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Mr. Borgeson

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Emile Zola Berman Stresses Role of Lawyer as Advocate

Emile Zola Berman gave a counsel's-eye view of the courtroom to 350 law students and guests Thursday night. Mr. Berman, who won a national reputation in his defense of Marine Sgt. Matthew F. McKeon last year, was the third in a series of speakers presented by the Student Bar Association.

In an avowed "plea by me to intrigue you into a career of trial practice," he described the ingredients needed for a good trial lawyer. He illustrated his ideas with recollections of the court-martial of Sergeant McKeon, which followed the drowning of six recruits on a night march at Parris Island last spring.

Referring to a recent poll which ranked advocacy last among career aims of Harvard Law students, Mr. Berman opened his talk with the avowal that among the law's greatest rewards are the trial lawyer's sense of fulfillment in being able to make a lasting contribution to the spirit of justice as well as to its administration.

Theory Without Practice

"As students you are learning to be great craftsmen well versed in the science of law, but you have no concept of the use of the forum that is the courtroom."

Learning to use that forum and the effective application of the knowledge are but the incipient factors in the trial lawyers. But the chief qualities in the making of a trial lawyer by the advocate's standards are:

1. Confidence on your feet, "some security in dealing with your fellow men at less than arm's length."
2. The personal equipment of a good voice, "resonant enough to carry to people and to carry the conviction of the speaker."
3. Learning in the field of the humanities.
4. The ability to keep your entire case in range, "to see every detail in regard to the whole. There is no time for a recess to consult with your as-

Exhibit in Langdell To Honor Holmes

The 25th anniversary of the retirement of Justice Oliver Wendell Holmes from the Supreme Court of the United States is being commemorated by an exhibition in the Harvard Law School Library.

The display will be a comprehensive one — starting with the Holmes family background, including the regime of the Justice's father, Dr. Oliver Wendell Holmes, the Autocrat of the Breakfast Table. It will include Justice Holmes' undergraduate days at Harvard College and his service as an officer in the Civil War. Exhibits on Mr. Holmes' early career as a lawyer and legal writer as well as his service on the Supreme Courts of Massachusetts and the United States will also be displayed. These phases of his life will be illustrated by diaries, letters, notes, speeches, articles, opinions and photographs.

Much of the material has been made available through the generosity of Professor Mark DeWolfe Howe, official biographer of Justice Holmes, as well as through the co-operation of the Archives Department of Harvard University.

The exhibition will include seven glass cases in the Treasure Room, and an exhibition case under the full-length portrait of Justice Holmes in the north portico of the reading room. In addition, about forty-five decisions of Justice Holmes, written both as a member of the Supreme Judicial Court of Massachusetts and the Supreme Court of the United States, will be set out in the three cases just north of the reading room desk.

The display will end on February 25.

sociates, or to study the significance of the witness' last statement."

5. "And of course, courage. There is no room for doleful pessimism at the counsel table."

Turning his analysis to legal training, the advocate pointed to deficiencies which tended to handicap the beginner. Fact finding received the most intensive analysis. "The heart of the case is the preparation . . . the law frequently is the simplest element. The whole investigatory system, which is the backbone of the entire trial system, has not received sufficient attention in the classrooms."

Of particular importance to Mr. Berman is the handling of expert witnesses. "When you set that man on the stand, you won't be an effective advocate if you don't know as much as he does about that segment of his knowledge to which he must testify."

The McKeon court martial served as the illustrative vehicle for many of Mr. Berman's remarks. He spoke of the confusion within the Marine Corps itself for labelling Sergeant McKeon as "a drunk leading a death march."

Confusion Cited

This unfavorable publicity for the accused drill instructor "emanated from early public relations releases of the Corps itself. The Marine Corps was more confused than McKeon himself," he said.

In articulating the philosophy with which he approached the trial, Mr. Berman said, "If apologies were required for a system, it should not be required of a sergeant. A system must not be allowed to accuse its own devoted servant for following the rules."

The speaker described in some detail the problem faced by Sergeant McKeon in handling a lagging training platoon and the elaborate examination of personnel and terrain features that the defense team was required to make to adequately prepare its case — even to the extent of charting the bottom of a stream and the computation of its tidal flow.

Questioned as to the actual cause of the accident, he said, "No one will ever know the whole answer, but part of it was panic: panic broke loose. The rear of that column scattered in" (See BERMAN on page four)

Capp Blasts Comic Critics As Incipient Book Burners

Speaking at a Law School Coffee Hour last week, Al Capp, creator of *Li'l Abner*, defended comic books against those who charge them with corrupting children.



Al Capp



Benjamin Kaplan

Kaplan Will Serve On N.Y. Committee

Professor Benjamin Kaplan has been named to an advisory committee of the Project for Effective Justice, it was announced last week by William C. Warren, LL.B. '35, dean of Columbia Law School.

The project, financed by an anonymous grant of \$50,000 and supplemented by a \$15,000 grant from the New York Foundation, Inc., is headed by Maurice Rosenberg, Associate Professor of Law at Columbia. Its purpose is to assist in the study of the administration of civil justice in New York.

The function of the committee will be decided at a meeting in New York City on February 1. Professor Rosenberg announced. The committee is composed of 34 members, including Justice William J. Brennan, Jr., LL.B. '31, of the Supreme Court of the United States.

