style of each writer has been left unhampered, every section has been written and edited so that it would fit in precisely with the others to form an integrated and unified work.

Project Started In 1939

The treatise has been prepared primarily as a working tool for the practitioner. The large area covered by the work makes it unlikely that any condensed edition will be published, so that student use of it will be confined mostly to library research.

The project was originated in 1939 by members of the American Law Institute

(See PROPERTY on page four)



A. James Casner

future interests" which includes powers of appointment and the rules against perpetuities and accumulations "the

Dean Reports On School Griswold Notes Advances In Legal Education

This article is an abridged version of the first section of Dean Erwin N. Griswold's report to the President of Harvard University on the Harvard Law School for the academic year of 1951-52. The report was submitted in September, 1952.

The section of the Report printed below is entitled, "The Horizon of Legal Education." Copies of the Dean's full report may be examined upon request to the Secretary in Langdell Hall.

Although the Harvard Law School was established in 1817, legal education in law schools was the exception rather than the rule until well after the Langdell revolution of 1870. Most modern law schools date from the latter part of the nineteenth century, or later. The Association of American Law Schools was organized in 1900, with 28 charter members. The membership of the Association now numbers 108 schools.

Most of these schools are established according to a common pattern, which has not changed a great deal in the past 75 years. They are primarily teaching schools, engaged in the instruction and

intellectual stimulation of the continuing succession of young men and women who come to them, and in the preparation of materials which are especially designed for classroom use. These are not the only activities of law schools and their faculties, as many examples show; but it is fair to say that direct classroom teaching has been so nearly the exclusive preoccupation of American law schools that occasional contributions of other sorts to the law and to the public weal have been so unusual as to be noteworthy.

There are many reasons for this fact. In the first place, teaching is surely an important and worthy objective, and teaching should surely remain the dominant activity in the schools.

In the second place, law schools have almost always been under-financed, when compared with other fields of education. For many years, law schools were thought of as profit-making ventures. Even when they were part of a university system operated without private profit, revenues from the law

(See REPORT on page four)

L. Hand's Non-Judicial Papers Collected By Dilliard In 'The Spirit Of Liberty'

In order to remedy the strange fact that not a single book-title card in the Library of Congress bears the name of Learned Hand, Irving Dilliard has collected the nonjudicial papers and addresses of Judge Hand in a volume entitled "The Spirit of Liberty." (Alfred A. Knopf, New York, 1952, 262 pp.)

Lawyers whose view of Learned Hand has been limited to his judicial opinions will find that this volume adds a good deal to their conception of him. No picture of a judge can be limited solely to judicial writings and Judge Hand is no exception.

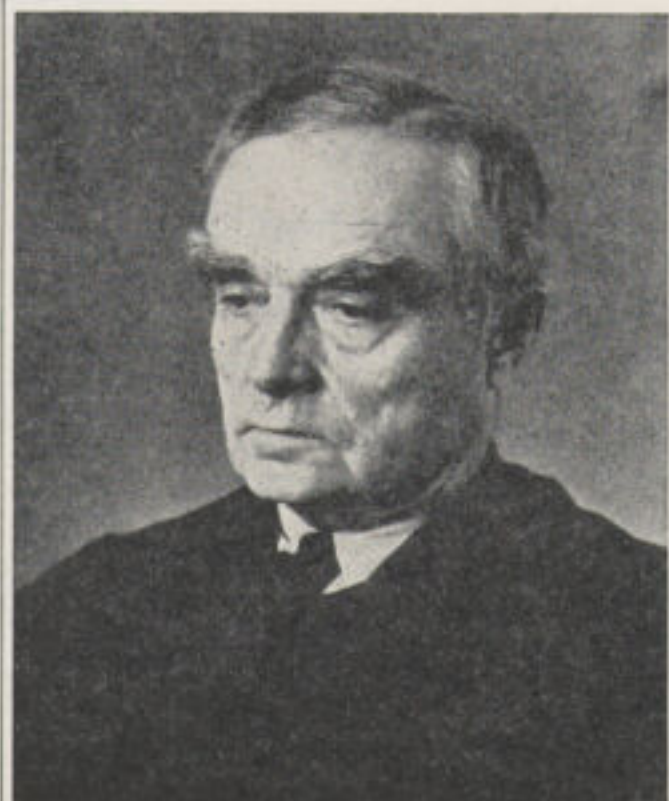
From the very first selection in the book, the Class Day Oration at Harvard in 1893, on through a speech at the Harvard Club in 1952, which closes the volume, Hand's mastery of English prose stands out. The class day speech contained a question which observers of Hand's life will undoubtedly answer, yes: "... can we look back to some work done that will need no undoing?"

