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FIFTEEN CENTS

Stassen Campaign Greeted Warmly

By Theodore S. Curtis, Jr.

Harold E. Stassen, self-described as "the lowest man on the totem pole" of those seeking the Republican Party's nomination for President, opened his campaign before a large Monday afternoon Harkness audience and made some enthusiasts out of many skeptics.

Emphasizing international affairs, Stassen stated that "the primary issue" is the urgent necessity of modernizing the United Nations.

Although noting that the international organization is now inadequate and losing public support, he said that "to pull back from it would be a catastrophe." He suggested that the misrepresentative General Assembly and the "veto-ridden" Security Council could be modernized by creating a "U. N. General Council," which would consist of eleven to fifteen members elected by weighted voting to represent regions of the world and who

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Harold E. Stassen

Early Exams for 2L

By Caroline M. Simon

The Law School has announced that second-year examinations will begin a week earlier than usual this year. The present schedule calls for third year exams to begin May 11, second-year exams May 18 and first-year exams May 25. Exams for each class will run for two weeks.

While the new schedule produces a wind-fall for second-year students in the form of

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What Correlation?

Grades and Dollars

By Stewart D. Davis

Some 160 early returns in the Class of 1934's questionnaire suggest that there is no strict correlation between a man's law school grades and his earning power, although there is some indication that a man's income increases with the size of the city in which he practices, and the size of the firm to which he belongs.

Assistant Dean William L. Bruce stressed that, with replies in hand from only 29 percent of the class, no sure conclusions can be drawn, as the replies may

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How Not to Prove Character

The Placement Office has advised third-year students to check the requirements for admission to the Bar in the state where they intend to practice. The advice is not premature, for chances are good that they will have to unravel a mass of red tape before they have an opportunity to test their legal knowledge.

Lengthy and required character affidavits are among the most onerous and, we think, least satisfactory aspects of the application process. One such affidavit, recently brought to our attention, asks the person making the reference questions concerning not only the moral character of the candidate but also the character of his family and acquaintances:

Set forth *in detail* what you have personally observed of the candidate's character. How often have you visited the candidate's home? Have you met or conversed with the applicant while visiting his home? Set forth *in detail* the moral qualities and conduct of the members of the applicants family or other persons with whom he has lived?

Only the great tolerance of the legal profession for evidence of reputation could permit the continued use of this sort of questionnaire. Such questionnaires are unscientific in approach, and unnecessarily detailed in the questions which they ask.

If the Bars of the several states really wish to prevent the morally unfit from practicing law, they should devise some means of studying the behavior of the applicant. They should eliminate or, at least, reduce in importance the current use of affidavits which are an invitation to prevarication by omission, particularly in the undoubtedly frequent case where the answerer is not well acquainted with the candidate.

And if continued in use, these affidavits should be limited to an exploration of the candidate's character. Only the character of the applicant is in issue — not that of family and associates.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

I was wading through Corpus Juris looking for a valentine that I'd left somewhere around "Champertry." A friend, spying my valentine, grunted and told me about his ex-girl friend at Yale Law School.

"Last year around this time it was Valentine's Day and I sent this girl at Yale a simple card which said 'Will you be my valentine?' Two days later I received a beautiful red heart filled with chewy candy and a card which read, 'If that's an offer I accept, if it's an invitation to do business I will make the offer:'

Without you my heart will pine
Won't you be my valentine.'

"Well," my friend said, "I decided to clear the whole thing up so I sent her a solid gold heart-shaped locket with a note that said:

'If you decide you like my line
You can always be my valentine.'

"She responded by saying that what had started out as a simple offer and acceptance had become a unilateral contract. She said that we were probably not using "valentine" to mean the same thing.

"I responded saying that I didn't think that valentining had to involve an exclusive offer. I told her I had sent out valentines to several people. I included a bouquet of heart-shaped glass flowers.

"I received a very nasty reply. She said that this was not a case of mutual mistake because the mistake was all on my side and that to be a real valentine one had to show present consideration and future interest. She closed by saying that for someone acting in cupid's behalf, I was an agent without principles.

"I really felt badly about the whole business until I received some documents from her with a note saying:

'My love for you is never fading
ing

Enclosed please find some bills
of lading.'

"I'm now the owner of the only shiny aluminum heart-shaped world tree in Cambridge."

Daley Urges Broad Renewal Plan

By Neal W. Johnston

"Urban renewal demands environmental vision, it is an organic process." In so saying, Richard J. Daley, Mayor of Chicago, a man who has amassed immense political power by means more potent than pen or tongue, reached out for the crux of Chicago's so far successful grappling with urban renewal.

The Mayor's city is engaged in the nation's most ambitious foray into what Edward Logue, Director of the Boston Redevelopment Authority has called the "new forgotten frontier."

Daley spoke last Friday night at the year's fourth Harvard Law School Forum. In his central contention the Mayor had the full support of the other Forum participants: Logue, Professor James Q. Wilson, director of the Joint Center for Urban Studies, and Professor Charles M. Harr who moderated the discussion.

The burden of the Mayor's prepared remarks was that a successful approach to urban renewal requires the combined effort of all branches of government, working at once upon a vast variety of social ills. Concern was pointed toward "poverty, unemployment, lack of education, poor health, family disruption, mass transit programming, open space preservation, crime delinquency, school dropouts, and racial tensions."

As an example of a too narrow approach, Daley cited the national expressway program. "In the past, expressways have been built with the sole purpose of moving a vehicle from one place to another as quickly, as conveniently, and as safely as possible.

"The Bureau of Public Roads is beginning to realize that there is more involved in expressway construction than the policies echoed by road-builders associations, automobile clubs and the automobile manufacturers' lobby.

"We are not going to build corridors that isolate out communities," Daley proclaimed. "The objective of a transportation system is not just to move vehicles, but also to maintain the attractiveness and value of our communities." Daley laid great emphasis on Chicago's experiments in combining expressway and rapid transit lines.

