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TEN CENTS

Debate on Private Censorship Begins Spring Forum Series

"Private Censorship in Movies and TV" will be discussed tomorrow evening at the first of the Spring series of programs of the Harvard Law School Forum. The Forum will be held at 8 p.m. in the New Lecture Hall.

Patrick Murphy Malin, executive director of the American Civil Liberties Union, will tangle with Godfrey P. Schmidt, law professor at Fordham University and president of AWARE, Inc. The speakers are reported to hold widely divergent views on questions of civil liberties such as bans, boycotts and blacklists.

Mr. Malin, a former professor of economics at Swarthmore College, has been executive director of the ACLU since 1950. He was president of the National Council on Religion and Higher Education from 1939 to 1943.

Civil Liberties Union

The Civil Liberties Union, founded in 1920, is a group dedicated to protecting civil rights, and persons in litigation whose claims as to violations of civil rights it considers substantial. It is currently active in the fight for integration, against bans on movies, books, and travel to foreign countries. The ACLU has been declared subversive by the California Un-American Activities Committee.

Mr. Schmidt, a member of the New York bar since 1931, has lectured at Fordham's law school since 1944. Before that, he had taught at Loyola High School and Fordham's University School of Social Service. For all this time, he has been active in various law firms. In 1949, he served as counsel to Cardinal Spellman of New York during a gravediggers' strike.

AWARE, Inc., the group headed by Mr. Schmidt, aims to deny employment in the entertainment field to Communists, persons who invoke (See FORUM on page three)

New Cases Planned For Ames Contests

The second round of first year Ames arguments is scheduled to begin February 27 and end March 14, according to Frederick N. Young, 3L of Dayton, Ohio, chairman of the Board of Student Advisers. The arguments are commencing earlier this year to permit more time for final examination preparation, Mr. Young said.

Ten new fact situations including one tripartite interpleader case have been added this year by second-year members of the Board to bring to 64 the fact situations being argued this spring, according to Berton B. Subrin, 3L of Akron, Ohio, chairman of the Board's First Year Facts Committee.

The new cases replace others from prior years which have been deemed unsatisfactory on the basis of judges' and counsels' criticisms submitted on evaluation sheets at the close of the arguments. Perhaps the only discarded fact situation which will be mourned in passing is the famous case of Regina III, familiarly known among veterans of Ames arguments of former years as the "Silver Fox" case.

It is rumored that the case was hurriedly withdrawn when the Board discovered that brief typists were pointing out cases that students had neglected to cite.

O'Dea Will Address Next TMS Breakfast

James L. O'Dea, LL.B. '48, District Attorney of Middlesex County, will speak at a communion breakfast of the St. Thomas More Society on February 10. The breakfast will be held at 9 a.m. in the Mallory Smith Room, according to George J. McCormack, 3L of New York City, president of the club.

Student Bar

Thurgood Marshall, nationally known advocate of the National Association for the Advancement of Colored People, will speak in the James Barr Ames Courtroom on Thursday, February 13 at 8 p.m.

Mr. Marshall's topic will be "The Implementation of the Segregation Decisions." Seats will be reserved for SBA members until 7:50 p.m. Tickets for non-members will be sold at the door.

Young Democrats Hear Adlai Emphasize Role of Electorate

Adlai E. Stevenson, '22-'24, titular head of the Democratic party, spoke briefly to 250 members of the Law School Young Democrats and their guests in the Large Meeting Room of Harkness Commons, last Sunday afternoon.

Prizewinning Essay In February BUGLE

Samuel Pizar's prize winning essay "Soviet Conflict of Laws in International Transactions" will be the lead article in the February issue of the *Harvard Law Review*.

Mr. Pizar wrote the article for last year's Addison Brown Competition while he was a graduate student here. He is currently a legal officer in the Bureau of Legal Affairs of UNESCO in Paris.

"The Former Government Attorney and the Canons of Professional Ethics," by Judge Irving R. Kaufman of the United States District Court for the Southern District of New York, is the Comment article. It was suggested by litigation before Judge Kaufman in the latter part of 1955.

