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Student Guide Put off to '57

Publication of a sixty-page "Unofficial Guide to Law School Life" has been postponed until next year. The guide was prepared over the summer by a committee of four students, with the expectation that the Administration would subsidize its publication this fall.

Authors of the booklet are Harry G. Hill, Jr., Benito M. Lopez, Jr., George J. McCormack and Henry J. Stern, all 3L of New York City. Mr. Hill was a member of the Dormitory Council, of which Mr. Lopez is vice president. Mr. McCormack is president of the St. Thomas More Society and Mr. Stern is president of the RECORD. Mr. Lopez acted as chairman of the committee.

Key portion of the booklet is a section advising first year men about the grading system and its importance. Two weeks ago, the RECORD requested this section so that it could be printed for the Class of 1959.

After a conference Monday with Vice Dean Livingston Hall, Dorm Council President Calloway Cochran, 3L of Dallas, Texas, decided not to release any portion of the booklet at this time.

The report is an outgrowth of the Tensions Committee, which was headed by George S. Abrams, 3L of Newton. The Committee worked last spring in cooperation with representatives of the Faculty, and issued a series of recommendations in April aimed at reducing the "tensions" or "pressures" of which many students have complained.

One of the Committee's recommendations was that an unofficial student guide on the Law School and its environs be published.

The guide was suggested by a similar booklet at the Graduate School of Arts and (See GUIDE on page four)

HLS Republicans List Fall Activities

Local campaign plans were laid at a meeting of the Harvard Young Republicans last week, according to Edward Clark, 3L of Middleboro, vice president of the organization.

Efforts of the club will be directed toward supporting the Cambridge Republican Committee and boosting local candidates for the Massachusetts state legislature. In addition, the Law School Committee, a semi-autonomous branch of the group, will work on behalf of Laurence Curtis, LL.B. '21, candidate for Congress from the 10th District, which includes Brookline and West Roxbury.

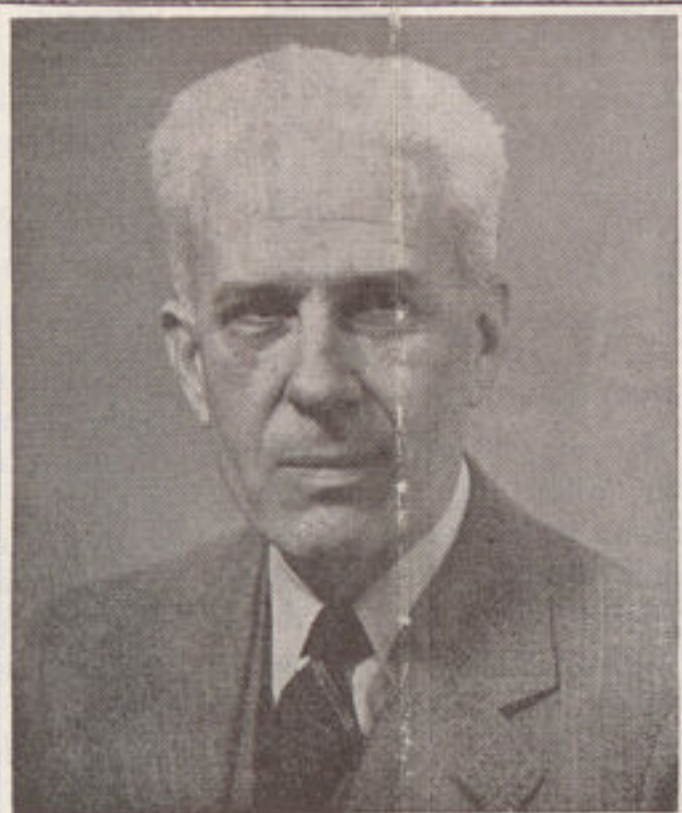
The Law School Committee is under the direction of Richard P. Houlihan, 3L of Brookfield. So far, its members have distributed pamphlets, put up posters, and worked at local Republican headquarters. As the campaign progresses, an intensive door-to-door canvass is planned.

The committee manned recruiting tables in Langdell Hall during registration, and subsequently in Harkness Commons. Mr. Clark says his committee plans to continue this work until the election.

An all-university group, the Harvard Young Republicans are headed by Donald Hodel of Portland, Ore., a senior in the College. Mr. Clark states that while no exact figures are available, present membership is substantially higher than last year's 400.

Other activities of University Republicans include publication of the *Harvard Times-Republican*.

Confident of victory, the club has planned an election night celebration, hoping to follow a precedent established four years ago.



Charles Fairman

Review Announces November Articles

Articles by a state court justice, an authority on the Japanese legal system, and a professor at the Law School will highlight the first number of volume 70 of the *Law Review*, scheduled for publication on November 10th.

An annual project representing the combined efforts of the *Review's* own editorial staff, the Supreme Court Note is expected to occupy more than one hundred pages of the issue, and will analyze the more important decisions of the last term of the United States Supreme Court.

Among the cases to be considered which are of wide interest are *Slochower v. Board of Higher Education*, 350 U.S. 551, and *Pennsylvania v. Nelson*, 350 U.S. 497. Professor Charles Fairman, who teaches American Legal History at the Law School, has written a foreword to the note.

"Preferential Treatment of Liability Insurance Claims" by Professor Robert E. Keeton will consider the duty of an insurance company to the insured in situations where many claims arise out of a single accident. He will discuss the problems which arise when these claims exceed the coverage provided to the insured by the policy.

