



Harvard Law Record

Ten Years' Service to the Harvard Law School Community

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PRICE TEN CENTS

250 Students To Get Funds, Toepfer Says

Almost 250 scholarships, the same number as this year, will be awarded to law school students in 1956-57, it was announced Tuesday by Secretary Louis Toepfer. In addition, almost \$200,000 will be available for low interest loans to needy and deserving students.

Scholarships will come, as in the past, from four sources—endowment funds available for scholarships anywhere in the University, income from the Law School's Scholarship endowment, gifts to the Alumni Fund, and unrestricted funds of the Law School.

The University scholarships, about 15 in number, are administered by Massachusetts Hall and are restricted, in most cases, to residents of certain areas or to graduates of particular schools. Application for these grants is due Feb. 20. Dean Toepfer urges students who feel they may qualify to check the Law School catalog for further details.

Law School Awards

Scholarships, supported by funds from other sources, are administered directly by the Law School and are awarded during the summer. Granted on the basis of need, but limited in number, they generally are available only to students with an average of 68 or better.

Applications for these grants will be due between April 1 and May 15. Further details concerning application procedure will be released by Mr. Toepfer's office during March.

To assist students who cannot qualify for the scholarships, Dean Toepfer also will have available approximately \$200,000 to lend to students at an interest rate of two percent until graduation and four percent per year thereafter.

Actually, there is more than \$400,000 in the School's revolving loan fund, but as grantees are not expected to repay their notes until a year or two after graduation, only about one-half of this amount is available at the start of each year for new loans.

Dean Toepfer also provides unofficial assistance to students seeking part-time jobs about the University. In this regard, he shares responsibility with Assistant Dean Wesley E. Bevins, Jr., who assigns seven dormitory proctorships.



Sir Leslie Knox Munro

Sir Leslie to Talk At Coffee Hour, Judge Ames Case

A number of distinguished speakers, drawn from a wide variety of fields, will be presented by the Law School Coffee Hour during the spring term, it was announced yesterday by Coffee Hour President Sheldon J. Berens, 3L of Kew Gardens, N. Y.

Dr. Arthur M. Schlesinger, Jr., professor of history at Harvard and national vice-chairman of the Americans for Democratic Action, will speak at the next post-lunch session on February 28.

Others scheduled to appear at the Coffee Hour later in the term include Sir Leslie Munro, New Zealand's ambassador to the United States and chief delegate to the United Nations, and President Nathan M. Pusey of Harvard, who will make one of his rare public appearances at the Law School on May 8.

Dr. Schlesinger, a speechwriter for Adlai Stevenson and, until last summer, a columnist for the New York Post, will speak to the Coffee Hour on the Presidential campaign outlook for 1956. He is the author of the *Age of Jackson, The Vital Center*, and other books.

Sir Leslie will visit the Law School for about a week during early April. While here he not only will speak to the Coffee Hour, but he also will take part in various advanced seminars, and will serve with Supreme Court Justice John M. Harlan as one of the judges of the final round of the Ames Competition.

The New Zealand diplomat is a former Dean of the Faculty of Law at the University of Auckland and a one-time editor of the *New Zealand Herald*, a leading newspaper of the Antipodes.

Freund to Speak

Professor Paul A. Freund will speak before the Young Democrats at their next meeting on Monday, February 27. The cancellation of the scheduled address by Senator John J. Sparkman on February 6 was a result of the vote on the Natural Gas Bill in the Senate on that date.

Change Projected In Criminal Law

The Faculty Committee on Curriculum has announced there will be a change in the first year curriculum, effective next fall. First year students next year will take criminal law two hours a week until the spring recess, when the course will conclude for the year. The exam will be given during the regular first year examination period.

Presently the course in criminal law is taught during the first year for two hours a week until the Christmas recess. Thereafter it meets once a week till the end of the school year.

According to administration sources the change was made in order to remedy the (See CRIME SCHEDULE on page three)

Progress in Ames

Quarter-Final Data Revealed, Judges Named for Arguments

The date of the Ames Final has been set for Tuesday, April 10. That evening, the Scott Club and the Morgan Law Club will compete for a \$300 prize and immortality on the library wall. Richard F. Newall, 3L of Berkley, Mich., and Hal F. Reynolds, 3L of Brecksville, O., will speak for the Scotts-men, while Roger A. Moore, 3L of Sherborn, and Michael C. Van Beuren, 3L of Newport, R. I., will argue for Morgan Law.

Facts for the quarter-final round of the Ames Competition are now in the hands of the clubs, and the eight second-year teams are hard at work preparing for their oral arguments at the end of March.

Blackstone Meets Gardner

The Blackstone and Gardner Clubs will meet in the first quarter-final match on March 27. They will be followed by Toepfer and Casner Law on March 29, by Casner Equity and Griswold on April 3, and by Kaplan and Field on April 5.

Meanwhile Monroe H. Freedman, faculty adviser for the Ames Competition, announced the identity of the chief judges for the first three arguments. Each will

Student-Faculty Group To Investigate Pressure



Benjamin Kaplan



Alan D. Hakes

A special nine-man student-faculty committee to consider the possibility of lessening unnecessary pressure on Law School students has been formed during the past two weeks, it was revealed yesterday.

The committee, composed of four faculty members and five students, held its first full meeting last night, and will continue regular meetings until late March. It is likely that a detailed report will be made in writing by the committee sometime in April.

The four faculty members of the committee are Professors Benjamin Kaplan, and Albert M. Sacks, and Assistant Professors Robert E. Keeton and Donald T. Trautman.

The student members of the Committee are George S. Abrams, 2L of Newton; Paul M. Bator, 3L of New York City; Calloway Cochran, 2L of Dallas, Texas; Alan D. Hakes, 3L of Longmeadow and Robert L. Larson, 3L of Rockford, Ill. Abrams will serve as chairman of the nine-man committee.

The need for such an investigation was first suggested at meetings of the Law School Dormitory Council, and with the Council's support the committee was formed with its present membership.