Figures Show Legal Income Depends upon Many Factors

By ROBERT M. SEGAL

Lawyers earn on the average \$10,220 per year, have a median age of 45 and are changing their form of law office organization, according to several studies recently completed by the U. S. Department of Commerce and Martindale-Hubbell. Their incomes are closely related to type of clientele, sources of legal income, size of law firm, size of community, location, age and years of experience and type of practice.

The reports give the following basic information about the legal service industry and lawyers:

1. "Legal Service" Industry

a) In 1954, approximately 1.6 billion dollars, or one half of one per

cent of the total national income originated in the legal services industry.

b) American individuals spent slightly more than one billion dollars for legal services, which represented an increase of 17 million dollars over 1953 and 59 million dollars over 1952. These increases did not keep pace with the increases in personal consumption expenditures nor the increases in expenditures for physicians and dentists. American individuals spend nearly three times more for physicians than for lawyers, and nearly as much for dentists as for legal services. Furthermore Americans spend far greater sums on such personal categories as beauty, tobacco products, alcoholic beverages, movies, toilet articles, drug preparations and sundries than for legal services.

c) "Legal services" as an industry employed 134,000 non-legal full time persons whose average annual earnings were \$2,858. Lawyers' expenses increased from 1947 to 1954 so that the ratio of net to gross income dropped from 65 to 61 per cent.

2. Number and Background of Lawyers:

a) The total number of lawyers accounted for in the country in 1955 was 241,514. Of this number, approximately 190,000 are engaged in private practice while the rest are in salaried positions ranging from private industry to the government.

b) Of the 190,000 lawyers in pri-

Chafee Scores Failure To Plan Desegregation

Professor Emeritus Zechariah Chafee, Jr., has attacked the method of enforcement of the Supreme Court's decision in the Segregation Cases as ineffective to end racial discrimination in the Schools of the South. In a letter to a St. Louis attorney, whose name was not made public, Professor Chafee called for a statement by President Eisenhower urging compliance with the Supreme Court decision.

The letter was written in response to a communication from an attorney who answered the following question in the affirmative and asked Professor Chafee for his comment:

Has the Attorney General of the United States the inherent power to bring a suit in equity in an appropriate United States court against a State or local school board and obtain injunctive relief to enforce compliance with the integration opinion of the Supreme Court?

Text of Letter

"I have never really been called on to consider how far the national government has any standing to sue in matters like this. I am not very fond of the Debs case, especially when the opinion goes beyond the protection of the mails. I do not agree with Justice Brewer that the national government is the guardian of what Pound calls 'social interests' so as to be able to sue for an injunction against public nuisances generally. There must be a more precise ground which is expressed in the Constitution. Protection of the mails was enough, I think. Was interstate commerce enough? I'm not sure that it was in the absence of action by Congress, but I don't know enough to trust my judgment on that



Zechariah Chafee, Jr.

point. See my book, *The Inquiring Mind*, pages 198-216. This discusses A. Mitchell Palmer's suit in 1919, which obtained from Judge Albert B. Anderson an injunction against a coal strike without any ground except the Commerce Clause.

"Your suggestion that the Fourteenth Amendment might give the government standing to sue, without Congressional action, raises a somewhat similar problem. I am worried even more here than about the Commerce Clause. The scope of federal concern with interstate commerce may have well been wider than that of federal concern with unequal protection of the laws. There is more to be said for state supervision of local education, despite its shortcomings, than for state attempts to control interstate commerce. When the interests of other states are involved, as they are not in education, a single state is too likely to be biased.

"On the other hand, we do have in segregation a broad principle which (See CHAFEE on page four)

ALSA Conference To Be Held at HLS

The Eighth Annual Northeast Conference of the American Law Student Association will be held at the Law School on April 4-6, according to Sidney A. Stutz, 3L of Urbana, Ill., president of the local chapter of the Student Bar Association.

The Harvard Chapter of the Association will be host to the meeting which will include delegates from 14 law schools in the New England area.

The executive council of the Association will be in charge of coordinating program plans for the conference with the vice-presidents of the ALSA groups which plan to attend. General Chairman of the conference will be William C. McAuliffe, Jr., 2L of Columbus, Ohio.

Selection of Chairmen

Mr. McAuliffe and the executive council of the Student Bar are currently selecting chairmen for committees in charge of activities, registration, and public relations.

Attendance is expected to top the 42 delegates who attended last year's conference at Syracuse University. Law schools in Massachusetts with ALSA affiliation are Harvard, Boston University, and Boston College.

Also expected to attend are the law schools of Albany, Brooklyn, Buffalo, Columbia, Connecticut, Cornell, Fordham, New York, St. John's, Syracuse and Yale Universities.

Canadian Professions Cooperate in Tax Studies

By J. HARVEY PERRY

(Mr. Perry is Director of the Canadian Tax Foundation.)

The Canadian Tax Foundation is in many respects an organization so unique that it has no exact counterpart in the United States. As an independent, non-partisan, highly-regarded entity carrying on tax research through its own staff on a full time basis it is sufficiently unusual to attract attention. If to that is added the fact that it was established through the friendly co-operation of the legal and accounting professions in Canada this organization should be of particular interest to readers of this journal.