Political Theory of Will

In an interesting discussion of the political theory of the common will, Hand remarks, "We may say if we like that meanwhile everybody has consented to what exists, but this is a fiction. They have not; they are merely too inert or too weak to do anything about it."

In the same paper, in discussing the question of whether or not people in general really believe in certain concepts, such as a fair trial when applied to strongly disliked minorities, for example, anarchists, Hand observes, "They [the people] are loyal to our institutions in the abstract, but they do not mean to

(See HAND on page three)



Learned Hand

Dorm Council Elects H. Krieger President

Harvey Krieger, 3L, of Los Angeles, was elected president to inaugurate the 1952-1953 year of the Dormitory Council. Four ballot deadlines extended the first council meeting into a heated two-hour session.

Nominating speeches, seconding speeches, and parliamentary rules debates made it clear that this year's Council members planned an active participation in the representative body for the Law School Dormitories.

Vice-President Sheldon Witt, 3L, of Bayonne, N. J., Secretary William Swanson, 3L, of Pittsburgh, Pa., and Treasurer John Conlan, of Chicago, complete the executive group.

Vice Dean Hall introduced the Council to its new duties and Assistant Dean Bevins took the floor long enough to fill the agenda with new business, dorm telephones, ventilation of the graduate laundry, schedule of social events, and regulation of Holmes activities.

Council members for the year include Harvey Krieger, Ames 1; John Holland, 2L, of Washington, D. C., Ames 2; Sheldon Witt, Ames 3; David Pressler, 1L,

(See COUNCIL on page four)

Legal Associations Acting To Provide Counsel For Reds

The bar associations of both Maryland and New York have taken steps to make certain that persons charged with Communistic or other subversive activity get the benefit of legal counsel.

In both cases the bar associations recognize that lawyers are unwilling to take on such cases because of the public opprobrium which follows anyone connected in any way with such cases.

"It is unnecessary to reaffirm before this association," says the resolution of a committee of the Maryland Bar Association, "that it is equally a part of our system of government that any person charged with being a Communist or subversive person, either criminally or in disbarment or other proceedings, should receive a fair trial under the principles of our law."

The report cites outstanding cases in American and British history where this principle was upheld despite the unpopularity the act brought the counsel involved. The cases included Thomas Erskine's defense of Thomas Paine in court at a time when feelings ran high because of Paine's backing of the revolutionary French government of Danton; John Adams' defense of the British soldiers who caused the Boston Massacre; Charles Evans Hughes' successful efforts to provide counsel for five Socialist members suspended by the New York assembly in 1920.

The report agrees, however, that lawyers are unwilling to take on subversive cases either because they fear that the defendants will interfere with the conduct of the case, or because they fear the loss of clients.

The committee has resolved that, in such cases, the bar association "shall appoint one or more lawyers to represent such a person and that such appointment and the reason therefore made

(See SUBVERSIVES on page three)

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Ethics of Advocacy

Much comment has passed our way on the controversial "The Ethics of Advocacy", an article written by Mr. Charles Curtis, LL.B. '17, for the *Stanford Law Review* (December, 1951). This article, dealing with the problem of the lawyers' ethics, passed virtually unnoticed until a recent storm of criticism arose from the practicing bar and legal teaching profession when certain of Mr. Curtis' contentions were published.

Most of the criticism has been leveled at Mr. Curtis' statement that the lawyer's duty to his client is paramount to his duty to the court, even requiring him to lie for his client if need be. He also contends that the lawyer's work is steeped in the tradition of the Stoic rather than that of the Christian. Both of these propositions were disputed by Henry S. Drinker, Spec. '02-'03, in a reply to Mr. Curtis in the April issue of the *Stanford Law Review*.

In our opinion Mr. Curtis is more guilty of overstatement than heresy. His own examples do not support his proposition that a lawyer must lie for his client. The instances he cites by way of illustration would not be considered "lying" by the majority of the profession or the public at large. It would seem that Mr. Curtis' personal ethical standards, being very high and sharply defined, have led him to brand as "lying" certain rules and practices of the adversary system.

The adversary system, argues Mr. Curtis, requires that a lawyer's private and professional behavior be completely divorced. The advocate, he says, must give his all to his client, independent of the result and its effects. This Stoic attitude, feels Mr. Curtis, is an inevitable consequence of the adversary system.

Mr. Curtis has laid his finger upon a very difficult problem, a problem that is stated but not solved by the adage "Your duty is to your client, and also to the Court." Which duty is paramount in a given factual situation is the real problem. Fortunately it is the solving of this very type of problem at which the members of the legal profession excel.