Justice Walter V. Schaefer of the Illinois Supreme Court has contributed a study on "Federalism in State Criminal Procedure." The author will deal with limitations imposed on state criminal procedure by the Federal Constitution, and will (See REVIEW on page four)

Holiday

Columbus Day will, after all, be celebrated on Columbus Day this year. The Law School catalogue listed October 15th, the date designated by the Massachusetts Legislature. However, the Legislature changed its mind at its last session. Law School activities will be in abeyance and classes will not meet tomorrow in observance of the 464th anniversary of the Great Landfall.

"Atmospheric Limit" Poses New and Difficult Problem

A new field of law which is certain to become increasingly important was discussed extensively last month in Rome at a session of the International Astronautical Congress.

The Government project to launch a series of satellites from a point on the eastern coast of Florida next year has given some inkling of the problems likely to arise in the not-too-distant future. One of the speakers, Professor Antonio

Ambrosini of Rome, an expert in international law, stated that the rights of a sovereign nation extend to the limits of the atmosphere above its land and offshore territories.

The difficulty arises in interpretation of "atmospheric limit." At the moment, no one knows precisely where the atmosphere of the earth terminates. Current scientific thought favors the view that the atmosphere has no clearly defined point of termination, but becomes progressively less dense over an indeterminate distance from the surface of the globe. Thus, only by drawing up a definition of "atmospheric limit" based upon density of the gaseous mantle could the extent of a nation's sovereignty over space be delineated.

Aerial Trespass

Andrew G. Haley, general counsel for the American Rocket Society, noted how the difficulties in defining space sovereignty might create problems when the proposed satellites are launched into their earth-circling orbits. "The International Civil Aviation Convention," Mr. Haley said, "forbids unauthorized passage of pilotless aircraft over the territory of a contracting nation."

As things stand now, no nation has yet voiced objections to passage of the satellites over their territories. It is doubtful if any state could do much to prevent such passage, but a strict interpretation of the ICA Convention would seem to give grounds

Three Months Remain To Match Ford Grant

Time is running out on the Law School's effort to raise a half million dollars toward a new building to accommodate the International Legal Studies Program. In January 1955, the Ford Foundation made a grant of \$500,000 for this purpose on condition that the Law School match this amount within two years. The period expires in three months, but to date the fund raising effort has not reached its goal.

In his annual report to the President of Harvard University, Dean Erwin N. Griswold wrote that the School is making "an increased and determined effort to find these matching funds." The Dean stated that new facilities are essential to relieve overcrowded Langdell Hall.

The exact amount of the deficit has not been revealed. According to John A. King, Jr., secretary of the program, a special committee of graduates has been working intensively for the past eighteen months to raise the matching funds. Some of their difficulty has arisen from competition by other academic projects.

Mr. King noted that both Columbia and Yale are soliciting funds for physical expansion, and that last Friday a committee of the Board of Overseers of Harvard University recommended construction of an eighth undergraduate house and a new commuters' center. Sponsors of these projects are already appealing to Law School alumni who are also graduates of those institutions.

New Langdell Wing

Current plans, which are contingent upon success of the effort to obtain the matching funds, include a detached wing of Langdell Hall extending north toward Harkness Commons from Langdell's present West Wing. The new wing would be connected to Langdell by a bridge and tunnel. The structure would house the large collection of books on international law now in Langdell, together with seminar rooms and offices for the program's administration.

"We do not intend to establish a separate identity for the program," Mr. King said. "The graduate working facilities are simply too crowded. We intend, on the contrary, to keep the International Legal Studies as an integral part of the rest of the School's work."

During the 1955-56 academic year, 113 visitors from 35 different countries came to Cambridge to make use of the Law School's facilities. They included lawyers, judges, teachers, government officials, and officers of international organizations. During their visits they conferred with (See FUNDS on page four)

Library Acquires Letters and Laws



Earl C. Borgeson

The Law School's Library added 26,850 books to its shelves during the academic year 1955-56, bringing the total number of volumes in Langdell to 856,180, Librarian Earl C. Borgeson has reported.

The principal acquisition was the only known copy of "The Capitall Lawes of New England," published in London in 1643. Purchase of this item, the earliest in print relating to the laws of the English colonies in America, was made possible by an anonymous donation of \$12,354.

Robert A. Taft, Jr., LL.B. '42, donated the class notes taken by his father, the late Senator Robert A. Taft, LL.B. '13. Another member of the Class of 1913, Professor Zechariah Chafee, Jr., donated his notebooks when he retired last spring.

Letters Donated

A group of 134 letters from distinguished jurists and legal scholars was given to the Law School by Harold D. Hazeltine, LL.B. '98. Some of these bear the signatures of Frederick W. Maitland, Sir Frederick Pollock, Justice Oliver Wendell Holmes, and James Barr Ames. A few were written by English authors such as Sir Arthur Quiller-Couch and Lord Charnwood.

The most unique addition to the library is the large 18th century clock which once belonged to Christopher C. Langdell. For many years, the clock stood in Austin Hall.

Stassen Lauds Eisenhower, Attacks Stevenson, Truman

Harold E. Stassen, Presidential Assistant for Disarmament, returned to the Boston area Friday evening to support the decision of the 1956 Republican National Convention. Speaking under the sponsorship of the Harvard Law School Forum and the Lecture Series Committee of the Massachusetts Institute of Technology at MIT's Kresge Auditorium, Mr. Stassen urged independent and undecided voters to "get behind the Republican ticket."