The Foundation in a sense is a concrete manifestation of the long experience of joint operation by the two professions in Canada in the tax field. The two national associations — the Canadian Institute of Chartered Accountants and the Canadian Bar Association — have through their taxation committees for many years submitted a joint annual brief to the federal government on tax matters. During the war many complex issues were dealt with successfully on a voluntary basis by the joint taxation committee, but the prospect that taxation was likely to remain as a permanent and potent economic factor in the postwar period led to the conviction that it should be given full time attention by a qualified research staff. It was at first apparently thought that this research would only supplement the activities of the joint taxation committee, although in fact the activities of the Foundation that was established have gone far beyond those expectations. Letters patent for the new organization were obtained in March, 1945, with a group of Toronto and Montreal lawyers and accountants being named as directors. Among these was the late Molyneux L. Gordon, a Toronto lawyer whose inspiration was largely responsible for this first step being taken. The purposes of the Foundation were set out to be the following:

To encourage study, research and investigation in the field of taxation and economics insofar as the various laws and Statutes of the Dominion of Canada, or any of the Provinces thereof, and regulations passed thereunder may affect the enterprise of its citizens or in any way hinder the expansion of Canadian industry and trade; and

To make reports and suggestions to Governmental authorities for changes in the various laws and regulations which in the opinion of the directors of the Corporation may in any way interfere with the growth of Canada.

Board of Governors

The basic organization of the Foundation as established in its first by-laws has remained substantially unchanged in the last decade. The general direction is under a Board of Governors composed equally of lawyers and accountants. These Governors are nominated each year by the Presidents of the two sponsoring bodies in consultation with the current chairman of the Foundation, and represent all regions of Canada. The new Board, which must be elected at an annual meeting, in turn elects its own officers and an executive committee for the transaction of current business. At present there are a chairman and two vice-chairmen, with representatives of the two professions alternating in the chairmanship.

Membership

The body of the Foundation is composed of members, who join the organization on payment of an annual fee. There are two classes of members: (1) corporate subscribers, and (2) individuals. The corporate subscribers supporting the Foundation now total about 750, and revenues from this source provide the bulk of the funds for research. There is no set fee (except for a minimum of \$100) and corporate subscribers are not represented in any way in the governing body of the organization, but have the right to vote in the annual election of Governors. Individual members now exceed 1350 in total, and are in two classes: ordinary members, for whom the annual fee is \$15, and teachers, students and members of the professions in their first three years of practice, for whom there is a special annual fee of \$5. Individual members are mainly lawyers and accountants, but the number of stu-

dents, professors, businessmen, government officials and non-residents is growing. Several American firms and individuals are subscribing members. Incidentally the total membership, now exceeding two thousand, is a remarkable record for a country numbering only about sixteen million. In a speech to the Tax Institute in 1952 Mr. Clarence L. Turner, then President of the Institute, estimated that eliminating duplications there were only some two thousand members of non-propaganda national tax associations in the United States, with a population at least ten times that of Canada.

Activities

The main activities of the Foundation emanate from its permanent staff. At present the staff numbers ten, and there are plans for the addition of two or three more as finances permit. Their work is supplemented by outside projects carried out under assignment, mainly by university economists. To a large extent both the scope of their work and its detailed execution are under the control of the Director, who operates within broad lines of policy laid down by the Board of Governors. In this sense the staff itself works with a minimum of interference, and the results of research studies having important policy implications are regularly issued without prior approval by the executive.

A National Organization

The office of the Foundation is in Toronto, and is equipped with one of the best tax libraries in Canada. Every effort is made to have the organization function on a national basis, however, and the Director makes frequent visits to all parts of Canada.

Public Functions

While all activities in a sense are carried on for the members, they can be divided between those that are of an internal or research character and those that more directly interest the membership. Among the latter could be included:

1. An annual tax conference. Each fall an annual conference is held at which attendance in recent years has exceeded 500.
2. Conferences on the annual income tax amending bill. These are small regional conferences held to review and discuss the new federal income tax legislation each year.
3. Conferences on subjects of regional interest. During 1957 conferences will be held in at least two

regions of Canada to discuss forestry taxation.

4. Periodical publications. The Foundation has its own bi-monthly publication — the Canadian Tax Journal — and also from time to time issues the Tax Memo, which carries a short report on some subject of current interest. A full report of the papers at the annual conference is also issued to members.
5. Book length publications. Four book-length publications have been sponsored by the Foundation, with the University of Toronto Press acting as publisher.

Research

The activities of a more internal character would include:—

1. The carrying out of major research studies either directly by the staff or by experts outside the staff. Such projects have included almost every important phase of federal taxation — income tax, sales tax and death taxes — and in several instances have resulted in major changes in federal legislation. In some cases the results of these studies are presented formally to the government for its attention, but more frequently they are simply issued as a report on a research project. In the federal field a comprehensive annual review of federal revenues and expenditures appears under the title, "The National Finances." Major areas of provincial taxation have also been studied. A comprehensive analysis of highway financing was prepared and issued in 1955, and since then the major project has been a study of forestry taxation, which on completion will be succeeded by a study of taxation of the petroleum industry. All these research projects result in published reports which frequently run to hundreds of pages.