The Mayor spoke at length about the great-



Director Logue and Mayor Daley

est experiment Chicago has yet attempted, the Hyde Park-Kenwood program, the area surrounding the University of Chicago. "Here a century old residential community of 855 acres is undergoing an intensive program of face-lifting in which elements of blight are being replaced with new housing, new community facilities, and new commercial and parking areas. The plan calls for the acquisition by the city of 101 acres of land in 74 sites, ranging from one to ten acres."

When the Federal government first became involved in urban renewal, in 1949 following hearings conducted by Senator Taft, renewal meant little more than slum demolition. Now, Daley noted with pride, "in Hyde Park-Kenwood the major emphasis is rehabilitation of 2400 buildings not scheduled for clearance."

The mechanisms of achievement which were outlined were a study in power. "The first step we took was the modernization of our basic codes. The ordinances for zoning, housing, electrical and ventilation, were rewritten and brought up to modern standards.

"It became apparent that the most effective way to eliminate slum buildings and fire hazards was to remove the profit from the operation of such buildings and to strictly enforce standards that would force the owner either to rehabilitate and remodel or discontinue use."

Answering questions from the floor, BRA Director Logue excoriated those who would condemn Daley and his fellow mayors for their failure to solve completely the universal urban fact of Negro slums. "The Daleys, Tates and Collinses, these are the key guys," Logue argued, "having to deal today with integration, tomorrow with garbage.

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Law School Fund Approaches New High

Dean Wesley E. Bevins, Jr., Director of the Harvard Law School Fund, said this week the Fund was well ahead of last year's drive at this time. There are 519 more alumni donors, and \$83,252 more in alumni donations. The overall increase in donors is 607, and the excess of funds over last year totals \$85,141.

Dean Bevins stressed, however, that the Fund's goal has gone up to \$900,000, an increase of \$120,000 over last year. Thus the present lead must be increased by 50% between now and June 30.

Discussing the drive's mechanics, Dean Bevins said the Fund encouraged any donation. He thinks people who refrain from giving because they don't feel a small amount would really count are wrong. "No matter how small over the years, in the aggregate, many modest gifts total a substantial sum, especially when compared to the amount of endowment required to produce the same amount of income."

Three anniversary classes, those on their 25th, 40th and 50th reunions make a special effort. The custom was started by the Class of 1906 at the time of their fiftieth. It was inspired by three distinguished members of that class, Justice Felix Frankfurter, Monte M. Lemann, a New Orleans lawyer, and Robert N. Miller, current class agent and former Harvard Law School Association President.

The Class of 1914's 50th Anniversary Gift Chairman is Reginald Heber Smith of Boston. Dean Bevins said "commitments indicate that the Class will be able to announce the largest gift since the practice started." The usual goal is \$50,000.

The 25th anniversary tradition was started by the Class of 1934. This year's effort is led by Phil E. Gilbert, Jr., '39, a National Vice-Chairman of the Fund, who is also in charge of class agents for the classes of 1935 to 1949.

The Class of 1924 is only the second class to emphasize its fortieth reunion. This anniversary was singled out, Dean Bevins said, because "many leaders of the 50th reunions wished they had made their special effort

ten years earlier when their number of active practitioners was much larger." The Class of 1923, he pointed out, produced a gift of \$100,000, double the amount for most 50th year classes. The major effort of the future, except for classes already past this point, will be in connection with the fortieth reunion, the Dean predicted.

Each of these special efforts creates a permanent fund bearing the name of the donating class. Their income is primarily for financial aid, but is available for other uses. "In regular increments they help to build the Law School's endowment which has not increased at the rate needed by a school of this size in this period of rising costs," Dean Bevins said.

No Remainder



— Photo by Richard Szygula

One year closer to becoming a decedent, Associate Dean A. James Casner, noted expert on estate planning and property law, found himself in the unusual position of giving something away. But the recipients of his largesse were his first-year Property students rather than tax collectors. Dean Casner was so generous in his distributions of birthday cake that he left nothing for himself. His birthday was last Friday but the class presented him with the cake on the preceding Wednesday, the last date on which it met for the week. The single candle remains unexplained. Presumably it did not represent an approximation of Dean Casner's age.

Few Are Too Sick to Take Exams

By Michael Hampden

The examination policy of the Law School with regard to sick students directly affects fewer than two percent of the student body each year. But everyone is a potential member of this unhappy minority.

The policy is a strict one. At Harvard Law School there are no make-up exams. A 24-hour delay is roughly the outer limit. "This is a long-standing practice," Vice Dean Louis A. Toepfer explained, "based on our view that each year is a full, inclusive unit of study. Furthermore, delaying an exam usually means interfering with a later one, or new course work."

In practice, each case is treated individually within the limits of the overriding precept: no make-ups. Whether a student takes an exam at all primarily depends, in cases of physical disability, on the doctor's opinion of the student's condition. Where emotional or nervous disorder is apparent, the doctor in charge will have a veto, but the decision is usually in the hands of Dean Toepfer and Law School Secretary Russell H. Peck.

When an examination is not taken, there are several possible results: the Administrative Board may vote to give the student credit for the course without an exam; the student may take the exam in the following year, or the following semester if the course is offered; or the student may not receive credit for his work at all and must begin again in the fall if he is to return to school.

The object of the exam policy is apparently to keep conditions as nearly equal as possible. By eliminating variables which could affect the grading process, a reasonable comparison among students can be achieved.

However the question has been raised by some students whether the system introduces an even more distorting factor—some people each year take their exams with varying degrees of incapacity. Of course it is impossible to know whether this has a measurable effect on their grades.

Dean Toepfer believes that the system works well with those whose problems manifest an unconscious delaying operation. "I have never heard a phony excuse," he said, "and there is no theory of 'deterrence' em-

bodied in our policy. But there is an element of hardness in it which by and large produces good results. Those of us who have watched the process have found that it induces students to overcome their tendency to postpone. And they are grateful afterwards."