General Participation

Present plans call for an open meeting to be held for general student participation, at which time interested students can put forth their ideas on areas needing improvements and can suggest proposals for the committee to consider. This meeting has been scheduled to coincide with an open Dormitory Council meeting on February 27.

In addition, members of the committee have indicated that they would be very glad to receive any suggestion from interested students before the February 28th meeting. Mr. Cochran, president of the Dormitory Council, also indicated that Council Representatives in each Dormitory would be available for suggestions if students find talking to them more convenient.

No Definite Plans

Particular areas the committee will deal with are as yet unannounced and members of the Committee indicated that they would prefer not to make any premature statements as to the Committee plans. It is known, however, that present student-faculty relationship will be examined, along with the group work program and Employment Office procedures.

Members of the committee made it clear yesterday that there would be no attempt to make any sharp breaks with the present Law School educational program. "We are merely attempting to do whatever we can to make things a little easier and less high-pressure for students here, particularly in the first year," one faculty member commented.

Senate Considers Lawyers' Social Security, ABA Approves Plan but AMA Opposes It

A bill to extend Social Security coverage to most independent professionals, including lawyers, and to workers who are permanently disabled is now before the Senate Finance Committee. It seems headed for almost certain adoption this session despite the powerful opposition of the American Medical Association.

The bill, which passed the House of Representatives by a 300-vote margin last summer and needs only confirmation by the Senate and the signature of the President to become law, would:

(1) Bring within the coverage of the Social Security program several hundred thousand Americans now excluded. These include lawyers, dentists, veterinarians, most other independent professionals except physicians, and certain workers in government and the turbulent industry.

(2) Reduce to 62 the age at which women would qualify for old age insur-

ance benefits. This would be an advantage, not only to single women and widows, but also to husbands over 65 who cannot now qualify for the full family benefit until their wives reach that age.

(3) Provide benefits for covered workers over the age of 50 who are permanently disabled. This provision, in particular, is opposed by the AMA as a step on the road to "socialized medicine."

The provision extending the coverage of Social Security to self-employed lawyers has the support of the American Bar Association. This represents an about-face from the ABA's position when coverage for independent professionals first was considered by Congress in 1950.

An article by Henry A. Malkasian, LL.B. '42, in the December issue of the ABA Journal, discusses the reasons for the Association's support. It points out that coverage already extends to lawyers who are

employees of law firms and of business enterprises, and that the social security program includes, in addition to old age pensions, many survivors' benefits of value to families of younger lawyers.

The bill now before the Senate also has the qualified support of the American Dental Association. The ADA would prefer, however, to make the coverage optional for its members, not compulsory.

The AMA, the most outspoken opponent of the new measure, is concerned chiefly with the disability benefit provisions, which it feels are an opening wedge for "socialized medicine."

The AMA pointed out in a recent issue of its Journal, "Since Bismarck introduced socialized medicine in Germany three-quarters of a century ago, the threat of socialized medicine through the extension of so-called social insurance has been ever-present in Western civilization."

St. Thomas More Plans Retreat at St. Gabriel's

A two-day retreat will be sponsored by the Saint Thomas More Society over the Washington's Birthday holiday next week. The period of prayer, meditation and instruction, to be held at St. Gabriel's Retreat House in Brighton, will begin on the afternoon of Tuesday, February 21, and end early the following evening.

All male members of the University, Catholic or non-Catholic, are invited to attend. Those interested should contact George McCormack, 118 Story Hall, ELiot 4-8752.

Harvard Law Record

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Excluded Until...

Autherine J. Lucy, the first of her race to be admitted to the University of Alabama, was "excluded until further notice" by the Board of Trustees on February 7. This action followed two or three days of rock-throwing demonstrations when she was escorted to and from her classes by University officials. We hope we will be proved wrong; but this action could last for weeks or months to come. It is exclusion by mob rule: another victory for the enemies of our Constitution.

Lest anyone suppose that Alabama is unanimous in its support of the Board of Trustees, let him note that student religious groups are passing out leaflets condemning the demonstrators—that a large minority of professors criticize the Trustees' action—that influential student voices on campus are raised against it—that several leading Alabama dailies condemn the demonstration.

We could do worse than cite an editorial of the *Tuscaloosa News* charging that the exclusion action was "a breakdown of law and order, and abject surrender to what is expedient rather than a courageous stand for what is right."

With due respect to President Oliver Carmichael's scholarly accomplishments, and mindful of the difficult situation he faces, we feel impelled nevertheless to condemn his approval of the exclusion before a faculty meeting. He should not have condoned that decision. All the more so, since a substantial segment of Alabama opinion opposed the violent demonstration against Miss Lucy. As it is, Dr. Carmichael's act gives the Trustees' act an aura of respectability. Moderate, middle-of-the-road opinion tends to follow the leadership of a distinguished man. We deplore the direction in which the president turned in this crisis.

It should be noted that Miss Lucy's original admission was procured by court order. Now she is suing for re-admission. Dr. Carmichael says she will be reinstated if a second court so rules. Why should it require two court orders to do the job of one? Dr. Carmichael gives no answer to this question. The harm of defying court orders is obvious.

The Constitution does not, and ought not, to compel association. Each person is free not to associate with another for any reason at all—opinion, religion, race, habits, marital status, color of eyes, or for no reason in particular. All that the Constitution requires is that no law or usage be enforced which prevents all persons from taking advantage of public facilities, such as schools. Those Whites and Negroes who want, or who would want, to work together in the pursuit of knowledge must be given that opportunity. It is their freedom of association which our Constitution guarantees.

Gallery

CHARLES FAIRMAN
Professor of Law



Last year Charles Fairman was appointed Professor of Law at Harvard. Already famous for his scholarship, Professor Fairman in a short time has become known at the Law School for his warmth and friendliness.

Professor Fairman is not exactly a newcomer to the Law School. He was here from 1936 to 1938 as the Brandeis Research Fellow. A product of these years at Harvard, in addition to an S.J.D. degree, was his book, *Mr. Justice Miller and the Supreme Court, 1862-1890*.