Counsel

2. Co-operation with the Joint Taxation Committee of the sponsoring associations in the preparation of their annual brief to the Minister of Finance. The Director attends all meetings leading to preparation of the brief.
3. Annual review of new tax legislation with federal officials after first introduction, following which representations are made to the Minister of Finance. Somewhat outside either of these groups of activities are the following:—

1. The granting of an annual fellowship in the amount of \$2500 to encourage study of doctorate standing in the field of interests of the Foundation.

2. Frequent public appearances by the Director, and sometimes by other members of the staff, as speaker at conferences, dinners, etc. and preparation of articles for periodicals of all kinds.

3. Consultation and assistance to government departments, official enquiries, business associations, schools of commerce and other organizations interested in fiscal matters.

Reputation for Impartiality

This bare outline of the organization and activities of the Foundation is not only incomplete in its details but has failed to mention what is its greatest asset — a reputation for painstaking research and for independence and impartiality. Reports of studies made by the Foundation are accepted by governments in Canada at all levels as being trustworthy and unbiased, and as a result they frequently contribute towards important tax reforms. No amount of propaganda would have produced half the result that has been accomplished by independent research — an independence that has been made possible by the joint action of the Canadian legal and accounting professions.

Lawyers Fill Many Diplomatic Needs As State Department Legal Advisers

By BENEDICT M. ENGLISH

Acting Deputy Legal Adviser, Department of State

With a staff of about fifty lawyers, the Legal Adviser of the Department of State is responsible to the Secretary of State for all legal problems affecting the work of the Department and the conduct of foreign relations.

A brief description of the breakdown of the Office of the Legal Adviser and the duties of the several Assistant Legal Advisers and their staffs will indicate in a rough way the nature of the legal problems dealt with. There are ten assistant legal advisers; the responsibilities of two of these, the Assistant Legal Advisers for International Claims and for Treaty Affairs, cut across the various functional and geographic bureaus of the Department. These two offices, in addition to the major substantive work involved in the handling of interna-

tional claims and treaty problems, carry certain administrative responsibilities of their own, particularly with respect to correspondence, maintenance of official records, and the publication of treaties.

Three other Assistant Legal Advisers, for United Nations Affairs, Economic Affairs, and Public Affairs, likewise deal with problems cutting across all geographic areas. The Assistant Legal Adviser for United Nations Affairs is concerned with interpretation of the United Nations Charter, the various instruments establishing the Specialized Agencies, and the manifold legal problems arising in the various international organizations, including those of special legal interest such as the International Law Commission. Economic Affairs deals with the entire Trade Agreements Program, our many Treaties of Commerce and Navigation, questions of reparations and foreign funds control, Commodity Agreements, various regional and world-wide economic programs, and the legal problems of the International Bank and Fund. Public Affairs relate to the State Department's interest in our Overseas Information Program and to our program of International Educational Exchange, as well as the Department's own program of Publications and Public Relations.

Matching the large geographic bureaus which handle reports from and instructions to our Foreign Service establishments abroad, are the offices of the four Assistant Legal Advisers for American Republics, European, Far Eastern, and Near East and African Affairs. Needless to say, the variety of legal problems presented to these offices is not readily broken down by category. (See DIPLOMACY on page four)

Jaffe Champions Private Right to Travel

The recent State Department position toward three American newsmen who had gone to Communist China has drawn the following comment from Professor Louis L. Jaffe:

The Department of State announces that it will revoke the passports and block the bank accounts of three newsmen who have dared to defy its ban on travel to China. It is true that the Department is authorized by statute to deny permission to travel abroad where "the interests of the United States require," but the Court of Appeals of the District of Columbia has made it clear that because the "right to travel" is protected by the Constitution the denial of a passport must be justified by adequate reasons. Un-

recently the ludicrous case of Mr. Arthur Miller. He was first denied a passport for no precisely stated reasons, though one suspects that questions as to his past or present political associations figured in the denial. Then the Department appeared to be so titillated and persuaded by the glamor of his marriage to Marilyn Monroe that he was granted the favor of a six-month honeymoon abroad! Is there in a government of laws any rational justification for such a capricious exercise of power?

The "right to travel" is closely related to the right to learn, to think, and to communicate, and for that reason it is as vital to the nation as to the individual. What better illustration can there be of its value than our crying need to know more of Communist China if thinking on this issue is not to be limited to the small group

of professionals within the Department of State? In short this "right to travel," to bring us to the World and the World to us, is too important to be denied for any but the most exigent reasons. Let us grant that there is justification for the denial of a passport if there is reason to believe that the traveller is going abroad to give aid and comfort to our enemies. And there may be other sufficiently urgent reasons of national defense. But we cannot tolerate those subtle, self-serving reasons which diplomats dress up in the guise of "the interests of the United States." Once we acquiesce in a power to deny basic rights on this vague ground we are bound to get precisely what we have got — the capricious, personal, unpredictable, unknowable exercise of power calculated simply to serve the policy of the minister of the day.

Review of Justice Peck's "Greer Case," on TV Tonight

Melvyn Douglas, Zsa Zsa Gabor, and Edmund Gwenn star tonight on Channel 7 (Boston) at 9:30 in "The Greer Case," CBS' dramatization of Justice David W. Peck's best-selling account of one of the most mysterious probate cases ever to be appealed before him as Presiding Justice of the Appellate Division of the New York State Supreme Court. The hour-and-a-half presentation will be produced by Playhouse 90 over WNAC-TV. Justice Peck, LL.B. '25, was a prominently-mentioned choice to succeed to the State Attorney Generalship recently vacated by United States Senator Jacob K. Javits. He is president of the Harvard Law School Association of New York City.