Perhaps it is unavoidable that there be disagreement over the Law School's policy. Within the administration it is almost religiously regarded as effective and fair.

Among the students there is no unanimity. Those who hear rumors of their colleagues spending the morning at a parent's funeral and the afternoon in a Contracts exam, or who hear of a student who was required to write an exam after mistakenly taking sleeping pills, regard the system as monstrous.

To be given more weight are the views of those who have themselves taken their tests under some degree of stress. Among the small sample contacted, there was, overall, satisfaction with the handling of their cases. However, one student who took his exams after some doubt and discussion, resented that he had never been told by the administration that it is possible to receive course credit without an exam on record.

Because law examination grades are so important to most students, it is probable that, within the rather strict policy limits the School has set for itself, there is a great effort to be fair in individual cases. "Tension cases are the most difficult," Dean Toepfer said. "Where the problem is physical it's easier. A broken ankle can't interfere with an exam, but intravenous tubes and sedatives can."

Despite this assurance, one student reported that for a week after an operation the question of an exam or not was in doubt. "I just lay there full of sedatives and tubes," he said. "A day before the exam my doctors decided I wasn't up to it."

Third-Year Elections Thursday

Third-year elections for class marshal, secretary and committeemen will be held next Thursday. Deadline for filing nominating petitions is tomorrow.

Stranglings Attract Author-Lawyer

By Thomas E. Woodhouse

"Don't specialize in criminal law unless you have a real yen for it," Perry Mason's originator warned readers of the RECORD. "It's a terrific strain."

But he quickly added that criminal work provides "damned good training" for trial law. "You learn to be knocked into the air and land with your feet firmly on the ground."

Erle Stanley Gardner is best known to the public for Perry Mason, and for another legal beagling series of stories written under the pseudonym of A. A. Fair. He is quickly associated by many lawyers, judges, and prosecutors, however, with the notable career of the Court of Last Resort.

Gardner founded the Court of Last Resort with the support of Harry Steeger and *Argosy* magazine, for the purpose of calling attention to prisoners who might have been wrongfully convicted. The people formed the "court" to which appeal was made. The organization made full investigation of cases referred to it, and if the facts suggested a wrongful conviction, the findings were publicized. As a consequence of the public pressure thus generated, many cases were reopened, and the prisoners subsequently found innocent.

Mr. Gardner was in Boston to gather material for an *Atlantic Monthly* article on the Boston stranglings, and readily consented to chat with two RECORD reporters about the Court of Last Resort, the administration of criminal justice, and his own career. His secretary, Sam Hicks, a former Wyoming outfitter, poured four glasses of Scotch, and the talk continued despite the frequently ringing telephone. (The calls were taken by two other secretaries, "my two Della Streets").

A lawyer, Mr. Gardner has enjoyed a career far different from that of the average law school graduate. His deviation from the norm started well before the time for application to law school, for he terminated his formal education after high school. He couldn't stand the discipline, he relates, so instead he knocked about from one attorney to another until he had learned enough law

to pass the bar. He commenced practice by defending resident Chinese in Oxnard, California. Although he antagonized local politicians, he saw justice triumph where it was not always wont to.

In spite of the demands of Perry Mason, Gardner has kept closely in touch with law since his early days in the offices of California attorneys. He claims to be the only person not connected with the police to have attended the Harvard seminars on homicide



Erle Stanley Gardner

investigation, and has devoted the greater part of 13 years to work with the Court of Last Resort. Although the scripts of 32 writers for his television series demand constant attention, Gardner finds time to continue his study of forensic medicine.

If he should pause long enough, Erle Stanley Gardner can contemplate rich contributions to criminal law. The Court of Last Resort has progeny. His books and shows have changed popular conceptions of criminal law — people of the "intellectual higher class" are more willing to serve on juries. And his scholarly work has had more than passing influence on criminal practice.

Mr. Gardner did not criticize law schools, as many have, for understressing criminal law. The fault, he recognizes, lies elsewhere. His big criticism of legal education is that it doesn't adequately stress facts. Law is taught, but not its application. Even moot courts are conducted on stipulated facts. A good lawyer must have a sophisticated and practical appreciation of facts — and this is one talent, Gardner observed, which California's ebullient Melvin Belli has in full measure.

Law Schools Need More Teachers

By Donald W. Kramer

The nation's law schools may face a serious shortage of high-quality teachers if the number of well-qualified job applicants does not take a sharp turn upward, Professor Robert E. Keeton said this week.

Prof. Keeton, who runs Harvard's teacher placement program with Assistant Dean William L. Bruce, said the number of good candidates has risen in the last few years but has not kept pace with the rapidly rising number of job opportunities.

Although the situation "is not really serious now," he said, it could become so if the demand continues to exceed the supply of able teachers. He said he was "optimistic" that schools would be able to maintain their current hiring standards, but he said the future is not clear. "If the pressure keeps up," he said, "some law schools may have to lower their requirements."

A major cause of the shortage is the sudden increase in the number of law students. For two decades, except for the war years, enrollment remained relatively steady. In 1953, the total number of students was 37,986 — only 1,259 more than the total in 1936. But this year's enrollment, according to the incomplete figures in the *Journal of Legal Education*, is 54,435 — a jump of more than 40% in 10 years.

Increased enrollments have resulted in a scramble for good teachers and the procedures for bringing the right candidate and the right job together have not always been equal to the new pressure.

As one solution to the problem, the Association of American Law Schools two years ago established a clearing house committee to bring candidates and schools into contact with each other.

Candidates for first teaching positions can submit a one-page resume, which is reproduced and included in a Registry sent to the Association's schools in November. Schools which have vacancies can screen the list and arrange to interview likely candidates at the Association meeting during Christmas vacation.

But the older, and more informal method of recruitment continues. Since Harvard has the nation's largest law school alumni body

and since nearly a quarter of all American law teachers have received degrees here, the Law School is the focus for inquiries from Deans throughout the country.