Before Professor Fairman came to Harvard in 1936, he had been an Assistant Professor of Political Science at Williams for six years and after completion of his work at Harvard, he resumed teaching in this field at Stanford University. Then World War II intervened and from 1942-1946 he served in the Judge Advocate General's Corps.

He went overseas to help in the establishment and administration of the Allied Military Government in areas which had been captured from the Axis powers. In view of his experiences during the war Professor Fairman's help was enlisted recently in the drafting of a new Manual of Military Government and Civil Affairs.

After the war Professor Fairman returned to Stanford as Professor of Political Science and concurrently as Professor of Law. During his stay at Stanford he contributed many articles to law reviews, including the Harvard and Stanford Law Reviews. Immediately before joining the Harvard faculty, Professor Fairman was Nagel Professor of Constitutional Law at Washington University, St. Louis.

Library Chairman

This year at the Law School Professor Fairman is teaching Legal History. He is also serving as Chairman of the Law School Library Committee. Harvard has the largest law library in the world; Professor Fairman feels that one of the greatest challenges to the Library Committee is to discover ways to bring this wealth of material and law students into closer contact.

There are now approximately twenty thousand books of these invaluable background materials in the Library, unknown to many and untouched except for occasional use by members of the Law Review and Ames contestants. Professor Fairman and other members of the Library Committee are searching for methods to stimulate their greater use and appreciation.

Studies Civil Defense

Professor Fairman also is devoting time to a study of governmental aspects of civil defense. He prepared a paper on "Government Under Law in Time of Crisis" for the Marshall Bicentennial Conference on Government Under Law. Professor Fairman is no pessimist as to the chances for peace but he believes as a minimal safeguard that officials on all levels of government must be ready in case of the tragedy of atomic war. He believes it would be unwise in case of atomic attack to establish "limited martial law" in this country, as was declared during Operation Alert in 1955. Thus, all governmental officials must be trained in order that chaos may be averted and misery mitigated after an atomic assault.

Along with his other activities, Professor Fairman is at work on a book, *Mr. Justice Bradley and the Supreme Court, 1870-90*. When asked the date he hopes to finish the book, Professor Fairman smiled broadly. He implied that he has become resigned to the fact that there are only twenty-four hours in the day of the law school professor.

—S. Levin



3-letter words

ABA Jet Non Res
Bar Law Par Tax
HLS Net

4-letter words

Loss Oath Same Vest
Nexi Open Stay View
NLRB Room Tort Yeas

5-letter words

Amend Forum Rebut State
Court Lease Share Title
Enact Legal

6-letter words

Breach Estate Pledge Tender
Concur Finder Regent Verify
Decree Malice Sanity Yeoman
Entail Motion

7-letter words

Demesne Proviso Statute Verdict
Letters Retains Testate Vitiate
Penalty Slander

8-letter words

Executor Judgment Libellant Pleading

10-letter words

Alienation Amendments Intrastate Negotiable

Puzzle Answer

(Across) Par, Enact, Legal, Testate, Stay, Regent, Jet, Intrastate, Tort, Legalisms, Oath, Demesne, Retains, Res, Vitiate, Nexi, Negotiable, Bar, Amend, Years, Pleading, Slander.

(Down) Court, Tender, Entail, Pledge, Room, Net, View, Vest, Judgment, Open, Estate, Title, Sanity, Tax, Share, Forum, Loss, Statute, Letters, ABA, Motion, Yeoman, Law, Breach, Finder.

Current Case

Should the Federal Tax law be utilized to penalize an illegal business such as bookmaking by taxing gross receipts instead of net income? Such is the effect of a recent decision of the United States Tax Court in the case of *Ross v. Commissioner*, C. C. H. Standard Tax Reporter 1956, ¶ 5, Para. 7311 (M), Jan. 13, 1956.

Mr. Ross was a partner in the operation of an illegal bookmaking business in Chicago. Clearly the income Mr. Ross derived from his endeavor was taxable; the question raised is whether or not it should be allowed to deduct expenditures incident to the earning of such income. Mr. Ross sought to deduct rent and wages; these deductions were disallowed by the Commissioner and the Tax Court affirmed this judgment on the ground that bookmaking was illegal.

Statutory Provisions

Nowhere in the statute is there a statement that expenditures incident to carrying on an illegal business are not deductible. The pertinent section 162(a) of the Internal Revenue Code of 1954 allows deductions from gross income "all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business."

By interpretation an expense is deemed to be ordinary in this type of business; and necessary if it is appropriate or helpful in carrying on a taxpayer's business. *Welsh v. Helvering*, 29 U.S. 311.

It seems clear that rent and wages surmount none of these hurdles. Why then is Mr. Ross denied a deduction? Such is justified by a reading of the section "narrowing the generally accepted meaning of the language in order that tax deduction consequences might not frustrate sharply defined national or state policies proscribing particular types of conduct." *Commissioner v. Heininger*, 29 U.S. 467 at 473; *Lilly v. Commissioner*, 35 U.S. 90.

Implications of Non-Deductibility

Allowing a judge to deny a deduction on the ground that it violates public policy arms each judge with an instrument (The Federal Revenue Code) with which he may fight for his concept of right. This may be the result although Congress has not manifested a desire to distinguish between legal and illegal business.

Having such a vague standard for determining when a deduction will be denied may lead to harsh and retroactive results. For an individual is never quite sure when a particular judge will decide a certain activity violates a "clearly defined public policy." In addition such may well result in a non-uniform application of a uniform federal law. The difference in application will result from the divergent views of individuals as to public policy. Also the penalty thus exacted may not bear any necessary relation to the amount of abuse or severity of the action.

—Pagnani

Recently Published

DEPORTATION

Clemens Hufmann, Teaching and Research Fellow, Georgetown Law Center, "Duty to Receive Nationals," 24 *Fordham L.R.* 235 (1955).