Mr. Stassen said that during the past summer "I often wondered why I ever left the law." Although offering his "specific backing" to Vice President Richard M. Nixon, he indicated that he still assumed "the right to express dissenting opinions."

Mr. Stassen lauded the President's leadership qualities, and turned to an attack on Adlai E. Stevenson's record as Governor of Illinois. He also assailed the Stevenson proposal to discontinue thermo-nuclear tests.

"Eisenhower doesn't lead in the Truman manner, and we're thankful of that," Mr. Stassen declared. He claimed that the Korean settlement, increases in wages and salaries, a balanced budget, progress in civil rights, progress toward disarmament, and a "strengthened position in foreign (See STASSEN on page four)



Harold E. Stassen

Salk Polio Shots For Law Students

Injections of the Salk polio vaccine are being given on Tuesday afternoons from 2:00-4:00 at the Medical Office in Austin Hall. This service, available to all students enrolled in the Law School, involves three injections: the first shot is followed by a second after one month, and a "booster" seven months later. A fee of \$1.00 covers the series.

Dr. Leo J. Cass, director of the Law School Clinic, estimates that over 70% of the students visit the clinic for one purpose or another during the academic year, and average four visits each. Two doctors are normally in attendance, but delays occur frequently between classes, when most patients arrive for diagnosis or treatment.

Clinic hours are from 9:00 A.M. to 12 noon and 1:30 to 4:30 P.M. weekdays. Outside these hours, a physician is on duty in Stillman Infirmary to care for emergencies. There is no extra charge for this service.

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Shades of 'The Jungle'

According to weekly reports sent by state health officials to the U. S. Public Health Service, poultry products are responsible for from one-fourth to one-third of non-milk, food-borne, illnesses in the United States. Tragically, some poultry-borne diseases, such as psittacosis, may be fatal. An outbreak only recently took three lives in Oregon.

Most stricken persons, however, are more fortunate. They escape with temporary attacks of fever, nausea, acute diarrheal disorders, vomiting or prostration. Food poisoning often occurs though no germs enter the human body alive, for these germs often produce highly potent, heat-resistant toxins.

Fifty years after Upton Sinclair's *The Jungle* brought about "red" meat inspection, there is no compulsory poultry inspection law requiring poultry products in interstate commerce to meet the standards of wholesomeness and purity demanded of "red" meats and other food and drugs. Consumers and poultry workers must endure the flow of filth and disease which some poultry plants are sending to market, unless an inert Congress grants them legislative protection.

The public can ill afford processing practices described in the following sworn affidavit of a poultry plant employee (one of many collected as part of the Meat Cutters and Butchers Union clean-up drive): "A large percentage of the chickens processed at this plant during the past year were sick. . . . I also processed many chickens that were full of worms. . . . They were very much alive. . . . I was told to scrape them out and send them on down the line."

How have the production and processing of poultry products escaped adequate health and sanitation inspection? When the meat inspection laws were enacted, the poultry business was so small and so local that it was not included under those regulations. Since 1940, however, the number of marketed chickens zoomed from 143 million to over a billion.

At present, there is a Government inspection service within the Department of Agriculture, but it is purely voluntary and the expense of inspection must be borne by the processor. Reputable plants avail themselves of the label "Inspected for Wholesomeness—U. S." chiefly as a marketing aid. It was this objective, not the protection of the consumer, that prompted the establishment of the inspection service. However, the standards of such inspection fall short of minimum requirements recommended by public health officials.

To meet even minimum health standards, Congress must first enact a law providing real protection—not a law watered down by processor pressure to the point that inspection is only a marketing aid. Reputable firms represented by the Institute of American Poultry Industries,

several farm groups, and the Department of Agriculture advocate compulsory inspection comparable to "red" meat inspection, according to a Senate subcommittee which held hearings on the subject last May.

Second, the inspection service should be transferred from the Department of Agriculture, which is concerned primarily with marketing problems, to the Food and Drug Administration, the consumer's watchdog.

Third, such legislation should require ante-mortem as well as post-mortem inspection. The cost of such supervision should be charged to the Government to ensure complete impartiality.

Federal regulation of interstate traffic in poultry would aid immeasurably state and municipal efforts in establishing truly effective inspection of intrastate commerce. No longer would shipment of uninspected poultry from plants in neighboring states balk state or local inspection reform.

These are remedies which should be vigorously pushed by consumer groups whose health is at stake.

The Right to Know

There are some who feel that the best way to learn to swim is the hard way. And there are some who feel that every first year student at the Law School should learn the facts of academic life for himself.

First year students, struggling with the unfamiliar case method and seeking to grasp new patterns of thought, often turn to the nearest upperclassman to get the "scoop." What they get may be "straight." Or, it may be error, exaggeration and sheer fancy so compounded as to drive the questioner further into confusion.

An effort was made last summer to alleviate this situation. A group of third year students at the Law School was commissioned by the Dormitory Council to write a guide for first year men. Their sixty-page report was designed, not only to give the story on where to find a date or a meal in Boston, but to let legal novices know just where they stand at the Law School. The report would tell them, among other things, how the grading system works, and its importance in relation to their careers at the Law School and thereafter.

This report was to have been ready this September for the Class of 1959. It is, in fact, ready. But the president of the Dormitory Council has decided to withhold it, fearing that since some parts are not acceptable to the Administration, the Council might not receive financial assistance from the Administration toward printing the document.

If the Administration feels that it cannot underwrite publication, the RECORD is willing to print the report in its columns. If only one member of the Class of 1959 finds the report helpful, that would justify the effort.