It is to be hoped that lawyers will stop ignoring the problem, and stop "solving" it by restating it. As a step in resolving it in your own life we earnestly recommend the forthright article by Mr. Curtis, and the able rebuttal by Mr. Drinker.

Letters to the Editor

To the Editor of the RECORD:

It seems to me that a newspaper circulated among law students should have enough gumption to endorse a candidate for President. Certainly by refusing to do so you are letting the college papers of Columbia, Yale, and Princeton steal the march on you.

The political club news you ran last week under the donkey and elephant pictures show that you have heard about November 4. Is it that you are afraid to state your editorial view?

NAME WITHHELD ON REQUEST

Gallery

HAROLD PUTNAM WILLIAMS

Associate Justice

Supreme Judicial Court of Massachusetts



It came as a surprise to no one when Harold Putnam Williams was appointed to the bench of Massachusetts' highest court. His friends and admirers had always recognized him as a man who had exhibited great legal insight during the forty-one years he spent, prior to his appointment, as a lawyer, public prosecutor, and judge.

Harold Williams was born in Foxborough, Massachusetts, on October 2, 1882. The fact that his father was an attorney may have had some influence on his choice of professions, but from his student days at Brookline High School, he intended to study law. It was natural that upon his subsequent graduation from Harvard College in 1903 he should enter the Harvard Law School.

"You might say that I am a member of the so-called 'Old School,'" says Justice Williams. "I studied the law under such eminent educators as Ames, Williston, Beale, Gray, and Warren. Among those who studied with me were Felix Frankfurter and Edward A. Conihhan, Jr., my colleague on the Supreme Judicial Court."

Upon his graduation from the law school in 1906, Harold Williams entered the law firm of Walter I. Badger in Boston, remaining there for three years, at the end of which time he became engaged in private practice. Spending most of his time in the trial courts, he acquired experience which was to be of inestimable value to him in the years to come. His private practice was to last only nine years, for in 1918 Frederick G. Katzmann appointed him Assistant District Attorney for the Southeastern District of Massachusetts. He held this position until the people elected him District Attorney four years later.

The rapid rise to success of Harold Williams was not to stop here, however, for in 1924, President Calvin Coolidge appointed him United States Attorney for the District of Massachusetts.

With his background of experience it was no surprise that in 1926, Governor Alvin T. Fuller appointed him Associate Justice of the Superior Court of Massachusetts. Justice Williams spent twenty-one years on this bench, and only left to

become in 1947 an associate justice of the State's highest court.

During his last years on the Superior Court he was senior judge and acting chairman of the newly created Appellate Division for the review of sentences to the State Prison.

The establishment of the division by the legislature was a novelty in the administration of criminal law.

"It has not, to my knowledge, been paralleled in any other state in the Nation," says Justice Williams. "Previous to 1943, there was a good deal of criticism because of the variance in sentences given by the different judges of the Superior Court. Although from outward appearances the crimes would seem to be the same or similar, one defendant might be sentenced to a short term by one Justice whereas a second defendant might be sentenced to a much longer term by a second Justice. This resulted in a movement for some legislative enactment to help to standardize state prison sentences. The problem of standardization was a difficult one, because of the many factors that enter into the imposition of sentence, such as past records, different backgrounds, and the like."

By a legislative enactment of 1943, the Appellate Division of the Superior Court was established, the function of which was to review the sentences to state prison as pronounced by Superior Court Judges. The Act called for three Justices of the Court to sit in review either of the sentences of the other Justices, or quite possibly of their own.

The three man Board, or Division, could either reduce or increase the sentences given. The plan worked out very well, especially after 1945 when a second legislative enactment authorized the reviewing of old sentences of persons presently in the State Prison, and not eligible for parole.

Justice Williams relates that in addition to the review of current appeals under the 1943 act "we reviewed approximately 200 old sentences under the 1945 act, some of which had been in force prior to 1930. It was difficult to ascertain the facts pertaining to the older cases. Many records had been destroyed, and the prosecuting District Attorneys were not available for testimony. Yet we reviewed these cases, too, using the testimony of the defendants themselves, given in friendly surroundings and in their own words. The results of the work of the Division appears to have been good. Some of the unrest among the inmates of the prison due to the variance in sentences has been quieted."

In addition to his professional work Justice Williams has been active in civic affairs. During World War II he served as Chairman of the Appellate Draft Board for Norfolk County. He is presently a member of Brae Burn Country Club and the Union Club of Boston.

For five years now Justice Williams has been a member of the Supreme Judicial Court of Massachusetts, having been appointed to that position in 1947 by Governor Robert Bradford. It is only fitting that this man who has distinguished himself in all that he has done, and who has earned the respect and admiration of all who know him, should realize this distinct honor. Forty-six years after his graduation from the Harvard Law School, he stands out as a credit to his family, to his profession, and to his school.