A large number of deportation orders in the United States are unenforceable because other states refuse to admit the persons concerned. Expulsion is justified to preserve law and order. But the alleged duty to receive back nationals has no real foundation in international law. In fact, such a duty would be inequitable, as in the case of a baby brought to the United States who grows up to become a criminal. Perhaps someday the individual will be thought of internationally, and will be regarded as the product of more than one country.

FULL FAITH AND CREDIT

James D. Summer, Jr., Professor of Law, U. of California, "Full Faith and Credit for Judicial Proceedings," 2 *U.C.L.A. Law Review* 441 (1955).

Increased commerce and transportation have given rise to many events cutting across state lines. The forum must decide whether to prefer its own law and policy to that of its sister states. At the Constitutional Convention, Madison suggested that Congress be given power to provide for direct execution of a state's judgments in other states. As it stands, the Full Faith and Credit Clause gives Congress sufficient power to provide for a nationwide registration of judgments. Several states (including Illinois and New York) have already adopted a system of registration.

CONTRACTS TO DEVISE

Bertel M. Sparks, Professor of Law, N.Y.U. School of Law, "Problems on the Formation of Contracts to Devise or Bequeath," 40 *Cornell L.Q.* 60 (1954).

Many problems present themselves in the making of contracts to devise or bequeath property. In some states the Statute of Frauds covers this class of contracts. In most states clear and convincing evidence is needed to prove a contract to devise. Joint and mutual wills which are in fact contracts should contain words to that effect. Sometimes family informality causes contracts to fail for lack of certainty as to who are the parties or what is the consideration.

Alumni Notes

LL.B. '48—*F. William McCalpin* has become a member of the firm of Lewis, Rice, Tucker, Allen & Chubb at 408 Olive Street, St. Louis, Missouri.

LL.B. '49—*Melvin J. Kessel* has become a partner in the firm of Dolle, O'Donnell, Cash, Fee and Hahn, Cincinnati, Ohio.

LL.B. '50—*Samuel Dash*, who was appointed Acting District Attorney of Philadelphia last April, has ended his term of office as of January 2, 1956, and is now a partner in the firm of Blank and Rudenko in Philadelphia. Mr. Dash was given a testimonial dinner on December 15, 1955, by William Portner Lodge of B'nai B'rith, who honored Mr. Dash with their Third Annual Civic Award.

LL.B. '50—*Hans F. Loeser* has become a partner in the firm of Foley, Hoag & Eliot, 10 Post Office Square, Boston, Massachusetts, with which he has been associated since 1950.

LL.B. '51—*Moses A. Berman*, having been in the United States Navy for three years, is now a member of the New York and California bars, and has recently accepted the post as Deputy City Attorney, Civil Division, City of Los Angeles. His address is: 40 South Holt Avenue, Los Angeles, California.

LL.B. '52—*Sheldon Newman* has announced the opening of his office for the practice of law at 53 State Street, Boston, Massachusetts.

Elections

Dorm Council . . .

The Law School Dormitory Council has elected officers for the next year. George C. Cochran, 2L of Dallas, Tex. was elected President, Benito M. Lopez, 2L of Forest Hills, N. Y., was chosen as Vice-President, John J. Collins, 2L of Morrisville, Pa., Secretary and Sidney H. Schneck, 2L of Lawrence, N. Y., Treasurer.

Lincoln's Inn . . .

Carroll A. Ellis, 2L of Coyoacan, Mexico, was elected President of Lincoln's Inn. The other officers are as follows: Vice-President—W. Sutton Potter, 2L of North Andover; Treasurer—George M. Aman III, 2L of Wayne, Pa.; Secretary—Steven E. O'Neil, 2L of Bronxville, N.Y.; Board of Governors—George W. Beatty, 2L of Grosse Pointe, Mich.; Thomas Ewing, III, 2L of New York; Robert J. Geniesse, 2L of Seattle, Wash.; Geoffrey Nunes, 2L of New Rochelle, N.Y.; Herbert H. Browne Jr., 1L of Columbia, S. C. and John D. Nyhart, 1L of Indianapolis, Ind.

Capitalists Discuss Securities Decline

The Bull & Bear Club met Wednesday, Feb. 8, in Harkness to hear William White of New York and Henry Hornblower II of Boston. Both men are members of the firm of Hornblower & Weeks.

Mr. White discussed the market outlook. He discounted the long term effect on the stock market from political developments and predicted a gradual decline setting in this fall and based this prediction on the present decline in automobile production, residential construction and appliance production.

Mr. Hornblower, the fourth generation of his family in the securities business, talked about the opportunities for law school graduates in finance. He also discussed relation between the lawyer and the investment counsellor in estate planning.

Alan Strauss, 3L of Utica, N. Y., is leading the Club's Investment Contest. Willis Ertman, 3L of Kingston, Contest Manager, announced that Mr. Strauss had increased his portfolio from \$50,000 to nearly \$75,000 since the contest began last October. Peter Battin, 1L of Albany, N. Y., is in second place with \$65,500.

Pound Tells Why He Chose Quotations on Library Frieze

"The Precepts of the Law are These: To live honorably, not to injure another, to give each his due." These words, in Latin, are inscribed upon the frieze high above the South end of the Langdell Reading Room of the Law School Library. The quotation is taken from the Institutes of Justinian, Book 1, Title 1, section 3, which was published in 533 A.D. as part of a great treatise on Roman Law.

This quotation, its Latin companions and one in English were selected during the years 1926-29 by Dean Emeritus Roscoe Pound, who explained that they are intended "for a person who is studying law to read and think about."

While Dean Pound's generation read Latin "as a matter of course," few law students today could understand the passages without referring to the translation chart opposite the main desk under the clock. But, by reading the English, the student will suffer since it has "lost some of the strength of the originals. They are very powerful." While Dean Pound does not deplore this inadequacy in pre-legal education, he still believes that, if Latin were studied before entrance into college, "college work would be the better for it."

Pound Makes Selections

The inscriptions in the library and over the portals of the law school are expressions of high points in the long history and tradition of the law. Dean Pound made his selection taking "some pains, that they should be inspiring."