While the Council and the Administration procrastinate, they are depriving first year men of a chance to clear up that confusion which often borders on panic. The RECORD hopes that minor disagreements, such as whether Harkness Commons should be referred to as "The Trough," will not delay or prevent publication of the report.

Continued suppression of this guide is a disservice to 500 first-year men, who deserve all possible help through a difficult period of their academic careers.



. . . and then a second man, a Mr. Pierson, came along and caught your grandfather.

Gallery



BETHUEL M. WEBSTER

New York Attorney

An active role in the improvement of judicial administration and an unflinching assumption of the many responsibilities which mark a successful lawyer in our society highlight the career of Bethuel M. Webster, LL.B. '25.

As a member of Mayor Robert F. Wagner's Commission on the Courts, Mr. Webster has been involved in the formidable task of increasing the efficiency and quality of New York City's court system. Although there are many factors contributing to the present congestion in the city courts, two which stand out prominently, according to Mr. Webster, are the "specialty bottleneck" and the "cult of the brief." A small group of negligence lawyers are so swamped with cases that they constitute a serious delaying factor. Mr. Webster suggests a greater reliance on oral advocacy and the early exercise of the judge's discretion than on the present dilatory series of advisements pending submission of briefs.

Mr. Webster has been involved in the activities of the Bar in New York City, having been its president from 1952-1954. He takes great pride in

the constructive history of the Association which, ever since the Tweed machine, has struggled to advance the highest standards of the Bar and the judicial system. Its recent research activities with the aid of a grant from the Fund for the Republic resulted in the publication last July of the only authentic discussion of the loyalty security program. The Fund is also financing a long needed study of the public defender system which has become a subject of vigorous debate in recent years.

Mr. Webster, in contrasting the progressive role of the Association of the Bar of the City of New York with other less dynamic bar associations, attributed New York's success to ample financial resources, a long series of able leaders and the gravity of the challenges.

Asked about the Association's public relations work, he replied that there was no indulgence in flamboyant opinion-producing operations. Rather, he said, "the favorable response and opinion of the public has always been directly proportionate to the quality of our record."

Varied Career

A varied career followed his graduation from the Law School in 1925. Mr. Webster was assistant to the United States Attorney, southern district of New York, 1925-27; special assistant to the Attorney General of the United States; General Counsel for Federal Radio Communication, 1930; and associated in practice with William J. Donovan until 1933, when he formed his own firm.

In addition to numerous positions within and without the legal world, Mr. Webster is President of the Harvard Law School Association of New York City and counsel for the Fund for the Republic. As first chairman of the Scholarship Committee of the Harvard Law School Fund, he was instrumental in establishing 56 annual stipends.

Presently, Mr. Webster is a member of the New York firm of Webster, Sheffield, and Chrystie where he is engaged in general practice. He finds time to lecture frequently to various bar associations and spends his summers and spare winter weekends at his bucolic retreat in Winchester, Connecticut. He is married and has three daughters.

—Nader

Current Case

May a state or territory impose discriminatory taxation on non-residents without conflicting with the Commerce Clause of the Constitution of the United States (Art. I, Sec. 8)? Part of the answer may have been outlined in a decision of the Federal District Court for Alaska, First District. *Territory of Alaska v. The Arctic Maid, et al.*, 140 F. Supp. 190 (1956).

The defendants, seven corporate owners and operators of "freezer ships," ran their craft from Puget Sound, Washington into the territorial waters of Alaska. There they purchased fish from individual fishermen or loaded fish from "catcher boats" also operated by the defendants. The "freezer ships" did not catch fish.

Taxable Event

The Territorial Legislature passed a statute (Chap. 97, S.L.A., 1949 §1) imposing "a license tax of 1% of [the value of certain fish and by-products] bought or otherwise obtained for processing through freezing . . ." on shore-based cold storage. A tax of 4% was passed on "freezer ships and other floating cold storages . . ." Taxes amounting to over \$93,000 for the period 1951-1954 had not been paid by the defendants.

Defendants contended that since the tax is levied upon the operation of freezer ships, and since the major part of the freezing is done outside territorial waters, the tax is invalid. Hodge, D. J., who wrote the opinion, pointed out that "it is the taking of fish which is the taxable event," and not a tax on the operation of freezer ships, since the tax is imposed on the value of raw fish, bought or otherwise obtained, through freezing. Furthermore, "It is equally well settled that a license

tax (of the nature of the one in question) is not a burden upon or attempted regulation of interstate commerce, because the taxable moment,—the taking of the fish,—occurs before the fish have entered the flow of commerce." (at 195). (*cf. Toomer v. Witsell*, 334 U.S. 385, 68 S.Ct. 1156).

Judge Hodge, after dealing with a number of other objections by the defendants in attempting to prove that the tax caused an undue rigidity on interstate commerce making the statute thereby unconstitutional, takes up "what this Court regards as the fundamental issue in this case, and that is the validity of the legislative classifications in imposing a tax of 1% (on shore-based plants), while imposing a 4% tax (on the freezer ships) . . ." (at 196). In finding the answer to this question, the Court enunciated certain rules of investigation:

Differences in tax burdens not shown to be substantial, or which are based on discrimination not shown to be arbitrary or capricious, do not fall within the Constitutional prohibitions; and such statutes must be sustained if founded upon "substantial difference" between occupations classified (or if the discrimination is based on reasonable distinctions) . . . (then) there is no denial of equal protection of the law. (at 197).