Mabel Greer, New York millionairess, died soon after her husband, leaving Harvard her fortune and the world an admission that she had had

an illegitimate son fifty years before. Harold Segur sought to upset her will by proving himself that son. Raymond Armbruster defended the will as her executor. And Joseph Cox, representing the State, hoped either to defeat both Segur and the will, claiming her property for the State, or to defeat Segur and be credited with furthering the just administration of the will.

"The Greer Case" (Simon and Schuster, 1955) is a short and energetic account of a fascinating human mystery. It is written as a factual drama, full of the nuances of emotion, full of the suggestive hint of pathos, the portrayal of bewilderment and strategy, and, at last, the merest touch of the tragic. Yet the author has avoided fiction with deliberate discipline, and the book should be judged on reportorial rather than literary merits. The emotion and the philosophizing

are not carried to fulfillment except in the imagination of the creative reader, for that was not Justice Peck's purpose, but rather the representation of the specific acts of specific real people, with the resulting limitation on such full communication as real life entails.

The Justice answers magnificently and with great humanity the questions all who witness trials ask: "What passes through the mind of the judge?" and "How do the lawyers feel as each stage of strategy unfolds, enfolding them?" It is their story, at last, for they dig tirelessly for the facts, worry painstakingly over how to present them as evidence, and take the risks of defeat in their determination to present their cases despite the apparent unknowability of the final truth.

— Moss



Louis L. Jaffe

LAWYERS

(Continued from page one)

vate practice, nearly 70% are solo practitioners, slightly more than a quarter are partners, and 5% are associates.

c) Of the salaried lawyers, 21,300 are in government service, 8,000 are in the judicial service, 15,063 are salaried to private industry, 1,350 in educational institutions, and 234 are doing legal work in other private employment.

d) The median age of all lawyers in 1954 was 45 years of age.

e) On a per capita basis, Washington, D. C. has the largest number of lawyers followed by New York, Maryland, Massachusetts, New Jersey, Illinois and Virginia. The lowest concentration of lawyers is found in Pennsylvania, Alabama, North Carolina and Tennessee.

f) The number of lawyers in individual practice declined from 75% in 1947 to 65% in 1954, whereas the number of lawyers in firms consisting of two partners rose from 15 to 18 per cent. The percentage of lawyers in firms having nine or more partners rose from 1.3 per cent to 2.2 per cent.

3. Incomes:

a) The average net income of all lawyers in the country in 1954 was \$10,220, an increase of 36% compared with the average of \$7530 in 1947.

b) Lawyers working exclusively in salaried employment for private industry received, on the average, the highest income recorded with a mean of \$13,770, or \$3500 above the national average for all lawyers.

c) The lowest paid salaried group is found in government employment, for the civilian non-judicial government lawyer averaged \$7920 or \$2300 below the national average for all lawyers in the country.

e) Associates in law offices averaged \$7800 in 1954.

f) Full-time teachers of law have a \$9000 average or \$1200 below the national average income for all lawyers and \$1600 below the average for salaried lawyers.

g) There is a wide disparity in the income of lawyers but there is a long period of relatively stable earnings for lawyers between 45 and 64 years of age.

h) More lawyers are relying on business clients rather than individuals, for in 1954 about one-third of the lawyers received more than one half of their gross income from business as compared with less than 30% in 1947.

i) The greatest gains in incomes from 1947 to 1954 came for the lawyers who earned less than \$10,000 per year and who were under 30 years of age in 1947.

4. Factors Affecting Income

a) Salaried lawyers fare better on the average than independent practitioners. Their median average is higher, their income in the first years of practice is higher, they reach their average peak income five years ahead

of their independent counterparts, the drop in income after their peak is not as sudden or sharp, and there are fewer lawyers at the extremes of the distribution.

b) Incomes increase as lawyers rely more on business clientele rather than individuals.

c) Incomes also increase as the size of law firm increases, for lawyers in firms of nine or more average almost five times the income received by lawyers in sole practice.

d) Incomes increase as the size of the community increases. The lowest average salary of \$5639 was reported by lawyers in towns with less than 1,000 population while the highest income of \$12,709 was formed in cities over one million.

e) Significant differences were shown by regions. The Middle Eastern region, including New York and Pennsylvania, ranked first in average income with \$11,520 while the Northwest region was low with an average



Robert M. Segal

(Amherst College '36, Harvard Law School '42, Chairman of Labor Relations Law Section of ABA and author of various articles on labor law and economics of the legal profession.)

of \$8,420. The highest average of any state was \$12,180 for California, and the highest average of the large cities was found in San Francisco with \$13,157 compared to a low of \$9,882 for Boston. The highest salary average was found in Illinois with \$12,288 and in Chicago with \$13,106, whereas Boston was low with an average of \$8560 for all salaried lawyers.

f) Incomes increase generally with the age of the lawyer as well as years in practice. Lawyers aged 55 to 60 were at their earning peak, and maximum earnings were reached after 25 years of practice.

g) Full time lawyers fare much better than part-time practitioners.