The choices were products of research dating back to 1899 when Prof. Pound was called upon to give a college course on the common law. In 1927, a compilation of historical materials by Pound and Asst. Prof. T. F. P. Plucknett was published under the title: *Readings on the History and System of the Common Law* (3rd Ed.), which can be referred to for a greater appreciation of the main springs of Dean Pound's inspiration.

"Maxims," said the 85 year old Dean, "are standing points for legal reasoning. I would not call them 'maxims.' They are exhortations . . ." addressed to the spirit rather than to the mind.

Reminiscences on Origin

Each of the inscriptions still move the Dean to reminisce upon the origin, circumstances, and significance, referring now to a volume on his bookshelves, now to the family Bible in his desk drawer to read and savor once more the words that hold the magical quality of inspiration.

"Take the words in the faculty meeting room—where the old courtroom used to be—the (Pound Room) . . . NVLLI VENDEMVS NVLLI NEGABIMVS AVT DIRREREMVS RECTVM VEL IVSTITIAM . . ." "To no one will we sell, deny, or delay right or justice," from the 40th chapter of the Magna Carta. "This is not the least of them."

From Ecclesiasticus (Apocrypha) VII, 6 comes the text upon which the English Common Law Judges were sworn: NOLI QUERERE FIERE IVDEX NISI VALEAS VIRTUTE IRRVMPERE IN-

Freud, Hart Are Elected Trustees of Law Review

Professors Paul A. Freund and Henry M. Hart were elected faculty trustees of the *Harvard Law Review* last week, it was announced by Review President Paul M. Bator, 3L of New York City.

Dr. Freund was re-elected for his second term. Dr. Hart was named in place of Professor Austin W. Scott, a faculty trustee for many years, who decided to retire from the position.

IQVITATES (at the north end of the library). "Seek not to be made a Judge unless thou have the strength to take away iniquities."

Favorite Quotation

But the favorite of the Dean will remain the quotation from Bracton which is engraved in stone over the East portal of Langdell Hall: NON SUB HOMINE SED SUB DEO ET LEGE. "Not under man but God and law." Dean Pound drew down his *Readings on the History and Systems of the Common Law* and began to read from the "Conference Between King James I and the Judges of England,



Roscoe Pound

1612" (12 Coke's Reports 63) under a chapter heading called: "The Supremacy of the Law."

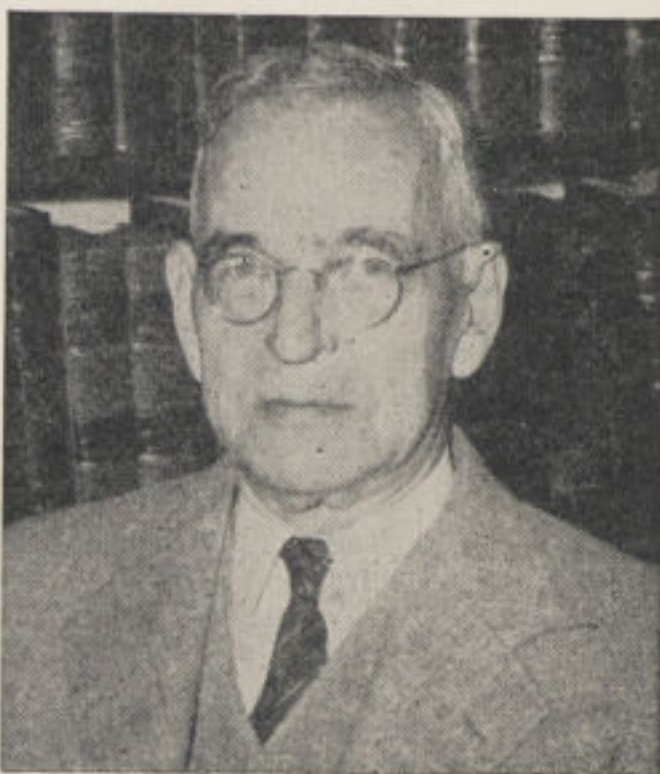
"And the judges informed the King that no King after the Conquest assumed to himself to give any judgment in any cause whatever, but these were solely determined by the courts of justice; and the king cannot arrest any man . . . for the party cannot have remedy against the King: so if the King give any judgment what remedy can the party have? . . . and it was greatly marvelled that the Archbishop durst inform the King that such absolute power and authority as is aforesaid belonged to the King by Word of God . . . Then the King said that he thought the law was founded upon reason, and that he and others had reason as well as the judges: to which it was answered by me (Coke) that true it was, that God had endowed his Majesty with excellent science . . . but his Majesty was not learned in the laws of his realm of England, and causes which concern the life, or inheritance, or goods or fortunes of his subjects, are not to be decided by natural reason, but by artificial reason and judgment of law, which law is an art which requires long study and ex-

New Text Format To Lessen Fatigue

A double-column format, conceived by the staff of the West Publishing Company in cooperation with Professor Warren A. Seavey, general editor of the American Casebook Series, will be a feature of West's casebooks and hornbooks from now on.

Harvard got its first look at the new format last month when a revised casebook by Professor Seavey and Vice Dean Livingston Hall made its appearance in the first-year agency course. The text of their book is printed two columns to a page on sheets that are wider and taller than those in use heretofore.

The new design, which was introduced by West last year in editions of several



Warren A. Seavey

casebooks not in use at Harvard, effects a substantial reduction in the bulk of the books. The new format will be a boon, moreover, to more than law students' bowed backs, usually weighed down by several ponderous tomes.

As explained by Hobart M. Yates, manager of West's law school and college department, the new format makes possible several other features designed to improve readability and to prevent eye strain.

Tests show, he said, that it is easier to read a narrow column of print than a wide one. Thus, by making room for two columns on a page, the new format will permit students to read faster and with less fatigue than was possible with older books.

The new format was developed by Professor Seavey, Mr. Yates, and his staff over a period of two years. They drew heavily on the results of research at Harvard and Tufts on the problems of reading ease and speed, and they incorporated several of the researchers' recommendations into their new design.