Ship and Shore Differences

The Court, on this basis, then found that there are differences between the ship-based and shore-based operations. "(1) One class is land based and the other is a transient operation continually on the move . . . This situation has been recognized as an evident difference, in the mode of doing business." (at 198). (2) The land-based industry pays considerable other taxes such as territorial, city and school taxes; the other does not. ". . . The taxation of one class of business leaving another untaxed to promote private interests may be considered a proper subject of classification, even though favoring local residents." (at 198). (3) Neither class is in competition with the other. Shore-based plants freeze higher quality fish for a fresh fish market. Freezer ships preserve fish for canning purposes. (4) The cost of administering the tax laws and collecting taxes on freezer boats is "appreciably higher" than collections from the land-based plants. (5) The ships do not pay enough of the burden of conservation and "the Legislature may impose a differential for any conservation expenditures from taxes which only residents pay." (at 199).

Defenses of arbitrariness and the alleged confiscatory or oppressive nature of the tax were dismissed by the Court.

Thus, it appears that if a Legislature is to impose a tax which falls mainly on non-residents, it should proceed with circumspection. The line between a "reasonable" and "discriminatory" tax is so fine that such a tax may easily trip and fall.

—Chazen

Inquiry on Patterns of Legal Order: Supranational Groups Examined

by H. C. L. Merillat

In this second and final installment, Mr. Merillat discusses the emergence of economic and defense organizations and the restraints and sanctions which have grown up within these structures.

He deals with some specific problems of legal order which lawyers must consider to improve and enlarge the functioning of these organizations.

Although not headline grabbers, these groups offer the most promising potential for international and regional cooperation.

A second general area in which it seems useful to look for significant emerging patterns of order involves the complex of international organizations, formed for specific defense and economic purposes, that have developed within the free world since World War II. The institutions and procedures that have recently emerged among the "Atlantic" nations are probably the most highly developed among these regional organizations. Moreover, the current consideration among NATO members of means to "revitalize" that organization gives an added timeliness to research on NATO.

Here the law man's interest will be centered on the forms of decision-making and administrative machinery and the substantive agreements that have been reached, testing these to see if they show signs of permanence, uniformity, and effectiveness and suggesting further developments that fit the forces at work in the historical situation.

Here again we must guard against a tendency to stress form at the expense of substance, to try to press prematurely into a formal institutional mold forces and events that are not really amenable to such restraint. Between what is and what might be, in which we may encompass some but not all of what we think ought to be, lies the ground which both the policy-maker and the law man want to cultivate.

Policy and Law Interact

There is a constant interaction between policy—those matters in which responsible decision-makers want freedom of action—and law, which both imposes some restraints on policy and guides and channels policy for positive purposes. The law man cannot, with hopes of making his proposals for order effective in the world as it exists, stray too far from the arena in which policy is formed.

Thus we look to the historical world situation for a clue to the lines of possible legal development. Where we find that a group of nations bound together by fairly specific common aims, and a developing practice of consulting together to work toward those aims we may expect to find a promising field for the growth of order. The group of six European states that are discussing, and have already made some substantial moves toward, integration under new constitutional forms is one such group. Their problems and progress have already been, and continue to be, the subject of intensive study and discussion. Indeed, from some of the scholarly literature and official policy statements here and abroad one might almost infer a belief that if the legal forms can somehow be set up, however grudgingly and reluctantly they are accepted by the nations they are meant to restrain, then the substance of integration will automatically follow. The European community in its various forms certainly remains, however, one of the most promising fields for continued inquiry.

Participation Harder

The broader grouping of nations known as the "Atlantic Community" has received less attention. Perhaps this is because dramatic moves toward new constitutional

forms do not seem to be involved as in the case of the European Six, and therefore there is less for the person concerned with legal aspects of order to work with. Perhaps, since participation in the broader community calls for hard decisions on the part of North Americans as well as Europeans, it is less easy for Americans to deal with it in the exhortatory tone that we find in much of the discussion of European integration. Perhaps because much of what NATO, for example, does is veiled in military secrecy, the relevant materials seem to be beyond the private researcher's reach.

Perhaps there is a recognition that various specific aims of the nations grouped loosely in this community can best be achieved through a variety of institutional forms rather than one tidy institutional pattern. Perhaps it is recognized that a stress on American interests in one grouping of nations embarrasses our dealings with other groupings in which our interests are strong. In any case, with the current discussions looking toward further development of NATO, one of the institutional forms through which the Atlantic Community cooperates, we may expect a more intense interest in this experiment in international order.

Permanent Consultation

The significant developments in NATO, of interest in the context of this discussion,



H. C. L. Merillat

are the existence of a permanent consultative council representing the governments of member states, a structure of permanent, and some temporary, technical committees under this council, a military command and planning structure, and a permanent international secretariat. This complex of organizational arrangements provides, as a matter of daily routine throughout the year, and year after year, a constant exchange of information and views among the member states on common problems of defense and related policies.

We should not exaggerate the restraints that these forms and practices place upon the freedom of member states to determine their own policy. Indeed, one of the questions of interest to the law man is, how significant and effective are these restraints? Are the exchanges of views within NATO councils more searching and franker than a series of bilateral exchanges? How much does the existence of a forum for regular discussion and a machinery for arriving at agreed decisions influence the shaping of policy? What has been the record in accepting and abiding by commitments that restrict independent policy-making by individual members? How effective have been the recommendations of the international secretariat? To what extent have physical facilities, such as bases, communications, and headquarters been jointly planned, built, and financed? What

kinds of joint controls over such facilities have been created? These are some of the questions the researcher would want to ask. . . .