Students entering the practice of law might do well to study these recent detailed statistics in the July, 1955 and December 1956 issues of the *Survey of Current Business*, published by the U. S. Department of Commerce and the Third Statistical Report of Martindale-Hubbell for 1955. At the same time students might

Meserve to Teach Court Techniques

Robert W. Meserve, LL.B. '34, of the Boston firm of Nutter, McClellan & Fish, has been appointed Lecturer in Law for the second semester. He will conduct one of the sections of the Trial Practice course to be offered to third-year and graduate students.

Other sections will be conducted by Professors Richard H. Field and Robert E. Keeton, and James D. St. Clair, LL.B. '44 (47), of Hale & Dorr in Boston. Mr. St. Clair's appointment was announced last fall.

Mr. Meserve's appointment was necessitated in part by the increased interest shown in the course this year. This year's enrollment of 128 is nearly double that of preceding years. Over 175 students applied for the course, and were assigned to the sections by lot. Section size is kept at 32 to allow each student to get individual experience in trial technique.

Review Names Wheeler As Graduate Treasurer

Leonard Wheeler, Jr., LL.B. '25 of Boston, has been elected graduate treasurer of the *Harvard Law Review*. He succeeds R. Ammi Cutter, also LL.B. '25 of Boston, who was appointed a Justice of the Supreme Judicial Court of Massachusetts.

The graduate treasurer manages the Law Review's portfolio of securities, which is now about \$125,000. Under the management of Justice Cutter, the value of the securities rose considerably in the past few years, according to *Review* officers. Both Justice Cutter and Mr. Wheeler serve without fee.

The other trustees of the *Review* and Professors Paul A. Freund and Henry M. Hart, Jr., Dean Erwin N. Griswold, and the student officers of the *Review*, president Edward W. Keane, 3L of New Canaan, Conn., and treasurer Anthony Partridge, 3L of New York City.

Forum Elects

Zelig E. Robinson, 3L of Baltimore, was elected president of the Harvard Law School Forum at a Forum meeting last month. Mr. Robinson, who succeeds H. Philip Howorth, 3L of Tampa, Fla., will head the ten-year-old organization for the spring semester.

Also elected were Stephen Moses, 2L of Elkins Park, Pa., first vice president; Saul A. Wolfe, 2L of Newark, N. J., second vice president; John E. Corcoran, Jr., 3L of Brookline, treasurer; and Zita L. Wienshienk, 2L of Denver, Colo., secretary.

also do well to investigate incomes from practice with their relatives or in-laws as well as other local and special factors.

Alumni Notes

LL.B. '02 — Joseph H. Marshutz, a widely known corporation lawyer, died recently at his home, 1224 N. Prospect Avenue, Milwaukee, Wisconsin.

LL.B. '23 — John Ross Lauer of 114 East Ninetieth Street, New York City, died on November 29 at the Harvard Club. He had previously served as a deputy assistant State Attorney General.

LL.B. '23 — Clyde E. Holley and Alva C. Baird have merged their law offices and will continue the practice of law under the firm name of Baird & Holley. Holley is presently the California member of the associate and advisory committee on Professional Ethics and Grievances of the American Bar Association. The firm's offices are at 709 Rowan Building, 458 South Spring Street, Los Angeles, California.

LL.B. '26 — The firm of Surrey, Karasik, Gould & Efron has announced the opening of its European Office at 25 Bis, Avenue Matignon, Paris VIII, France. David Getz, a member of the bar of Pennsylvania and of the Supreme Court of the United States, is to be the European partner.

LL.B. '37 — Noel Hemmendinger, formerly of the United States Department of State, has formed the law firm of Stitt and Hemmendinger with Nelson A. Stitt. The firm is for the general practice of law specializing in international matters and practice before U. S. government agencies. The offices are located at 815 Fifteenth Street, N. W., Washington 5, D. C.

LL.B. '41 — Paul Dobin is serving during the current year as Chairman for the Communications Committee of the Administrative Law Section of the American Bar Association.

LL.B. '43 ('46) — William T. Coleman, Jr. has become a member of the firm of Dilworth, Paxson, Kalish & Green with offices at 123 South Broad Street, Philadelphia, Pennsylvania.

LL.B. '49 — E. Ladd Thurston has become a member of the firm of Purcell & Nelson. Their offices are at 910 17th Street, N. W., Washington 6, D. C.

LL.B. '49 — Jerome G. Shapiro and L. Edwin Smart, Jr. have become members of the firm of Hughes, Hubbard, Blair & Reed, One Wall Street, New York 5, New York.

LL.B. '50 — Benjamin Phelosof is engaged in the general practice of law at 25 Exchange Street, Rochester 14, New York.

LL.B. '51 — Irwin Gostin and Louis S. Katz have formed a partnership for the general practice of law under the firm name of Gostin & Katz. Their offices are located at the Hotel San Diego, 339 West Broadway, San Diego 1, California.

LL.B. '51 — Daniel Levy has announced that Jerrold M. Sonet has become a member of the firm and that the name of the firm has been changed to Levy & Sonet, 11 West 42nd Street, New York 36, New York.

LL.B. '51 — Marvin Sears is presently associated with Oliver B. Schwab LL.B. '35 at 141 El Camino Drive, Beverly Hills, California, and Sears has legally changed his name from "Marvin Sirinsky" to "Marvin Sears."