—Schumacher

Langdell's Other Inscriptions

Other quotations in Langdell Reading Room are:

1. LEX EST SVMMA RATIO IN SITA IN NATURA, "Law is the highest reason implanted in nature." Cicero, De Legibus, Book 1, VI, 18.

2. IVDICATE EGENO ET PVPILLO HULIMEN ET PAUPEREM IVSTIFICATE, "Judge the poor and the fatherless, do justice to the afflicted and needy." Psalm 82 (81 in Vulgate).

3. OF LAW THERE CAN BEN NO LESSE ACKNOWLEDGED THAN THAT HER SEATE IS THE BOSOME OF GOD, Bishop Hooker, Ecclesiastical Politie, 1st Booke, P.94 (1604).

4. PROPTER LEGEM TVAM SVSTINVI TE DOMINE, "Because of thy law have I abided thee O Lord." Psalm 129.

5. IVRIS PRAECEPTA SVNT HAEC HONESTE VIVERE ALTERVM NON LAEDEDE SVVM CVIQVE TRIBVVERE, "The precepts of the law are these: To live honorably, not to injure another, to give each his due." Justinian Institutes, Book 1, Title 1, Sec. 3.

6. SCIRE LEGES NON HOC EST VERBA EARVM TENERE SED VIM AC POTESTATUM, "To know the law is not merely to understand the words, but as well their force and effect." Justinian, Digest, Book 1, Title 3, 17.

7. NAMQVE IVSTITIAM COLIMUS ET BONI ET AEQVI NOTITIAM PROFITEMVR, "For we cherish justice and profess knowledge of what is equitable and just." Justinian, Digest, Book 1, Title 1, 1, sec. 1.

—Spira

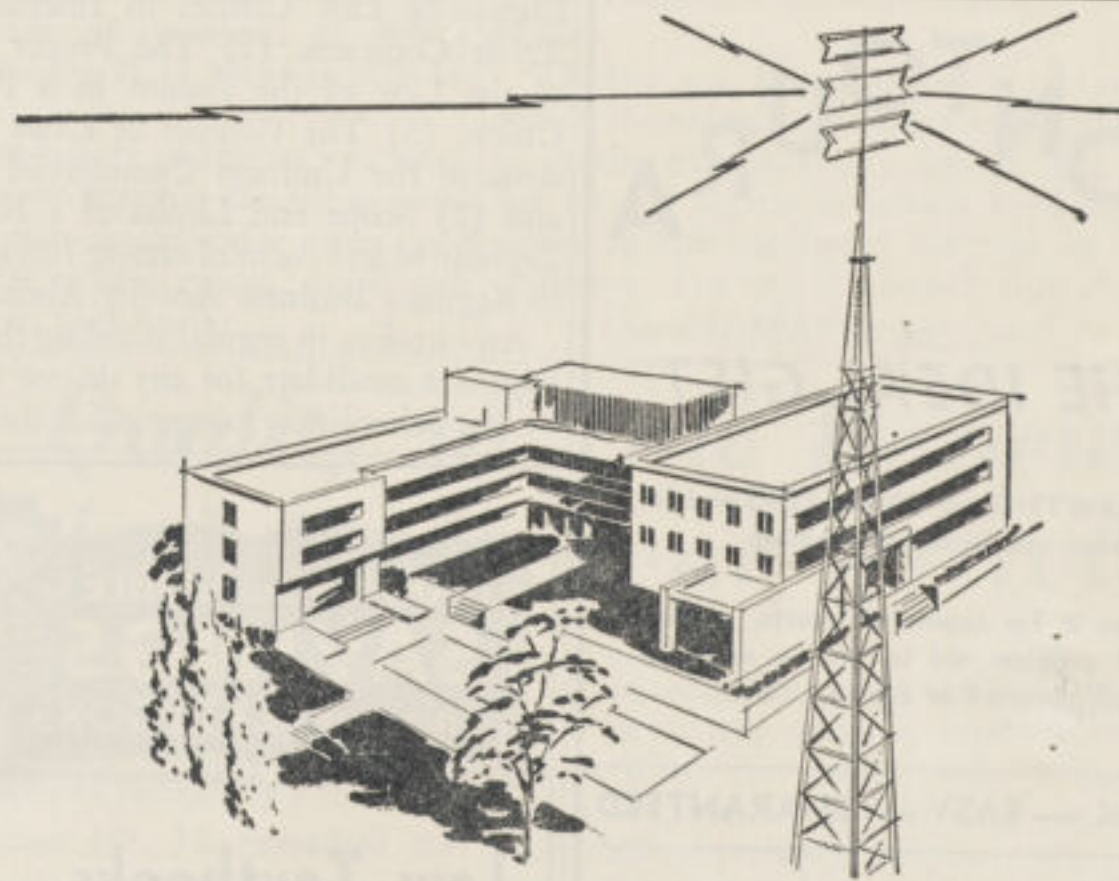
CRIME SCHEDULE

(Continued from page one)

lack of continuity in the course felt to result from the one hour a week meeting after Christmas, and in order to lighten the work load on first year students immediately before final examinations.

The change in schedule adds nine hours to the presently allotted time for the course.

Visiting Professor Herbert Wechsler of Columbia will teach the sections presently taught by Professor Francis A. Allen, who has resigned to accept a position at the University of Chicago Law School.