Alumni interested in teaching positions can register with the Law School for referral to Deans in search of teachers.

"If a man is willing to go anywhere in any school and is determined to find a position, and had grades above 70" Dean Bruce says, "he can usually find a position. His eventual success will depend largely on the impression he makes on the Dean of the school."

"If his average was below 70, only in special circumstances will he find a job, and the chances are minimal."

Prof. Keeton says that "by far the majority" of men placed have been honor graduates. Although Law Review experience is not an absolute requirement for the top 10 or 20 schools, "by far the larger percentage" of those placed with these schools have had grades in the Law Review range.

As the grade average drops, schools become more interested in experience or writing ability. Some will accept an LL.M. as a substitute for Law Review experience especially if the grades are raised to the A range. Participation in a teaching fellow program is also a good way to move into positions otherwise unavailable.

Grades are "a standard easy to understand and show considerable correlation with other factors which make a good teacher," Prof. Keeton said. "Other standards are harder to apply with confidence."

One reason for the insistence on high grades is that schools want to be sure their teachers have the intellectual ability to stay ahead of the students when they use the Socratic method in class.

Schools that cannot hope to attract the top teaching prospects must place more emphasis on other factors, such as writings, recommendations, personality and experience or special skills.

Most of those entering teaching have from two to five years of experience in practice, perhaps including a clerkship or government

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Teacher Placement

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work. After a lawyer has been out of school for seven or eight years, it becomes harder to place him because of the reluctance or inability of a school to pay the salary he may require or give him the assurance that he will not be dropped after a year or two of teaching.

Starting salaries now fall generally in the \$8,000-\$10,000 range, which is about double the figure of seven years ago. The trend is expected to continue upward for several years, although not at so rapid a rate.

In an article on teacher placement in the February, 1957, *Alumni Bulletin*, Professor David F. Cavers noted that "discrimination on racial and religious lines in the enlistment of teachers has not been entirely eliminated."

There has been improvement in the situation since then, Prof. Keeton said, but a "substantial amount" of discrimination continues to exist. There are few schools which maintain an absolute exclusionary policy, but some try to maintain an informal quota.

The major part of the interviewing rush is over for this year, although not all of the commitments have been made. The interviewing at the AALS meeting in Los Angeles in December was even more hectic than ever this year. One man said he interviewed 20 schools in two-and-a-half days.

This year's hiring demands have been slightly different from the past, Prof. Keeton and Dean Bruce agreed, because of an increase in hiring by the top schools. As some of those positions are filled by established teachers moving up from positions they already hold in other schools, a second round of hiring will have to take place this spring.

It is not clear how much moving up is actually done however. Dean Bruce says that teachers usually climb the ladder only if they publish a significant amount of high-quality work. Prof. Keeton says many of the alumni who contact him are interested in teaching only on the condition that the job is in one of a certain number of schools they find attractive.

But as more students apply and schools can take better students, says Dean Bruce, there will be more and more attractive positions.

Second-Year Exams

(Continued from page 1)

an additional week of summer vacation, the purpose of the staggered schedule is really to ease the administration of third-year examinations.

Russell H. Peck, Secretary of the Law School, said that in the last few years third-year students enrolled in second-year courses were forced to stay in Cambridge for a third week of exams thus delaying their departure for home and local bar review courses. By overlapping the second week of third-year exams with exams in second-year electives this problem will be avoided.

Some third-year students may still have the problem of taking exams in some courses while classes continue in their second-year courses but this state of confusion will only last one week instead of two as previously.

Secretary Peck said that the embarrassment of having third-year grades due before some third-year students had finished their exams would be relieved by the new system. The new schedule will also eliminate the need for segregation of sections of one course by class years.

Secretary Peck admitted that the new schedule might have drawbacks for some people, saying "It's possible for some people to have two exams in one day." Nevertheless, he believed it would be a mistake to release the exam schedule before registration.

In planning the order of exams a definite effort has been made to schedule the more popular third-year courses close to the beginning of the period.

There will be no change in the timing of the first-year examinations, but the order has been changed from previous years. First-year students will display their knowledge of property as their introduction to Law School exams. "First-year exams are gloriously easy — at least to plan," Secretary Peck said.

ILC Seminar on South Africa

The International Law Club will hold an informal seminar on International Intervention in South Africa this afternoon at 4 in the Wheeler Room. Professor Jeffery Butler, Professor of Government at Boston University, will lead the discussion.

Tappan Assays Youth Offenders

By Neal W. Johnston

Doctor and lawyer, Paul W. Tappan, Visiting Professor from the University of California, is interested less in the merchant than in the thief, and he thinks that law students could share his bent.

"There is a latent idealism among law students, I am convinced, which if properly nurtured by a sympathetic faculty, would respond to the needs and to the issues of criminal law.

"However," he continued, "most faculties and administrators are not interested in making the study of criminal law more meaningful. And so there is great difficulty in getting good criminal court judges, or prosecutors, or public defenders.

"In fact, it is even hard to get good men to research and teach these areas which require mastery of criminal law and behavioral science."

Prof. Tappan himself stands as one clear exception to this contention, holding an impressive array of degrees within his interdisciplinary area: Clark University has provided him with a B.A. (1934) and LL.D. (1939), the University of Wisconsin awarded an M.A. (1935) and Ph.D. (1940) for work in sociology, while New York University granted his LL.B. (1943) and Columbia his J.S.D. (1945).

"My interest in law flowed naturally enough," he explained. "In sociology I was particularly attracted to such problems as, say violence in the home, and to such interpersonal concerns as would crop up in the administration of justice."

Prof. Tappan straddles both fields, holding appointments at California both in the School of Law and the School of Criminology. "The distinctive American exclusion of the study of criminology from the study of criminal law is most unfortunate."

While at Harvard as Walter E. Meyer Visiting Research Professor, he is doing research on "the young adult offender," research which carries him from the specially established courts of New York to the special collections of penological and criminological material collected in Langdell by Professor Sheldon Glueck.