LL.B. '52 — Robert B. Simon has entered into a law partnership with Martin S. Gordon and Sheldon M. Gordon with offices at 33 North La Salle Street, Chicago 2, Illinois.

LL.B. '54 — Stewart M. Hutt has announced the opening of his office for the general practice of law at 84 Main Street, Woodbridge, New Jersey.

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Registration for a **New York Bar Review Course** that is to be given in the vicinity of the Harvard Law School, commencing February 1957.

Registration will take place on February 1, 1957, at the Hotel Continental, Cambridge, between the hours of 10:00 a.m. and 8:00 p.m.

Hotel Room Number available from Hotel Desk Clerk.

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Larson Receives Henderson Award

Arthur Larson, director of the United States Information Agency, has won a Harvard Law School award for a treatise he wrote in 1952.

Mr. Larson, formerly dean of the law school at the University of Pittsburgh, was awarded \$1,000 and the Gerard Henderson Memorial Prize for his work entitled "The Law of Workmen's Compensation."

The Henderson prize was established in honor of Gerard C. Henderson, LL.B. '16. Mr. Henderson, an outstanding student at the Law School, died in 1927.

The prize was awarded after consideration by a committee of the faculty headed by Professor Louis L. Jaffe. Mr. Larson, in addition to his work on workmen's compensation, is author of "A Republican Looks at His Party." The publication of this work last year led to President Eisenhower's taking notice of Mr. Larson, who at the time was Undersecretary of Labor.

Awarded Since 1946

Previous recipients of the Henderson prize have been: In 1946, the Attorney General's Committee on Administrative Procedure, and its Director of Research, for the "Final Report of the Attorney General's Committee on Administrative Procedure," published in 1941; and in 1951, to Professor Kenneth Culp Davis, for his treatise "Administrative Law," published in 1951.

By its terms, the prize is awarded "by the Faculty of the Harvard Law School, at intervals of not less than five years, to the author of a critical and constructive work, of outstanding excellence, dealing with administrative law or other legal problems affecting government."

Harvard Families Insured till August

The University Health Service has announced that families enrolled in the 1956-1957 Harvard Dependents Insurance Plan already have protection for the summer, since their coverage is in force from the date of application through August 31, 1957. The application blank for summer coverage included in the recent term bill pertains only to the students themselves, the Service has said.

Student policies provide for coverage through September 9 under the summer extension provisions, while policies for dependents terminate on August 31. Upon registration, however, both coverages are made retroactive, so that illnesses between those dates and registration are covered by the insurance.

Questions can be answered by Miss Martha Downey, University Health Services at 15 Holyoke Street, KI 7-7600, extension 561.

DIPLOMACY

(Continued from page two)

Special mention should be made of the Assistant Legal Adviser for Administration and Foreign Service. To his office come not only the house-keeping problems of any Government Department but also the legal problems involved in appropriating and administering funds for the Foreign Service and the numerous overseas programs of concern to the Department of State. He has in addition the traditional problems that arise with regard to the privileges and immunities of diplomatic representatives.

Owing to the specialized nature of the work involved there are in addition units of the Office concerned primarily with German and Austrian Affairs, the Mutual Security Program, and such legal matters as the violations of the satellite Peace Treaties and of the rights of American aircraft attacked while on innocent flight.

The variety of the work of the Office is only partially suggested by the foregoing listing. Problems are constantly arising in such traditional areas of International Law as passports and visas, nationality, extradition, territorial waters, treatment of aliens, the high seas and the like. The United States has been a party in two contentious proceedings before the International Court of Justice and has made application in four other cases where the other party has not accepted the jurisdiction. We have also made written or oral statements in all advisory opinion proceedings before that Court. The Office is, of course, involved in the legal questions attending any major international differences — the current question of the Suez, and, for over six years, the question of Korea, are in point.

While not integrated into the Foreign Service, members of the Legal Advisor's Staff frequently handle legal problems directly in the field. Their presence is also required at many major international meetings, such as those of the United Nations, the Contracting Powers to the General Agreement on Tariff and Trade, and the Organization of American States. Indeed, a growing proportion of the legal work of the Office relates to the interpretation and application of multilateral treaties and agreements, many of which are the constitutions of important international organizations in which the United States participates.

BERMAN

(Continued from page one)

every direction in the darkness — the kids were jumping on top of each other."

In a question period afterward, Mr. Berman was asked about the relationship of lawyer and client. "An advocate has to stand up for what he believes is right in his case and for his client," he said. Rejecting the suggestion that an advocate must believe some conclusion favorable to his client he snapped in conclusion, "That doesn't even enter into it. Your job is to represent your client."

— Hall & Mulroney

NEWS IN BRIEF

NEW LIGHTS

New lighting was installed over the Christmas recess in two classrooms in Langdell Hall. New fluorescent fixtures were placed in Langdell North and North Middle. This completes the job of improving lighting facilities in the seven major Law School classrooms.

SIGN-OFF DAYS

The next sign-off days for Harkness Commons are Monday and Tuesday, February 4 and 5. Law students who do not wish to remain on board can sign off at Assistant Dean Bevins' office in the basement of Hastings Hall. You can sign on at any time at Commons.