H. D. L.

Off the Record

Lines at Midnight beneath Memorial Hall
(After Prof. Scott's Remarks on the Expiration of Causes of Action):

The bell-clapper's an ax
Clipping off the heads
Of thousands of Causes
Asleep in their beds.
Though bursting with vigor
And unabated power,
They're slaughtered by Statute
At the midnight hour.

Better to die thusly
Still joyous and sound
Than fester from Laches
And stagger around
Pale, rotting and weary,
Awaiting the day
When shrouded in twilight,
They moulder away.

I'd rather be indicted
Than be accused by rumor.
I prefer the air-bubble
To the malignant tumor.
And quick death by Statute
With calendar precision
To a faint life awaiting
The Court's final decision

I. J. L.

YOU ASKED FOR IT

Professor McCurdy: Is cohabitation necessary for a valid marriage?

Student: No, I don't think so. It would be more desirable, though.

* * * * *

ULYSSES, THE USELESS USE

Listen, my children, to old Mother Goose,
To the tale of Ulysses, the useless use.

Before 1536 Ulysses was born,
In a conveyancers' mind, on an early morn.

"Why give to old Henry his feudal dues,
When he stands to gain, and I stand to lose?"

"I'll create a device beyond Henry's abuse,
I'll change all the land law with my little Use.

But Henry was foxy and passed a great law,
Which stuck in the conveyancer's ugly old craw.

For what happened to Ulysses, our little hero,
Was not 1-1, but relative zero!"

This poem has no meaning; in fact it is museless,
But so was Ulysses, the Use that was useless!
*Pimbes' Case.

STANLEY L. GOLDEN, LL.B. '52

Sub Judice

FOREIGN INTRIGUE

Mrs. Woronzoff was 32 years old when she married her husband who was 45. She was born in India and was "possessed of great wealth" while he was an impoverished emigre nobleman who had done little or nothing with himself outside of occasional employment as a dancing instructor. The husband's brother had been the unsuccessful suitor of the woman in our story and there were strong indications that he had been instrumental in promoting the marriage.

It was not long after a honeymoon in Europe (all expenses paid by Mrs. Woronzoff-Daschkoff) that the groom showed his true colors. There were constant quarrels and fault-finding until Mr. W-D confessed in a rage that he had married the little woman only for her money.

Off to the courts went Mrs. W-D in order to obtain an annulment. Her complaint said that her consent to the marriage was obtained by fraud; that he had received large sums of money from other women in Europe, including a divorced wife; that he was a "ne-er-do-well" without social position; that he was a hypochondriac and was given to fits of uncontrollable temper and to periods of sexual impotency; and that his purpose in marrying her was to obtain large sums of money for himself and his family in South America.

The trial court found all these things to be true, plus a lot more and granted a decree of annulment. Mr. W-D appealed.

Held: Judgment reversed.

The appellate court found no promise on the husband's part to support the wife, "a promise which would have been of small consequence if made, in view of the disparate finances of the parties . . ."

After noting all the evidence and ruling that the findings of the trial court were correct the appellate court went on to say that whereas fraud may be grounds for annulling a marriage, the fraud must be as to matters "vital to the marriage relationship."

The court went to quote Bishop *On Marriage and Divorce*: "Mistake, whether resulting from accident, or, in general, from fraudulent practices, in respect to the character, fortune, health, or the like does not render void what is done." *Woronzoff-Daschkoff v. Woronzoff* 104 N. E. 2d 877 (N. Y. March 1952).

IT COULD HAPPEN TO YOU

This was a suit for \$25 to recover for discomfort and inconvenience. Hans Harnik and his wife had parked their automobile at 8:40 p.m. When they returned about one hour later they were unable to move their car because Mr. Levine had been so inconsiderate as to double park his car alongside theirs.

Mr. Levine asked judgment on the pleadings.

Held: Motion denied.

What the Harniks wanted here, more than the money, was a judicial declaration of civil liability on the part of Mr. Levine. The question was novel but the court found precedents for deciding it. The court spoke of obstructing the "king's highway" in days gone by and of using the public highway "as a stable-yard for vehicles."

"Violations of the kind here presented are undoubtedly evil. They create increasing hazards for the pedestrian and the automobilist. Life itself, complex and often burdensome, becomes increasingly so because of the acts of the thoughtless or heedless." *Harnik v. Levine*, 106 N.Y.S. 2d 460 (N. Y. August 1951).



YES, THINGS ARE PRETTY ROUGH FOR THE FIRST MONTH OR SO, BUT YOU'LL GET THE HANG OF IT AFTER A WHILE . . .