Professor Tappan

"The young adult offender," Prof. Tappan explained, "is from 17 to 23 years of age. He differs appreciably from the juvenile delinquent as to the types of crimes he commits (more serious) and the frequency with which they're committed.

"It is a group which appears to require differentiated treatment. The juvenile courts established around the beginning of the century were so fine that many hoped the courts could simply incorporate these slightly older offenders, but in fact the young adult does not appear to respond favorably to juvenile court procedures."

Under his grant from the Meyer Research Institute, Prof. Tappan has no teaching duties at Harvard. Out of his research here Prof. Tappan will produce a book, due within a year or two.

Tappan's concern with criminology is more than academic. From 1953 to 1954 he was chairman of the United States Board of Parole. He and the six other members of the Board were responsible for the Federal Government's thirty-one correctional institutions and their 20,000 to 25,000 inmates. Prof. Tappan took a year-long leave from his teaching duties at New York University to accept this Presidential appointment, and regards the experience as one of the most productive he has had. He continues to hold a major interest in the problems of sentencing, parole, and recidivism, and is an associate reporter for the Model Penal Code.

Stassen Offers UN Ideas

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would act as individuals and be "almost like fifteen Assistant Secretary Generals."

Stassen recommended a U. N. Board of Arbitration, a U. N. Panel of Mediators and a U. N. Inspector General who would head an expert arms control division. To alleviate the critical financial crisis in the U. N., Stassen suggested new financing methods, such as levying a small charge on all goods in international trade.

The Republican candidate's most serious criticism of President Lyndon Johnson was, "... we are falling short quite seriously in major foreign policy matters," such as our relations with France. He said Johnson's failure to meet with General DeGaulle at Martinique when the opportunity was available was unfortunate and one of the first things he would do, if elected, would be to meet with the French President.

When questioned about trade with Communist countries, Stassen answered, "We should think in the broad concept of what will happen to all of mankind. Trade in non-

Logue Backs Mayors

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"You, with your intolerance about their inability to make progress in the things of importance to you, help drive them to the Senate or the State House. By your ignorance you people drive these wonderful men away from the job they can do so well."

Logue went on to damn the easy superiority of the audience that sometimes hissed him. "How many of you live in integrated neighborhoods," he asked. "Where are our friends in the suburbs? Until we integrate the suburbs we're going to segregate the cities," he contended.

Professor Wilson, after presenting himself as an academic nit-picker there to carp, found few nits to pick, and here too the digging he did was directed more toward the 500 auditors than to the Mayor. He spoke of the difficulty of recruiting competent people for the job of reviving our cities.

"The Harvard lawyer," Wilson argued, "wants to get to Congress, not the City Council."

military goods just makes plain sense." He said that it is outdated to be against all trade with Communist countries. He also spoke of the necessity of peace, but warned of the vagaries of negotiations with the Communists.

Commenting on domestic politics, Stassen thought that no Republican candidate is now dominant. Stassen pledged his support to the nominee, even if he were Barry Goldwater, on the theory that if "by some near-miracle" the Arizona Senator were to be elected President, he would need some sound advice on the U. N. and international affairs.

On civil rights Stassen said we need complete equality of rights complemented by "a reconciliation of American Negroes and those who have stood in their way." He indicated support of the civil rights bill, including the controversial public accommodations section, though he thought the whole bill should be stronger. He said the key to the solution to ending segregation is education.

Turning to unemployment, the candidate said that the ironic dilemma of millions of unemployed and many unfilled scientific and technical jobs could be solved by advancing those now employed into a higher level job, "thus accelerating the whole spectrum." Stassen said this was an area for government action; "one of the greatest instruments of service is government."

Stassen opposed the Medicare program because it would "add an open-ended commitment to Social Security." His solution was to provide a federal government program to assume the costs of severe illness or disability beyond those covered by Blue Cross, private insurance, or personal resources.

Creditors' Rights Prize Offered

Specialty Sales of Boston will offer students in the Law School a prize of \$250 for the best article on the Erosion of Creditors' Rights in Massachusetts. The article should be from eight to ten typewritten pages in length, with an additional one or two pages of footnotes, and should be suitable for publication in the Boston Bar Journal. For further information, contact Saul Swartz, Esq. of 18 Tremont St., Boston, who will judge papers submitted.

The Meaning and Practice of Love

By Daniel J. Kucera*

With Valentine's Day tomorrow and spring rapidly approaching, a young man's fancy begins to turn to love. As winter's thaw melts the ice of the heart, Cupid's arrows strike with irresistible force. However, especially because this is leap year, the reasonable man must take care to not fall victim to a tender trap without fully understanding how he got there. Consequently, it is imperative that he examine the full implications and subtleties of love and love-making.

First of all, what is love? According to generally accepted courtship principles, love is "a feeling of strong personal attachment induced by that which delights or commands admiration, by sympathetic understanding, or by ties of kinship; ardent affection." 54 C.J.S. *Love*. More specifically, "love is an emotion evidenced by words and acts. Sometimes acts are more important than words." *Bunger v. Bunger*, 249 Iowa 938, 90 N.W.2d 1 (1958). The word love, however, by itself is a conclusion. "The basic acts establishing love are kindness, consideration, understanding, patience, sacrifice or sufferance, if necessary, and certain words and physical acts and demonstrations which constitute evidence of affection between the persons involved." *Bunger v. Bunger*, *supra*.

On the other hand, "love between the sexes has different constituents from those found in mere friendship. It is itself very variable in its constitution. It may be refined, having elevated aims, or it may be gross, in which baser desires predominate." *Carney v. State*, 79 Ala. 14 (1885).

Given the existence of love, the problem arises as to how this love should be expressed. One way to show love is by being "a lover; a wooer or mistress; now, especially . . . one taking the place, without the rights, of a husband or wife."