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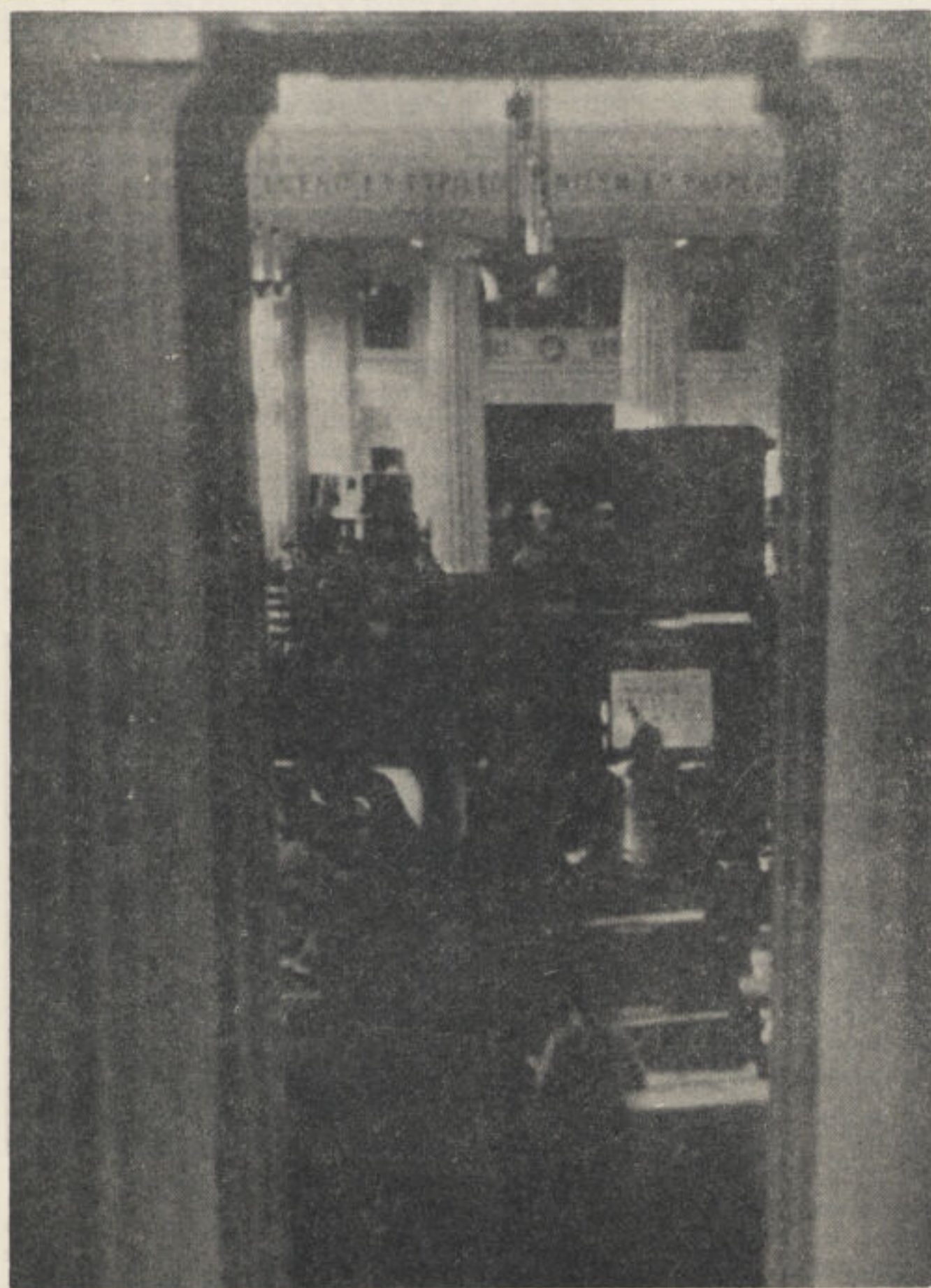
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From where was this picture taken? No, not from the English Reports room (you can tell that by the location of the elevator shaft covering). It was taken from a ladder in the South End of the Langdell Reading Room, placed there while the new lights were being repaired. The view is toward the North.

Addison Brown Prize To Be Awarded; All Students Are Eligible To Compete

Competition is once again in progress for the Addison Brown Prize, which is awarded for the best essay submitted by a student at the Law School on some subject of Maritime or private International Law. The award, in the amount of \$300, is from a bequest by Addison Brown, a former Judge of the District Court of the Southern District of New York.

Manuscripts are to be delivered to the

Dean's office before May 1, 1956, and must be neatly typed with margins sufficient to permit binding. The prize may be withheld at the discretion of the judges if no paper is found worthy of the award.

Last Year's Winner

The award was won last year by Andreas F. Lowenfeld, LL.B. '55, for his essay entitled "Migratory Divorce and the State's Interest in Marriage". Other topics suggested by Dean Griswold to illustrate the character of the competition, are (1) Choice of Law Clauses in International Trade Contracts, (2) The Proper Scope of the Law of the Forum in a Federal Union, (3) The Conflict of Laws Provisions of the Uniform Commercial Code, and (4) Scope and Limits of a Nation's Legislative and Administrative Jurisdiction to Regulate Business Activity Abroad.

Any student in regular standing this year who is a candidate for any degree offered by the School may compete for the prize.

CONTOURA

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Divergence of Criminal Law And Psychiatry Is Explored

THE PSYCHOLOGY OF THE CRIMINAL ACT AND PUNISHMENT. By Gregory Zilboorg, M.D. New York: Harcourt Brace and Company, 1954. \$3.50. One hundred and thirty-six pages.

This book attempts to explore the conflicts between psychiatry and criminal law. It presents the viewpoint of the psychiatrist with moderation and precision. If it is not persuasive, it forces the reader to reflect on the most common assumptions of the criminal law. The book can be read with profit by all who are interested in criminal justice.

The first chapter, "The Nature and Quality of the Act," is impaired by a discursive review of the history of the criminal law and by a rather anecdotal introduction to the subject of the chapter. In dealing with the McNaughten rule, the author shows the competence which characterizes the book. He attacks the semantic obscurity of the rule and argues that it is an attempt to apply more criteria to a scientific problem. The conclusion is that the rule "has no meaning whatsoever unless we bring it into harmony with the total personality of the criminal . . . particularly if it is the insane harmony of a pathological mind".

No Deterrent

The deterrent theory of punishment is challengingly discussed in the second chapter. The author points out the indifference of the criminal to punishment at the time of his crime. He does not deny some efficacy to punishment but he urges that it will be inadequate unless it reflects greater insight into the "criminal mind".