NEWS IN BRIEF

HARVARD LAW WIVES

Mrs. Erwin N. Griswold will open this year's program of the Harvard Law Wives with an informal tea in Harkness Commons, Wednesday, October 15, from 4:30 to 6:30 p.m. The wives of all law students, the wives of law faculty members, and women law students are cordially invited. If any of the above did not receive a written invitation the omission was not intentional. Replies to the written invitations may be directed to the Dean's office in Langdell Hall.

YEARBOOK PHOTOS

Yearbook pictures are being taken at the Yearbook offices at 23 Everett Street, the editors announce, requesting those who have signed up not to forget their appointments.

FIRST RECORD DANCE

The initial Record Dance of the year, sponsored by the Dormitory Council will be held Saturday from 8 to 12 in the Commons. Admission for this and subsequent Record Dances will be on Dormitory Council Activities cards only. Students desiring cards should see their Council representatives or Harvey Krieger, Ames 114.

SHAKESPEARE FOLIOS

A Widener Library exhibit includes illuminated medieval manuscripts, a Gutenberg Bible, and Shakespeare folios. These may be seen Monday through Friday from 9 a.m. to 4:30 p.m., and on Saturday from 9 to 12 noon.

JIM'S PLACE

30 DUNSTER STREET

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YEARBOOK — (Continued)

nounced Ives. "This year, only the number of books which have been reserved by that date will be ordered."

Other Law students on the staff of the annual publication include Richard



Warren A. Seavey

Barovick, 2L of New York City; Steven Auderieth, 2L of New York City; Stewart Hutt, 2L of Woodbridge, N. J.; Sanford Liebshutz, 1L of Rochester, N. Y.; and Ronald Golub, 1L of Miami Beach.

SUBVERSIVES — (Continued)

public." This method, it hopes, will remove any public censure from individual lawyers.

It adds one condition: "That the lawyer be free to defend the case in such manner as to him seems proper."

In a report of the Committee on Civil Rights, the New York State Bar Association declares that "It has always been recognized in the profession that it is the duty of the bar to see to it that even the most unpopular defendants and those charged with the most repellent of crimes can obtain counsel who will do what is possible and proper in their defense."

SQUARE DANCE CLASS

For Beginners Only

STARTING THURSDAY, OCTOBER 9

7:30 P.M.

8 Weeks — \$5.00 per person

CAMBRIDGE Y.W.C.A.

Central Square, Cambridge



HAND — (Continued)

take them too seriously in application."

Many of the papers in the book discuss liberty. At one point Hand seems to take a harshly "realistic" view: "Liberty is so much latitude as the powerful choose to accord to the weak." Elsewhere, however, his attitude seems somewhat different: "... liberty is an essence so volatile that it will escape any vial however corked. It rests in the hearts of men, in the belief that knowledge is hard to get, that man must break through again and again the thin crust on which he walks, that the certainties of today may become the superstitions of tomorrow, that we have no warrant of assurance save by everlasting readiness to test and test again."

Spirit of Liberty

Hand's basic belief that liberty, in the last analysis, rests in the hearts of men was expressed very clearly in the famous quotation from his 1944 "I Am An American Day" speech entitled "The Spirit of Liberty":

"I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can ever do much to help it. While it lies there it needs no constitution, no law, no court to save it." Mr. Justice Jackson presented a similar viewpoint in his concurring opinion in *Dennis v. U. S.*

William Penn would also agree: "Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men than men upon governments. Let men be good and the government cannot be bad; if it be ill, they will cure it. But if men be bad, let the government be ever so good, they will endeavor to warp and spoil it to their turn." (Quoted in Bok, *I, Too, Nicodemus*, p. 327).

STUDENTS-FOR-STEVENSON

The Law-Graduate Division of Harvard Students-for-Stevenson will hold a party one week from tomorrow, Oct. 17 from 8 to 12 P. M. at their headquarters in Apt. B-2, 19 Everett Street. Members of the Brandeis, Lesley, Radcliffe and Simmons, Stevenson organizations have been invited to join the festivities.

The party has a three-fold purpose. In addition to giving members of the various groups a chance to get acquainted, plans for future activities will be outlined. The proceeds of the party will be used to finance these activities.

The major activity of the group last week was the use of a car and loud-speaker system from Thursday through Saturday to urge people to register to vote, and also to announce future broadcasts by Governor Stevenson.

It's Up to You

Savings Bank Life Insurance is the kind of insurance that can only be bought over the bank counter on your own initiative. It's up to you to make the first move.

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Alumni Notes

LL.B. '29—Dana C. Backus has become a member of the New York firm, Kramer, Marx, Greenlee and Backus.