67 C.J.S. *Paramour*. Somewhat distinguishable is a suitor, "'one who solicits a woman in marriage' . . . It is not every lover who solicits marriage." *Carney v. State*, *supra*.

Another way is by having an affair. In *Rasmussen v. Rasmussen*, 252 Iowa 414, 107 N.W.2d 114 (1961), "affair" was defined as "an amorous relationship or episode between two people not married to each other; an amour." The court went on to say that amour means "a love affair, especially one of an illicit or secret nature." Unfortunately, "affair" has also been defined as "a law suit." Black, *Law Dictionary* (4th ed. 1951). Thus, it is suggested that this technique be avoided.

A popular love-making method is telling your girl friend that she is as sweet as candy. The analogy is often close. Candy is a "food product made principally from cane or beet sugar boiled to the desired density, enriched or varied by the addition of fruits, nuts, chocolate, milk products, flavors, and colors, molded or worked into various shapes or forms of a solid or semisolid consistency, and, often, variously coated." *Andrews v. Tax Commissioner of Ohio*, 135 Ohio St. 374, 21 N.E.2d 106 (1939).

Perhaps the most effective way to show love is by kissing—"to make or give salutation with the lips in token of love, respect, etc." 51 C.J.S. *Kiss*. Lively osculation is often quite interesting and rewarding. Difficulties, however, may arise. Apart from mechanical problems such as bad breath, large nose, or buck teeth, there are certain procedural complexities.

For example, how do you ask a girl for a kiss? In *Morris v. State*, 6 Ga. App. 395, 65 S.E. 58 (1909), defendant was accused of using obscene and vulgar language in the presence of a female. Among the words alleged to have been used were "Kiss me, and I will go."

The court held that an indictment could be based on such prose. "It is perfectly possible for one to use obscene and vulgar language in the presence of a female without employing a single word which could be intrinsically classified as of itself obscene and vulgar." A new trial was granted, however, because of error in the lower court's charge to the jury which "intimated that language had been used by the defendant, whereas he contended he had used no language at all."

This case seems to suggest, then, that actions speak louder than words or act first and ask questions later. So, if you want to kiss a girl, just go ahead and do not say anything.

This novel approach was tried and unfortunately was not successful. *Craker v. The Chicago & Northwestern Railway Company*, 36 Wis. 657 (1875). Plaintiff, a 20 year old school teacher, brought an action for "insulting, violent and abusive acts" alleged to be done to her when a conductor on defendant's train kissed her while she was a passenger.

At the time in question, plaintiff and the conductor were alone in the car. The conductor sat down near her and asked some general questions. Then, according to plaintiff, "He said, 'I suppose you are married like all the rest of the school marms?' I said, 'No, I am not.' Then he sat up nearer to me, and put his hand in my muff, and said, 'There is room for two hands in this muff, ain't there?' I said, 'No, sir, there is not for yours,' and jerked my muff away. He then said, 'My hand is pretty dirty, ain't it? It looks as though it needed washing.' I told him to wash it then, water was plenty . . . He then said, 'What makes you look so cross?' I didn't answer him, but turned away from him. Pretty soon

(Continued on page 12)

*©Daniel J. Kucera 1964.

Love

(Continued from page 11)

he got up, and I supposed he was going away. He stepped to the side of my chair, threw his arms around me . . . and then commenced kissing me. I said, 'Oh, let me go; you will kill me.' He said, 'I am not agoing to hurt you.' . . . After he had kissed me five or six times, he said, 'Look me in the eye, and tell me if you are mad.' I said, 'Yes, I am mad.' Plaintiff continued in the car until she reached her place of destination.

In holding for plaintiff, the court drew an interesting analogy. "It is contended . . . as we understand it, that if one hire out his dog to guard sheep against wolves, and the dog sleep while a wolf makes away with a sheep, the owner is liable; but if a dog play wolf and devour the sheep himself, the owner is not liable. The bare statement of the proposition seems a *reductio ad absurdum*."

The court courageously concluded that "every woman has a right to assume that a passenger car is not a brothel; and that when she travels in it, she will meet nothing, see nothing, hear nothing, to wound her delicacy or insult her womanhood."

The Wisconsin court cited an opinion by Justice Story in *Cham-*

berlain v. Chandler, 5 Fed. Cas. 413 (No. 2,575) (C.C.D. Mass. 1823). To make a long Story short, the court spoke on the responsibilities of a master of a ship to his passengers. "In respect to females, it proceeds yet further, it includes an implied stipulation against general obscenity, that immodesty of approach, which borders on lasciviousness, and against that wanton disregard of feelings, which aggravates every evil, and endeavors by the excitement of terror, and cool malignancy of conduct, to inflict torture upon susceptible minds: What can be more disreputable, and at the same time more distressing, than habitual obscenity, harsh threats, and immodest conduct to delicate and inoffensive females?"

Thus, it is not entirely clear what the best way to express love is. However, apart from procedure, there may be another problem. Assuming, arguendo, that a young man finds a satisfactory way to express love to his sweetheart, should he worry about being seen by a third person, such as her father or kibitzer?

Probably not, according to *Car-*

ney v. State, supra. Prosecutrix testified that on their return from a dance on the night of July 4, 1883, defendant took off her shoes for her "and talked love." An important witness for the state testified that defendant acted toward prosecutrix as a "lover," and that he, the witness, "was a married man, and had been all along there under similar circumstances, and that the conduct of the parties looked that way to him."

The court held that admission of his opinion was erroneous. "We do not think a witness should be allowed to testify, from a mere observation of conduct, demeanor, or social intercourse, that the one acted toward the other as a lover."

Apart from all the legal complexities, of course, there is the very practical difficulty of finding a satisfactory object for your affections. In the broad sense the problem is how to avoid some girls and yet find others. Reliable figures reveal that supply and demand curves are shaping up. At this point, however, the judicial process breaks down and natural law takes over. Wow! Will you look at that . . .