Physique and Delinquency by Sheldon Glueck, Roscoe Pound Professor of Law, and Mrs. Glueck, will be discussed in the book review section. Another book to be reviewed is *The Rule Against Perpetuities*, by J. H. C. Morris and W. Barton Leach.

"The Power of Congress to Investigate and Compel Testimony" highlights the Notes section.

Introduced by Herbert P. Gleason, 2L of Cohasset, Mr. Stevenson appeared for the purpose of thanking some of those who had supported him in his recent unsuccessful bid for the Presidency.

His rapt and sympathetic audience heard a far more relaxed and scholarly presentation than they had heard at any time during the duration of the campaign.

Extemporaneous Speech

Mr. Stevenson indicated at the outset that he was somewhat surprised to find a waiting lectern at the front of the crowded room, saying that he had come with the understanding that he was going to shake hands; "something at which I've become proficient." His political training did not desert him however. From somewhere he produced a few notes to guide his remarks.

Speaking with obvious sincerity, Mr. Stevenson described his conception of the fundamental crisis of the day. Because man will elect in his own image and because an intelligent and informed electorate is the basis of democracy, the underlying problem to be faced today is "mass manipulation of the mind," he said.

(See STEVENSON on page three)

Rule of Law Factor of Crucial Significance In Determination of Middle East Imbrolio

By LOUIS B. SOHN

In the Sinai area, where the Ten Commandments were given to the world, new rules of law are being born which, as the old ones, are likely to influence the destinies of mankind for many generations. Only glimmerings of the new order are visible now; the final links of development cannot yet be forecast. Perhaps, the world will take the wrong turn; but, if it does not, we may advance far on the road to peace and justice. The events in the Middle East have served as catalysts in the cauldron of power politics; the old order is boiling away; the new brew is not to everybody's taste, but in the nightmarish light of threatening atomic explosions mankind is reluctantly ready to try the new medicine.

The new law is being created more out of errors than through trial. It owes its existence not to a conscious effort to do better but to the mistakes and miscalculations of diplomats and generals. In a new sense, *ex injuria jus oritur*.

The present situation in the Middle East is the result of the convergence of two disputes — the Israeli-Arab conflict and the controversy over the Suez Canal. The sudden explosion is the consequence of a long accumulation of tensions and frustrations.



Louis B. Sohn

The Israeli-Arab Conflict

In considering the Israeli attack on Egypt, one has to look back to 1948 when the new State of Israel came into existence. The neighboring Arab states refused to accept the recommendations of the General Assembly for the partition of Palestine, and as soon as Israel proclaimed her independence she was attacked by all her neighbors. While the United Nations intervened immediately, the orders of the Security Council for a cease-fire

Rename Drafting Competition In New Tribute to Williston

The Board of Student Advisors has announced that the younger of its two activities, the Drafting Competition, has been named for Samuel Williston, Dane Professor of Law, Emeritus.

There were three main considerations which led to the Board's decision: first, that the man whose name the competition will bear was active not merely in a general capacity as a lawyer, but also in the exacting field of draftsmanship; second, that his name be of such significance that it will serve as a source of identification and inspiration to the average student; third, that he be a figure closely associated with the Law School.

Honors Great Draftsman

Professor Williston met these requirements in all respects. A member of the Law School faculty for 48 years, he was one of the original members of the editorial board of the *Harvard Law Review*. His reputation is in many ways closely identified with legal drafting. He was the chief draftsman for the Uniform Sales Act, the Uniform Warehouse Receipts Act, Federal Bills of Lading Act, and other legislative enactments. He was reporter for the *Restatement of Contracts*, and author of various authoritative treatises. Of these, the best known are *Williston on Contracts* and *Williston on Sales*.

The Drafting Competition was instituted in 1951 at the behest of a number of faculty members who felt that the formal curriculum did not present to the student sufficient opportunity to develop drafting skills. During its formative years, the response from participating students



Samuel Williston

and lawyers who acted as judges indicated that the Competition was performing a needed function. Many students felt it was among their most valuable endeavors in the Law School.