LL.B. '42—Bailey Brown has been admitted to the firm, Burch, Porter & Johnson, attorneys in Memphis, Tenn.

Robert C. Kirkwood, LL.B. '33, of Saratoga, Calif., also is a member of the Legislature.

LL.B. '44 ('47) — Charles O. Porter, one of the founders of the RECORD, has formed a partnership under the name of Porter and Skelton in Eugene, Ore.

LL.B. '46—Charles G. Sweet, one of the founders and second President of the RECORD, now practicing in Washington, Pa., served as a delegate to the Democratic National Convention, from the 26th District of Pennsylvania.

LL.B. '48 — Patrick O. McGee is a member of the California Legislature, representing a district at his home in Van Nuys.

LL.B. '49—A. Shelburne Hart has participated in the formation of a partnership, Barnes & Hart, to practice in Newark.

Robert W. Young is associated with the firm, Denio Hart, Taubman & Simpson, practicing in Long Beach, Calif.

LL.B. '49—Charles R. Pascoe, recently returned to civilian status after duty at Otis A.F.B., Falmouth, Mass., has left Herrick, Smith, Donald Farley & Ketchum of Boston, to become tax attorney for the Pittsburgh Plate Glass Co.

In the April '52 class at the Judge Advocate General's School were six H. L. S. alumni, five of them in the top ten (out of 64). The graduates included: Lts. Bernard E. Kalman '48, Seymour Hozore '50, Ira S. Biegler, Charles F. Wheatley, Levin H. Campbell III and Daniel G. Cohen, all of '51.

LL.B. '50—Samuel S. Binnian has opened an office for general practice in Seattle.

Vincent L. McKusick, former president of the Law Review, after two years clerking for Judge Learned Hand and Justice Frankfurter, has become associated with Hutchinson, Pierce, Atwood & Scribner, of Portland, Me.

LL.B. '51—Clarence C. Ferguson, a teaching fellow at the Law School during 1951-52, and later representative of the United States at the UNESCO Western Hemisphere Conference on the UN Declaration of the Rights of Man, has become associated with the New York firm, Baltimore & Paulson.

LL.B. '52—Jules Chasanoff has become associated with the firm, Tucker & Chasanoff, of St. Louis, Mo.

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REPORT—(Continued)

school were often diverted to help support other parts of the university. Where law school receipts have been held for legal education (as at Harvard), the law school has had to meet heavy costs (for library and buildings, for example), which have meant that the money available for education and related development has been limited.

It is fair to say, I think, that law schools for the most part have had fairly limited horizons. Within the ambit they have marked out for themselves they have done adequately and competently. Through the maintenance of high standards of teaching and scholarship they have not only been able to teach soundly but they have laid a sound groundwork for future development.

Law Schools Behind Times

Analogies between the natural sciences and the social sciences can easily be pushed too far. The subject matters of the two fields are very different, and the methods and objectives must be different, too. But, recognizing these facts, it may well be thought that educational development in schools of the social sciences, particularly law schools, is something like a century behind that of schools of the natural sciences. In the latter, teaching is no longer the sole objective. Indeed, in some cases, it would appear that developments have gone so far that teaching has more or less fallen by the wayside, being regarded in some quarters as a more or less occasional nuisance. We need not follow such extremes, but we can well profit by the more basic and general example.

Law schools must recognize an opportunity and an obligation beyond the regular meeting of classes. There is so much that needs to be done in the legal field. In many cases, law schools are especially well qualified to do these tasks, and they are also in a position to make them contribute directly to the basic educational objectives of the schools.

A Wasted Asset

Law school teachers have independence of viewpoint, often a qualification of extraordinary value, which is rarely found among qualified persons in other lines of endeavor. Law school teachers, if the schools are properly organized and staffed, have time to think and consider, and even occasionally to contemplate. Law school staffs represent a very considerable aggregation of abilities, and thus constitute in a very real sense a public asset of which the schools are trustees.

"Legal Laboratories" Next?

The next development in legal edu-

cation, I believe, must be to make the schools much more laboratory schools than they have been in the past. I hesitate to use the word "research" because of its natural science implications, and because, in the earlier development of the schools, "research" sometimes connoted deep delving into ancient tomes on problems which bore very little relation to our current situation. But there are many fields in which laboratory work in connection with a law school could be effectively organized.

Our legal order is far from perfect. I am not now referring to broad social questions, but to matters of the technical adequacy and effectiveness of the law. There is much room for progress in the field of procedure. Criminal law and criminal procedure would be fertile areas for active, thoughtful work. The development of more adequate means for the representation of persons accused of crime should hardly be a controversial matter.