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Cagers Warm Up for Second Half

As the intramural basketball league jumps into the second half of its schedule, the undefeated O. L. Five leads the A League, the undefeated Plumbers lead the C League, and the B League is bottled up in three-way tie.

The O. L. Five, an all-graduate student team led by 6'6" center Emmett Keeler and guard Larry Edwards, has a 5-0 record and faces its biggest division hurdle in the Feb. 17 game with R. C. Means A. C.

Two of the Five's big wins were over the Celtics, 59-45, and the Italian-Americans, 67-48. The powerful Means, spearheaded by Joe Santora, Pete Eisenberger, Joe Austin and Doug Kirkpatrick, are 4-1 after losing a squeaker to the Celts 41-36.

The Celts, led by Lou Guzzetti and Forrest Broman, will be looking for a win over the Italian-Americans, led by Dave Vena and Jay Swardenski, on Feb. 17.

The tangle in the B League arose when Thompson and the Belmonts coasted to a 38-33 victory over the Alchemists. The fast-charging Thompsons are now 2-1, having lost one early-season tilt to the Red Raiders when the top-scoring Thompsonians, Dave

Hershberg and Bill Haberman, were out.

The well-balanced Alchemists won easily their first three times out, including a 62-38 romp over the strong Tortfeasors, led by Rod Burkley and Al Morrison. Standouts for the Alchemists include Mike McBride, Howie Bonnet and Dan Steffanson.

Also knotted in the struggle for the top spot is the Ed Byrne A. C., which relied on Steve Miller and Larry Buxbaum in their game this week with the Tortfeasors.

The other big game this week pitted the Bearcats (2-1), led by sharpshooter Bruce MacDonald and center Mike Rose, against the Alchemists.

In the C League the air is clear and high in the stratosphere are the unbeaten Plumbers, 4-0; they have scored more points than any team in any league, including a 91-39 shellacking of the Government Gruellers. Leading the top-flight Plumbers are Stu Ludlum and C. B. Cox.

The Voluntary Defenders hold down second place in the league with three straight wins. Their top men are Dick Guthrie, Mike Ginsberg and Tom Boodell.

The standings:

A League	Won	Lost	B League	Won	Lost	C League	Won	Lost
O. L. Five	5	0	Ed Byrne A. C.	3	1	Plumbers	4	0
R. C. Means A. C.	4	1	Tortfeasors	3	1	Vol. Defenders	3	0
Celtics	3	1	Alchemists	3	1	Dane One-Plus	3	1
Ital-Amer.	3	2	Bearcats	2	1	Ferns	1	2
McAnaney A. C.	2	2	Thom. & Bels.	2	1	Law Review	1	2
Estovers	1	3	Sacramento	1	3	Gov. Gruellers	0	3
Reasonable Men	0	4	Red Raiders	1	3	Wilcox A. C.	0	4
Clods	0	5	John Bernard	0	4			

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Grade-Salary Correlation

(Continued from page 1)

represent a cross-section of the class, or may represent only one segment, such as those with the highest incomes.

Still, among the men who replied, those who had the highest averages and are now practicing law are in practice with large firms in metropolitan areas. This seems to point to the conclusion that the Law Review man who chooses to practice law will end up in the highest-paying job.

For example, two of the men reporting the highest averages so far, who did choose to practice law, are in large metropolitan firms and are earning \$96,200 and \$79,000. (Three others, not in practice, fall into this high grade average range and have incomes between \$40,000 and 54,000).

Two other men, with slightly lower A averages, work in medium-sized metropolitan firms and have total incomes of \$67,000 and \$97,500. One man, who simply calls his average "Law Review," has a total income of \$62,000.

On the other end of the scale averagewise are several lawyers who admit to flunking out of Harvard, a less rare thing back in '34 when 1/3 of each first-year class did not return for the second year. Three work in small firms, one in a rural area and the others in cities of under 100,000 persons. They make total incomes of \$55,000, \$31,000, and \$40,000.

Maybe more to the point is the man with a 55 average (58 is a passing average) working alone in a rural area and making "only" \$13,000 or the man with a 57 average working in a 10-50 man metropolitan firm and making "only" \$25,000.

In fact, however, the figures do not allow for hard and fast conclusions to be drawn. Of the 11 replies from men in the 62-63 grade range, two are in practice alone in rural and suburban areas and making \$14,000 and \$24,000 respectively. On the other hand, one is alone in a rural area and pulling down a total income of \$63,000; one is in a small metro-

politan firm and totals \$60,000; one is in a medium-size metropolitan firm and makes \$95,000 from the law; and one has escaped into the category of finance where his total income is \$100,000.

Back up the grade scale none of the five who reported in the 72-73 grade range makes less than \$21,000 or more than \$30,000.

The biggest lawyer-earner in the class, with a claimed income from the practice of law alone of \$120,000, had an average in the 66-67 range. One man (with a C average) went into industry and now takes home \$150,000 plus \$25,000 in "other income." The biggest earner of all brings home \$80,000 from business and \$100,000 of "other income," and he was in the 68-69 range.

The greatest suggestion that there is little correlation between marks and future income comes from studying the 16 men whose averages were in the 68-69 range and who are now practicing lawyers. Their average total income is around \$42,000. The lowest claimed income in this group is \$16,000 made by a lawyer in a large metropolitan firm. The highest is \$90,000 made by a lawyer in a medium-sized metropolitan firm.

The spread in this group may be seen by studying the replies from men who are similar on paper. Of the two who work alone in metropolitan areas one makes \$25,000, the other \$40,000. Of the five who work in small firms in cities of 100,000 to 1,000,000 persons the total incomes are: \$26,000; \$31,500; \$47,500; \$61,000; and \$78,500.

Also of interest in studying the early returns in the '34 class poll were the votes for the most and least valuable courses.

Far and away the most valuable course, or at least the most popular, was contracts with 60 votes. Trailing in the running were trusts (14), property (13), torts (12), constitutional law (8) and evidence (6).