What Framework For Bases?

A big problem area is that of bases. Can they practicably, and should they in terms of common interest, be available to the United States, to Britain, or to others on a basis of sovereign control or bilateral arrangements with "host" countries, or can new forms be devised for joint responsibility and control, by NATO or by several members of NATO? Can some international framework be found for dealing with such diverse situations as the bases in Cyprus, Morocco, and Iceland?

If sovereign British control of Cyprus becomes impracticable, can some joint administration of bases there by several nations be devised? Does Iceland's objection to the presence of American forces mean that other allies—for example, the Danes and Norwegians—would be unacceptable? . . .

In the Organization for European Economic Cooperation—the OEEC—we find similar development of a formal structure for dealing with a quite specific set of problems. While primarily an organization for the discussion and formulation of agreed policies relating to intra-European trade, investment, and finance, and European productivity, it is in important ways an instrument of the "Atlantic" community. As associate members, the United States and Canada as well as the European members lay out for frank discussion the main lines of their domestic and international economic policies and try to arrive at an agreed estimate of what the trends and problems will be in the community as a whole.

Signs of Expansion

Like NATO—indeed, to a greater extent than NATO—the OEEC has developed a structure of working committees, a ministerial council, and an international secretariat that concern themselves as a matter of day to day business with significant affairs in a way that is known in few international organizations. The organization has shown a vitality that has surprised many who thought it would never endure beyond the days of massive Marshall Plan aid, when it was rather grudgingly formed at American insistence. Many thought it would not survive after one of its main early functions, to advise on the division of that aid, had ceased. It continued, however, to perform important functions touching on vital national economic interests.

The OEEC has recently shown a willingness to get into such politically sensitive problems as European tariffs and European atomic development. It may be able to take on important functions as a bridge between the industrialized countries of the Atlantic area and the nations of Asia and Africa that seek outside capital and technical help.

In the current exploration of ways to strengthen NATO, which often seems to be regarded as synonymous with the Atlantic Community, the appropriate division of labor between the OEEC and NATO will again become a matter of lively concern. . . .

Question of Sanctions

In closing I would like to look for a minute at the question of sanctions, always a vexing one in the theory and practice of international law and organization. The weakness of sanctions and of machinery backed by coercive power for arriving at and enforcing decisions is the most vulnerable point of international law in the eyes of the law man used to thinking in terms of positive national law.

In the lines of inquiry here suggested, will we find in existence or as emerging possibilities more effective sanctions than usually apply in the traditional law of nations? I think that we may, though these

do not take a form that would be regarded by everyone as distinctively "legal".

First, a settled habit of consultation and the knowledge that one will quickly be called to account by associates for a departure from agreed rules or courses of conduct, is in itself a significant restraint against such departures. The frequency of consultation among associated states, the degree of frankness and intimacy in discussion, the extent to which agreed rules and courses of conduct have been accepted as the normal guides to action—these are clearly relevant. The stronger these factors, the less likely is a nation to resort to independent action in violation of previous understandings, out of reluctance

framework of operating rules. . . .

Joint Custody as Restraint

A second kind of sanction or restraint developing along with the Atlantic organizations consists in the joint administration and joint custody of physical facilities, limiting the ability of a country within whose territory the facilities lie to exert independent authority over them. This kind of sanction will clearly be important in the control of atomic materials. That some joint international control will be created is settled even in the first rudimentary steps that have been taken. The degree of supranational or multinational control are the questions we now face. The emerging difficulties in the bilateral control of military bases may point, as we have seen, toward a further elaboration of joint physical occupation and administration by several nations, inside or outside an existing framework such as NATO.

Perhaps the most effective sanction lies simply in the interweaving of interests

and physical things in a complex that can scarcely be disrupted in significant detail without disrupting the whole fabric. The more that states become interdependent in fact, with respect to more and more problems, the more effective are the sanctions of reciprocity and retaliation.

One might say this is simply a case of national interests, still supreme and independent, adjusting to a particular pattern in particular circumstances. The law man, however, will ask whether uniformities of practice, and formal or informal understandings as to what ought or ought not to be done, are not evolving that significantly condition the restraint that a free play of interest might also prescribe.

The law man might appropriately consider it one of his important tasks to seek to improve upon emerging techniques and practices.

to damage, by the particular act, a more elaborate structure of policy.

Inquiries

The informal American, and the more formal British, commitment to take into account the wishes of other NATO countries in withdrawing forces from continental Europe, provide interesting specific tests. Have restraints on independent policy-making actually been added that go beyond restraints inherent in the political situation? Will the opportunity for other allies to develop and urge their views while American and British decisions are still in process of formulation have an influence that is absent in, say, American decisions regarding the level of forces in Japan and Korea?

In the history of the OEEC we find quite precise understandings and formal agreements on such things as goals for each member for the removal of discriminatory import quotas and short-term trade credits through the European Payments Union. . . .

The OEEC's work shows not only the negative restraining influence on independent national policy-making but the positive function of making cooperative and mutually helpful action more easy when there is an established forum and an agreed

Examples For Research

The specific problems of legal order touched on in these remarks are offered only as examples of productive lines of inquiry that seem to have been given relatively little attention in recent research. . . .

Other examples will come to mind. The Colombo Plan, as a bridge organization between the Atlantic and Asian nations dealing with specific problems of economic development, is developing a mode of practice and is arriving at substantive agreements that are of interest to the law man. . . . In international trade and investment, a rich variety of organizations has appeared, some with nearly universal, some with limited regional membership.