CLERKS

Two third year students have been selected as clerks to Supreme Court Justice William J. Brennan, Jr., LL.B. '31. They are Edward W. Keane, 3L of New Canaan, Conn., president of the *Harvard Law Review*, and Daniel J. O'Hern, 3L of Red Bank, N. J. As was Justice Brennan, Mr. O'Hern is a member of the Harvard Legal Aid Bureau.

CAPP

(Continued from page one)

to keep the heat off, but cartoonists have no organization through which they can influence the legislators, so they are given all the blame."

Mr. Capp went on to defend the right to publish anything in comic books on the grounds that if there were no right, there would be a progressive deterioration of civil liberties. "If you can burn a bad book," he said, "pretty soon you can burn any book. If you can burn books you think are bad, you can soon burn books that don't say the right things. And if you can burn the books, pretty soon you can burn the people who write the books."

Speaking less seriously, Mr. Capp spoke of his practice of lampooning national characters. "Some of my fellow cartoonists thought that when McCarthy went, there would be nothing for them to draw about, but now we have Richard Nixon. When he goes there'll be something just as unbearable. There's always something new in the world to make fun of. When I was young, I thought that when Coolidge went out, I was out of work, but I've always found something to kid."

Speaking of Harvard, he said that he did not usually lampoon Harvard as such because he uses Harvard as a symbol of a certain type of person. If you introduce a character who has gone to Harvard, he pointed out, the audience always knew what you meant. "Besides," he said, "whatever I would say about the school, you people would always do me one better."

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CHAFEE

(Continued from page one)

has definitely been handed down by the Supreme Court. This is better than having just the Fourteenth Amendment or just the Commerce Clause. So perhaps you are right in thinking that the national government has standing to sue since the Segregation Cases. We don't have to worry about its position before those cases. You can currently place considerable reliance on the recent decisions of the Eighth Circuit which you mention. *Brewer v. Hoxie School District* 238 F.2d 91 (8th Cir. Oct. 25, 1956). One of my chief worries is the absence of any order to do anything specific in the first Segregation Case; hence it is difficult to say that your proposed injunction would be implementing any previous judicial decree. Still the same objection could be made to the injunction in the Eighth Circuit, which protects a voluntary integrating school district against interference. Of course, we don't know yet whether the Supreme Court will uphold the Eighth Circuit. If it does, we can fairly conclude that United States courts have power to implement the general principle laid down in *Brown v. Board of Education*, in somewhat the same way that they have power to implement an actual court order. But where does that leave us if there is neither a court order nor voluntary integration? I get the impression from your letter that you have some such situation in mind.

"I should be better able to comment if you gave a specific set of facts in which you would like the United States to seek an injunction."

Indicates Dissatisfaction

"Without really knowing anything about these matters, I have great dissatisfaction with the present situation as to segregation. Once the Supreme Court had laid down the general principle of integration in the first case, I think that everything depended on the framing of a satisfactory scheme to carry out that principle. The southern states had a magnificent opportunity to propose a workable scheme. Instead of doing so, they did their best to boycott the second case. The result was that the Supreme Court had to go ahead without being enlightened by the states which were most interested in the problem. Instead of framing a scheme, it turned all the dirty work over to local United States courts. Consequently, every school district and almost every school house was made the occasion for separate law suits, which had to be brought by private persons. At least that has been true so far, although your theory, if sound, would not make this always necessary. In all events, private suits have got the country into a terrible mess. Parents cannot pay for the expenses of litigation out of their own pockets. Thus a terrific burden is thrown on the NAACP. Perhaps that organization has not

always been wise, but it is surely courageous and it has done the work that nobody else could do or offered to do. In consequence, it has been subject to counter-attacks of the most damaging sort. Up to date, no court has helped out this organization to resist such attacks. Certainly the national government has given it no help, from the President down.

"I don't believe that a problem which involves every school in a dozen states which are firmly determined not to do anything towards integration can be solved by fragmentary litigation."

"There is one man in the United States who could do something to better the situation, and that is the President. He ought to give us a fireside talk on the whole question and appeal to law-abiding and thoughtful men in the south. As it is, all we get is snap judgments in press conferences. Imagine Andrew Jackson or Franklin Roosevelt faced with this problem."

"Voluntary integration would do a great deal to solve the problem. I don't think that the President has said a word in its favor. Virginia, which led the nation in making the Constitution and the Bill of Rights, has devoted all its thoughts and energies to ingenious methods of blocking every possible progress toward integration. If a Virginia school integrates voluntarily, its state grant is cut off. This deprives it of about a third of its school fund. I assume that this law is unconstitutional, but it will be expensive to test it and would take a long time. Here would be a very good spot to try out your theory of a suit by the national government. The sooner this Virginia law is attacked, the better."

Law Wives to Hear McNaughton Speak

On February 6 at 8:00 p.m. Professor John T. McNaughton will address the Law Wives. He will discuss "The Trial of Bruno Hauptmann for the Kidnapping of the Lindbergh Baby, March 1, 1933." The meeting will be held in the Large Meeting Room of Harkness Commons.

The annual cocktail party for the faculty will be on Saturday, February 16, from 4:00 until 6:00 p.m.

Californians

Law students from California and students interested in practicing in California are invited to an organizational meeting to be held on February 6, at 2:00 p.m. in the Wheeler Room.

The purpose of this group is to acquaint students with each other and to meet various Harvard lawyers presently practicing in California. The group will have speakers from time to time who will discuss problems in California law and placement opportunities.

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