Holding a decided lead in the voting for "least valuable course suffered through" was Bills & Notes with 28. Second was Criminal Law (19). Others included Procedure (17), Property (13), Evidence (9), and Conflicts (7).

Early balloting for the class choice as most stimulating professor showed Austin W. Scott in the lead with 43. Other professors often mentioned were Samuel Williston (29), W. Barton Leach (25), Powell (16), and Warren A. Seavey (14).

Salute to a Gay Blade

We cannot tell a lie. Next week's issue of the RECORD has been axed. Next issue — Thursday, February 27.

Recent Book

Quasi Corporate Sales Tax

THE SHIFTING OF THE CORPORATION INCOME TAX, by Marian Kryzaniak and Richard A. Musgrave. The Johns Hopkins Press, Baltimore, 1963.

By Brian Christaldi

If a businessman treats taxes as a cost of production, an increase in his profits tax rate will induce an increase in price. By the conventional mark-up method he will raise prices in order to reach his predetermined profit goal. In this way, a corporation income tax becomes, in effect, a sales tax. An impressive empirical study by Messrs. Kryzaniak and Musgrave supports this hypothesis.

The study's approach was to estimate the difference between the observed rate of return on capital from 1935 to the present (excluding the war years) and what the rate of return would have been without the tax. Statistical and econometric analysis indicated that the corpora-

tion income tax has had little effect on the rate of return. The authors concluded that the tax burden had been largely shifted to consumers.

While this result may be no surprise to the business community, its fiscal policy implications will disturb economists and policy makers: 1) Apparently an increase in the corporation income tax would not depress the rate of economic growth by dampening the rate of return incentive to invest. 2) The double tax on dividend income is in fact a single tax since the corporation income tax has been shifted to the consumer. 3) The corporate tax is not a progressive tax but is very much like a sales tax.

These conclusions will be viewed with skepticism by many economists who theorize that a profits tax, as applied to "rational," profit maximizing firms, will have no effect on prices or output. While it is possible that the assumption of business "rationality" is unwar-

ranted, a more appealing alternative, from the theoretician's standpoint, is that the shifting of the tax burden from corporation to consumer is only apparent.

This alternative theory is quite possible since the method used by the authors does not isolate the effects of changes in government spending from the effects of the corporation income tax. However, the authors conclude that even if government spending effects were isolated (which statistical and mathematical complications did not permit) the results would be substantially the same.

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Second-Year Writers Begin Research

Twenty-four second-year students, chosen at random from a list of 80 applicants, have plunged enthusiastically into the demanding research of the new writing program. "Even though the selection was not based on grades, the quality of the memos thus far has been extraordinarily high," said Owen Fiss, one of the third-year editors.

Three memos have already been turned in by each participant and two weeks of work on a comment is now in process. The topics of research range from "What is religion under the First Amendment," to "What is obscenity under censorship laws." More conventional subjects cover Commercial Transactions, Corporations, and Taxation.

The participants are: Lewis A. Burleigh, Alan P. Caplan, Brian Christaldi, Roger S. Clapp, William A. Clark, Marion Coen, Henry Q. Conley, Jeffrey M. Epstein, William L. Fishman, Douglas R. Gill, Peter H. Goldberg, David S. Hersherberg, Leonard Kopelman, Robert D. W. Landon II, Leonard S. Machtinger, Fred L. Morefield, Frank E. Samuel, Myer J. Sankary, Michael S. Saper, Stephen D. Shawe, Mike J. Spector, Edward M. Stadum, John V. Surr, and Lawrence Weiss.

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Letters to the Editor

Citizen-Soldier Serves Democracy

To the Editor:

The recent exchange of letters between Mr. Floberg (Nov. 21, 63) and Mr. Broder (Jan. 30, 1964) compels me to add my own observations. Both gentlemen evaluate military service primarily in terms of its usefulness or agreeableness to the individual. While this is of course a natural consideration in approaching the problem of military service, it should not provide the only frame of reference. Military service, as prescribed by the Congress, is a duty for every able-bodied male citizen. The citizen-soldier, ready and willing to bear arms in the defense of his government, has always been fundamental to a democracy. Such military service need not be looked upon either as a desirable social grace or a demeaning and humiliating experience.

Mr. Broder, in obvious despair, complains that a private in the army is "the lowest form of humanity" and that a law school graduate with nineteen years of education should not have to "stomach a situation where orders are to be obeyed without question." I would

counter that the citizen-soldier, whatever his rank or rate, is most certainly not the lowest form of humanity but on the contrary a most commendable one. Mr. Broder apparently could have opted to spend his military service as an officer. Since he did not do so, I would suggest that the only responsible perspective for him to take is one of intelligent objectivity. Unfortunately, Mr. Broder is not alone in accepting the time-worn myth that stupidity always wears a uniform. Without attempting to evaluate the accuracy of that myth, I offer my hope that Mr. Broder and others in his position avoid promoting belief in that myth — at least while they are in uniform.

Rudolph F. H. Nuissl, 1L

Private Ponders Basic Questions

To the Editor:

In hopes of solving the controversy which has appeared in the RECORD regarding the value of military service I would like to add my voice to that of Mr. Floberg.

No where but in the military does one have the opportunity to plumb the depths of his intellectual reserve to answer such questions as: "Sir, I lost my helmet." "Why?" Or perhaps ponder the most peculiar of fact situations, "When you men get on those trucks, follow the man behind you" or "When you fall out for inspection tomorrow, I want you shined from head to toe."

In addition, I point out that no where on earth does the complete defense of privilege to intentional torts exist so painfully as in a military boot camp. To those third year students who are now vacillating between JAG and the Reserve programs, I tender this piece of advice: Join the Reserves for only in a Reserve meeting does one have the opportunity of seeing so clearly why the concept of the reasonable man should be banned from Hornbooks forever and preserved in the dank cellars of West Publishing Company as a peculiar and poignant historical oddity.

Stephen R. Bing 1L
USMC(R)

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