Aids to Profession

Another line of activity would be the collection of materials relating to matters which happen in law offices, but never get into courts. If law schools could become clearing houses for knowledge and developments in such matters, they might be of great value to the profession, and might in the process develop a whole new category of materials which would be of direct use in classroom teaching. Our classroom materials are still made up, to a very considerable extent, of the opinions of applicable courts. These opinions are conveniently available, and they have served us well. But it has long been recognized that they do not alone provide a wholly adequate fare for legal education.

Changes Needed

To develop these possibilities will require some changes. As in all such matters, there is a very considerable amount of inertia to be overcome. It will be necessary to increase the staffs of law schools. That raises immediate financial problems. It also raises the question of finding the proper persons, persons with the right qualifications and genuine interest in such work. In the natural sciences, a large proportion of each year's graduates move directly into research work, at least for a time. But there is no such tradition among law school graduates, because such places have not been available in the past, and young men scarcely think of the possibilities because there have not heretofore been appreciable opportunities. Faculties themselves may have to be

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educated to the need and to the possibilities.

A New Type of Teacher

It may well be that a somewhat different sort of person is needed for carrying on effective research work than has customarily been selected for faculty posts in the past. It may be that law school faculties, excellent as they have been, limit their own development by too much inbreeding. Picked largely by the standard of the past, it is natural that they should continue to select new colleagues by the same standard.

I am not meaning to suggest that the standard has not been a good one. I do suggest that it may not be the only good one, and that there may be very real possibilities for legal education in the selection and full acceptance of persons of somewhat different qualities of mind and vision.

Movement Underway Here

Harvard, long a pioneer in legal education, is at least one of the places where this development should occur. Under the guidance of Associate Dean Cavers, appointed last year with direct responsibility for the development of research and related activities, we have already made some significant starts.

It is to be hoped that subsequent reports will show the development here of substantial and novel projects, which will be important of themselves, as contributions to our law, and thus to the public, and which will likewise provide significant materials, problems, and methods for direct use in the improvement of legal education.

This is an extraordinarily difficult task. It is inevitable that there will be mistakes, failures, and disappointments. But if the effort should, in due time, succeed in broadening the horizons of legal education, it will surely be worth while.

FORUM—(Continued)

Future forums now planned include discussions of such topics as American humor, the naturalistic novel, ethical standards for the modern man, and communism in Hollywood.

Among the special legal programs planned for broadening the student's understanding of his classroom work will be a talk by Judge Samuel Leibowitz of New York City, a projected comparison of teaching methods at the Harvard and Yale Law Schools, and an analysis of grand jury and special jury investigations.

Cartoonist Al Capp has already accepted an invitation to appear Oct. 24 for a forum on the state of American humor, and invitations have been sent to Bennett Cerf and Walt "Pogo" Kelly.

Prof. I. A. Richards of Harvard and Peter Vierick have already been lined up for the program, "Values for Modern Man," and an invitation has been extended to Prof. Pitirim Sorokin, also of Harvard.

PROPERTY—(Continued)

who were working on the Restatement of Property. They named Professor Casner editor-in-chief and requested experts who had distinguished themselves either as practitioners or authors in certain areas of property law to write sections on their specialties.

Prof. W. Barton Leach of the Law School consented to do the sections on powers of appointment and the rule against perpetuities, and Professor Casner undertook to write sections on construction problems and class gifts. Subsequently, Charles C. Callahan of Ohio State University finished the work on powers of appointment, which Professor Leach was forced to drop when he became consultant to the Secretary of the Air Force.

COUNCIL—(Continued)

of Newark, N. J., Ames 4; Anton Bigman, 2L, of Braddock, Pa., Dane 1; Robert Jacobs, 2L, of Chicago, Dane 2.

Also Morton Schlossberg, 2L, of Brooklyn, Holmes 2; Harold Godlin, 3L, of Stamford, Conn., Holmes 3; Richard Harburg, 2L, of Philadelphia, Shaw 1; Winfield Craven, 1L, of Kenilworth, Ill., Shaw 2; Joseph Manello, 3L, of Wilkes-Barre, Pa., Shaw 3; Stewart Hutt, 2L, of Woodbridge, N. J., Story 1; Bill Swanson, Story 2; Paul Mazza, 1L, of State College, Pa., Story 3; Donald Mintz, 2L, of E. Orange, N. J., Story 4.

From Hastings Hall, Burton Resnic, 3L, of Holyoke, Entry 1; Harris Cohen, 3L, of Norfolk, Va., Entry 2; John Conlan, Entry 3; Stanley Rothenberg, 3L, of Brooklyn, Entry 4; Harry Cladounos, 2L, of Great Falls, Mont., Entry 5.