Indeed, the international scene is now crowded with organizations of varying size and function. . . . [The law man] may find the rudiments of order in this diversified growth and may find the most use for his own special contribution in helping to improve the practices emerging from specific groupings of nations that are dealing with specific sets of problems.

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SPACE LAW

(Continued from page one)

studies to provide peaceful solutions of these problems before they arise. In line with this, the Congress agreed that an international conference should be called to consider a definition of "atmospheric limit."

Speakers dealt with other issues expected to arise at a somewhat more remote date when they expect man's technological development to conquer the barrier of interplanetary space. At a time when certain mineral resources of this planet will be approaching exhaustion, vast new deposits may well be found on the moon, or other planets of the solar system.

Old Problems Return

Even if a strong world organization be in a position to legislate an orderly exploitation of these new sources, "all ancient problems of law will be reasserted under vastly more complicated circumstances." Questions might arise as to ownership of planetary bodies. For example, will the first nation which successfully negotiates a lunar landing own all the moon, or only a limited portion?

Astronomers are now virtually certain that intelligent life cannot exist on any other world in our own system, and they doubt that interstellar (as opposed to interplanetary) space will ever be traveled by man. But if this should come to pass, Mr. Haley suggests two rules of space exploration where there is reason to believe that intelligent life may exist: First, no space ship may land until it has been ascertained that landing would injure neither explorer nor explored, and secondly that it had been invited to land.

The second rule would be a unique departure from all previous human exploratory techniques.

STASSEN

(Continued from page one)

affairs" supported his evaluation of Administration achievements.

Questions from the floor followed his address. "Do you still consider Richard Nixon a detriment to the ticket?" queried one student. Mr. Stassen replied that "the decision has been made by the Convention, and it is not helpful to go back beyond its decision."

Dean Erwin N. Griswold introduced the speaker, and closed the session by thanking "the junior ex-president of the University of Pennsylvania" for his appearance.

REVIEW

(Continued from page one)

trace the growth of the Federal writ of habeas corpus.

The third article, "Development of the Japanese Bar," will be a general historical treatment of the Japanese system of advocacy since the 16th century.

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Professor and Mrs. Sheldon Glueck wish to thank their many friends in the Harvard Law School family for their kind expressions of sympathy on the untimely passing of their beloved daughter, Joyce Glueck Rosberg. A Memorial Service will be held in the Harvard Memorial Church on Sunday, October 21, at four o'clock.

Robinson on Board

A list submitted to the RECORD by the Board of Student Advisers of second year students accepted by the Board, published on September 27, omitted David W. Robinson, 2L of Raleigh, N. C. Mr. Robinson is one of ten new Board members.

Ladies to Listen to Loss

Professor Louis Loss will deliver an informal talk entitled "From Torts to Seminars" at the first meeting of the Law Wives on October 17th in the Large Meeting Room of Harkness Commons. Faculty wives, students' wives and women law students are invited to the meeting which begins at 8:00 P.M.

Wall Street Report

Stock Market Hits Corrective Stage; Bull Market Forecast After Election

With the stock market giving the appearance of a steady retreat, we can well ask if this is the end of the bull market which has been in evidence since the fall of 1953.

If we must contend with a bear market, we must change the investment policies which have brought success over the past few years. On the other hand, if this intermediate term decline merely constitutes a corrective phase in an overall bull market picture, a basically similar market philosophy to the one which has been recently dominant seems best. But this raises another question. How far will the decline go before it meets a support level?

The consensus in Wall Street seems to be that the present weakness is a corrective reaction in a market which is essentially bullish. There is divided opinion as to the depth of the reaction, but most analysts feel that the market will sag to new lows before meeting strong support. Tight money, the Suez uncertainty, growing election doubts in Wall Street, and a weak technical position appear to be the reason behind such a view.

The turning point in the downward reaction will probably come when the community feels certain of the election

FUNDS
(Continued from page one)
faculty members, attended seminars, and conducted research.

These visits were sponsored by the Foreign Leaders' Program of the Department of State, the International Cooperation Administration, by various foundations, and by foreign governments and universities. Such visits could be more productive if better facilities were available, Dean Griswold believes.

Another project under consideration is construction of a new dormitory for men in the international legal studies program. According to Dean Griswold, the building might be located in the space along Massachusetts Avenue now occupied by Kendall House and the Chancery Club.

"About half of the occupants of this dormitory would be foreign students," Dean Griswold states. "The other half would be American students, both third year and graduate, whose primary interests are in the international field. With such an arrangement, students from many countries could be brought together with other students having common interests."

results, and from that point the market will probably resume its bullish pattern. The reason for this is that the economy seems to have further potential for expansion at this time.

But there are some noted market analysts who dissent. One is Gerald M. Loeb. Mr. Loeb, and other prominent men in the field, believe that the "blue chip"-dominated bull market of the past three years is just about over. Because of the adverse technical position of the market, and because the market may have relied on a more rapidly growing economy than will materialize next year, there are grave doubts according to this view that the market will continue the phenomenal progress it has manifested since 1953.

If the latter view is correct, the market philosophy of the past three years (buying and holding blue chips) may have to be drastically revised. Perhaps then, as Mr. Loeb suggests, the best course would be speculation in intelligently selected stocks.