The third chapter examines the differences among the psychologists. But it is more concerned with a fulmination against the failure of the legal profession to give the insights and skills of psychology a just appraisal. In spite of the didactic tone, the author persuades when he argues that the psychologist's involvement with his subject precludes unqualified definitions and pat answers to hypothetical questions. His argument reveals the almost irreconcilable divergence between the rational men conceived by law and the man with whom the psychologist is familiar—whose frailty and illogic cannot easily be expressed with the exactness the law demands.

In his discussion of aggression and transgression in chapter four, the author insists that crime is an outbreak of aggressive impulses shared by all men, that the criminal can be separated from other men by his inability to control his aggression. But he offers no answer to the question of what makes man succumb to aggression.

The last part of the book is a provocative analysis of the technique of criminal

justice and an exposition of the emotional as well as the metaphysical elements of the judgment of the criminal. This part of the book will either outrage the reader or add greatly to his understanding of the agencies of justice. The author emphasizes that the techniques of justice tend to shift the responsibility of judgment and that the ideal of justice may be betrayed by this diffusion of responsibility. He contends that the system struggles against whatever impulses toward charity might be found in any of its agents. His conclusion is that the motivations in favor of punishment are the same ones which lead a man to commit crimes.

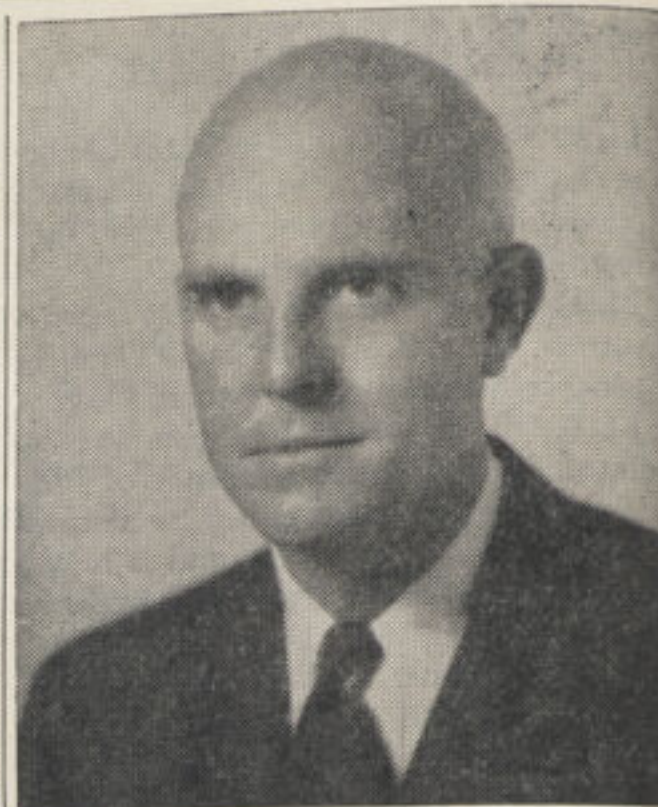
Impulsive Punishment

"On the one hand," he says, "we identify ourselves with the criminal's own impulses and consequently we are tempted to give vent to those impulses within us which are usually inhibited. This state of temptation produces anxiety unless it is lived out in some innocent way . . . Our anxiety can be quieted in only two ways: in our sudden, unconscious denial of any similarity with the criminal, we can hurl ourselves upon him with all the power of our . . . destructive hostility; or, we can assume the criminal to be a mentally sick man and can then assume a more tolerant, more charitable attitude toward the doer if not the deeds."

He damns the adversary system in a criminal trial as one in which the defendant stands "a perfect chance of being forgotten". For Dr. Zilboorg, it is an atavistic survival of the tradition of revenge: "It does not help to save man, and still less to save society." The system overlooks the purpose of rehabilitation implicit in law and explicit in the moral and theological system from which the law purports to derive. It denies the self-punitive drives which exist even in the criminal. It is concerned with the criminal because of his crime and does not bother to inquire into his character and motivation.

The whole book is a plea for a fuller hearing by the law of the psychiatrist. The rancor and didacticism of some of its pages are a result of the author's feeling that justice is often balked because the psychiatrist has not been allowed by the law to reveal more about those who commit crimes. However destructive the views of the psychiatrists may be to the assumptions and procedures of the criminal law, it can not be argued that justice will not be better served by a dilution of the law with understanding and compassion. It is clear that the psychiatrist's knowledge must be absorbed by the criminal law even at the cost of a destruction of some of the law's architectonic beauties.

—Langston



W. Barton Leach

Leach Speaks About Defense, Urges Candor

Civilian secretaries and undersecretaries in the Defense Department can act either as stimulants or depressants to the military, Prof. W. Barton Leach told the Young Republican Club last Wednesday. How they act is often determined by their prior experience, or lack of experience, in the field of national defense, he said.

Professor Leach discussed the difficulties of the armed service in getting appropriations, and explained the methods used to camouflage budget cuts. Both parties employ the same technique, Prof. Leach stated, to convey an impression of a state of military readiness which has not been attained.

Armed forces career officers who testify before Congressional committees are subject to considerable pressure by their superiors, Prof. Leach pointed out. General Matthew B. Ridgway had raised the point in his recent magazine articles that army officers should be free to seap their minds when called to testify.

Sincerity Urged

Professor Leach concluded by urging his listeners, if they ever accept positions in national defense, to act with the utmost candor. As an example of a defense policy failure caused by misinformation, Prof. Leach cited the English Air Ministry's refusal to recognize the buildup in the German Luftwaffe after 1934. Even after the Prime Minister Stanley Baldwin was forced to admit his government's error in Parliament, Air officials were more eager to justify their calculations than to improve Britain's air defenses, Prof. Leach said.

About sixty club members and visitors crowded into the Mallory Smith room to hear the talk. Professor Leach, a brigadier general in the Air Force Reserve, is director of the Harvard Defense Studies Program.

—Stern

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