LAWYERS GUILD MEETING

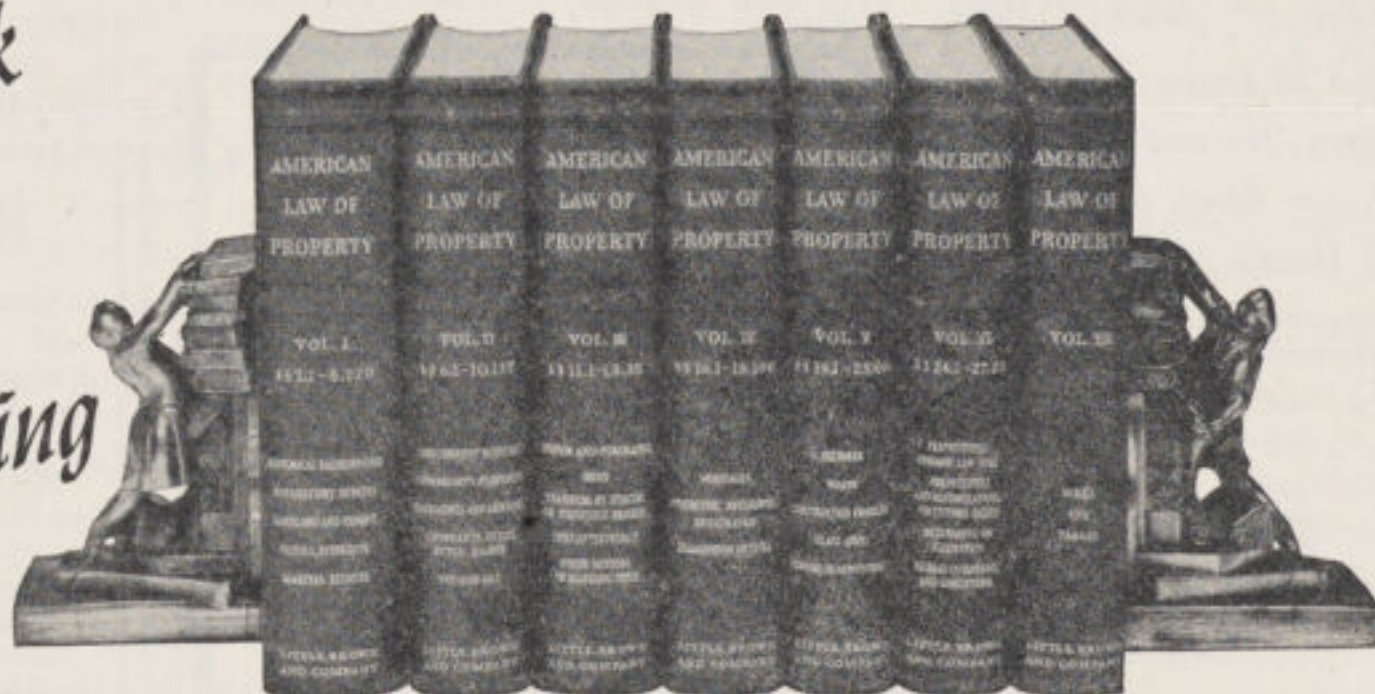
A group of Harvard Law School students will attend a national conference on "The Use and Strengthening of the Federal Civil Rights Acts" which has been called by the National Lawyers Guild for this coming weekend at the Park-Sheraton Hotel in New York City.

Besides consideration of a proposed comprehensive amendment to the Civil Rights Statutes, the Conference will discuss "Discrimination Against Negroes in the Legal Profession."

Earl B. Dickerson, President of the N. L. G., explained: "The Conference is called to bring together all lawyers and others who are interested in contributing their thought and effort toward the elimination of discrimination on account of race or color."

All students interested in attending the Conference should contact Thomas Roberts, 3L, who is arranging transportation and accommodations for students from Harvard, at TR 6-3933.

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VOLUME 3—Vendor and Purchaser; Deeds; Transfers by Judicial or Statutory Process; Title after Probate Action; Other Methods of Acquiring Title to Land (by Adverse Possession, Estoppel, etc.)

VOLUME 4—Mortgages; Priorities, Recording and Registration; Examination of Title

VOLUME 5—Fixtures, Trees, Crops; Waste; Construction Problems; Class Gifts; Powers of Appointment

VOLUME 6—Common Law Rule Against Perpetuities; Statutory Rules: Perpetuities and Accumulations; Restraints on Alienation of Property; Illegal Conditions; Trespass, Private Nuisance, Surface Support, Waters

VOLUME 7—Index and Tables (this volume is still in preparation and will be published shortly)

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