At any rate, both viewpoints seem to coincide on the short-term outlook. Both optimistic and pessimistic analysts agree that there should be a post-election rise in the market, one which may last until the end of the year. —Lawlor

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NYC Legal Aid Notes Progress

Since 1876 The Legal Aid Society of New York City, oldest in the nation, has given counsel to over 2,000,000 clients unable to afford the services of a lawyer. The total number of applicants at the offices of the Society in 1955 was 67,459; on the civil side there were 41,712 and on the criminal side, 25,747. This was an increase of 3,504 over 1954, and continues the steady upward trend of recent years.

The society is a membership corporation supervised by a board of directors composed of leaders of business and the legal profession. Most of the society's forty-five lawyers have been employed from five to forty years and are experts in the various fields of criminal or civil law affecting the Society's clients. Assisting the regular staff lawyers are panels of attorneys who volunteer their services on a part-time basis, and law students selected from nearby law schools.

While many persons have the impression that The Legal Aid Society is a city agency, all of its funds are raised by private contributions. The necessity of increasing the staff as a result of the greatly increased case load requires that a minimum of \$455,000 be raised in 1956. This can be accomplished only if the members of the legal profession and laymen will recognize the importance of the work done by the Society and will give it even more generous support than they have in the past.

Parietal Penalties

A review of penalties for parietal rule violators has been proposed by the Dormitory Council.

According to George Jacobs, 2L of New Bedford, chairman of the Judiciary Committee, Vice Dean Livingston Hall has proposed a broadening of Council powers by granting it authority to expel violators from the dormitories for limited periods.

Council members feel that the proposal would obviate the necessity for a similar administration penalty, which would appear on the violator's official record. The Judiciary Committee, the body which would enforce such a policy, will study the problem and submit its recommendations to the Council.

Lux et Veritas

New lights were installed in four classrooms this summer. Fluorescent fixtures were placed in Langdell South and South Middle, and Austin East and West. Austin North had been refurbished two years ago.

According to Secretary Louis A. Toepfer, lights were not installed in Langdell North and North Middle because of the steel strike. The School plans to change the lighting in those rooms over the Christmas recess. Cost of the improved lighting is \$20,000.

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GUIDE

(Continued from page one)

Sciences. However, the Committee proposed to devote less space to listing entertainment facilities and social contacts, and concentrate upon the facts of academic life which every first year law student should know.

The guide is intended, according to Mr. Cochran, "to counteract exaggerated stories about the Law School. We mean to tell first year men how hard they must work, what the odds are, and what the grading system really means."

Mr. Cochran emphasizes that this is not along the lines of the "Confidential Guide to Freshman Courses" published by the *Harvard Crimson*, and familiar to all alumni of that institution. He feels that the "crucial part" of the proposed booklet is the explanation of the grading system and its importance.

First Draft Rejected

The original intention of the authors of the booklet was that it would be published in time for this year's entering class. But the Administration rejected a draft submitted to it in August by the committee, on the ground that the booklet was not yet ready to be printed.

A majority of the committee that prepared the booklet favors either issuing a mimeographed draft of certain sections or allowing their publication in the RECORD. Mr. Lopez, who has possession of the manuscript, has opposed all plans for early publication. He claims that this would prejudice eventual Administration approval of the booklet.

Alumni Notes

LL.B. '03—*Alfred A. Benesch* was awarded the honorary degree of Doctor of Laws by Fenn College of Cleveland.

LL.B. '10—*Irving S. Olds* recently received a "Yale Medal", an annual award to outstanding alumni of that University, at Alumni Day festivities in New Haven.

LL.B. '28—*Charles M. Spofford*, former chairman of the North Atlantic Council Deputies, has been nominated by the Alumni Board of Yale University for the post of Alumni Fellow of the Yale Corporation.

LL.B. '43 ('47)—*Frank M. Coffin* was elected to Congress from the Second District of Maine. Mr. Coffin was the first Maine Democrat elected to the House since 1936.

LL.B. '49—*Cohn, Riemer & Pollack* announce that *Richard Abbott Kaye* has become associated with them in the practice of law. Their offices are located at 159 Devonshire Street, Boston, Mass.

LL.B. '49—*Richard F. Staples* has become a member of the firm of Tillinghast, Collins & Tanner, 15 Westminster Street, Providence, Rhode Island.

LL.B. '50—*Burton L. Williams* has become associated with the firm of Brown, Rudnick & Freed, 85 Devonshire Street, Boston, Mass. Mr. Williams was the former tax trial attorney in the Office of Chief Counsel, Internal Revenue Service, New York and Boston.

LL.B. '50—*Morton Koppel* has been elected president of the Chamber of Commerce of Massapequa Park. He has moved his law offices for the general practice of law to 301 Park Boulevard, Massapequa Park, Long Island, New York.

LL.B. '51—*Stuart B. Walzer* is now practicing law with the firm of Schapiro & Melamed in Los Angeles, California. He teaches Negotiable Instruments and Wills at Southwestern University Law School and writes a weekly column for the local legal newspaper.

LL.B. '51—*G. Vernon Leopold* announces the removal of his law offices to 2257 National Bank Building, Detroit, Michigan.

LL.B. '51—*Howard T. Rosen*, formerly associated with Alan V. Lowenstein, announces the removal of his offices for the general practice of law to 790 Broad Street, Newark, New Jersey.

LL.B. '52—*Halle, Haber, Berick & McNulty* announce that *Nelson E. Weiss* has been admitted as a partner in their firm. The offices are located at 1090 Union Commerce Building, Cleveland, Ohio.

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