Draftsmanship does not confine itself to one field of the law, or to one particular legal talent. The Williston Competition is designed to demonstrate this ubiquity, testing exact drafting ability, legal research, scholarship, and decision making processes. The importance of the Competition is reflected in the changes now being introduced, changes which are expected to lead to increased participation by the student body.

Tangible Reward

One of the more tangible of these changes has been supplied by the Boston Safe Deposit and Trust Company, and its trust officer, Mr. Earle T. Spear. This institution is at present conducting intra-school competitions in legal drafting in law schools throughout the Greater Boston area. The prizes to be awarded at Harvard through the generosity of this firm will be \$250 in cash to the winning team, \$150 to the second place team, and \$100 to the third. The losing semifinalists will be awarded book prizes. In addition, the names of each year's winning participants will be engraved on a bronze tablet, which will probably be placed in the library in Langdell Hall.

American in Paris Describes Practice

Charles S. Torem, LL.B. '38, described the trials and tribulations of an American attorney practicing in Paris in another in the series of afternoon Coffee Hours here last week.

With eight years' experience in a law office in the European capital, Mr. Torem brought to his listeners a verbal view of some of the problems with which a lawyer on foreign soil must deal.

Money matters for persons both private and corporate supply a large volume of work for Mr. Torem and his three American associates. Citizens of the United States earning money abroad have a real problem not only with taxes payable to several governments, but in estate and trust arrangements as well.

The legal aspects of corporate organization, investment, debt clearance and currency control take on completely different aspects when operations span not only geographical frontiers but ones of legal philosophy as well.

(See SOHN on page three)

(See COFFEE HOUR on page three)

Harvard Law Record

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World Police

In today's RECORD, Professor Louis B. Sohn makes an eloquent plea for the adoption of the rule of law in international affairs. Writing on the Middle Eastern crisis, he sees the situation as another demonstration of the inadequacy of the world's machinery for peace.

But inadequate as it is, the United Nations is today faced with the problem of providing a stable settlement to the tangled problems of the Middle East, and it is the responsibility of the United States as a world leader to share in the effort to find a permanent solution to the problems of that inflamed area.

These problems will not, however, be solved by General Assembly resolutions alone. For five years, Egypt has ignored UN resolutions on allowing Israel use of the Suez Canal, claiming that she was still technically at war with Israel. Yet in demanding that Israel withdraw from the Gaza Strip and the Sharm el Sheikh area that protects the Gulf of Aqaba, the Arab states attempt to invoke the authority of the same United Nations body whose will they ignored when they made war on Israel in 1948. They have defied the UN repeatedly in denying ships carrying even nonstrategic goods bound for Israel the use of the canal; in blockading the Gulf of Aqaba, an international waterway which is Israel's sea lane to Asia and Africa; and in launching fedayeen squads to attack Israeli homes and settlements.

These actions by the Arab states, which have gone unpunished by the United Nations, have the cumulative effect of tending to discredit the UN's effectiveness in dealing with the problem. A policeman cannot settle disputes if only one side obeys. Similarly in world politics, an international body can only succeed if it can compel both parties to a dispute to obey its decisions.

We ought not discuss here the relative merits of Israel's parliamentary dem-

ocracy or the relatively less democratic governments of the Arab states. Both Israel and her Arab neighbors deserve to be able to exist in peace, or at least, without physical hostilities.

If the United Nations be willing to insure free use of Aqaba and the Suez for the ships of all nations, and an end to fedayeen attacks, then Israel should withdraw at once to her frontiers. But in the absence of such guarantees, it is unreasonable to expect a tiny (8,000 sq. mi.) state to give up its gains and wait for the renewal of Arab attacks.

One sound way to assure free navigation and an end to the raids is for the United Nations Emergency Force to remain in the Gaza Strip and in the Aqaba area. United Nations troops at the spot could prevent incursions by both sides, and would be readily available in the event of an outbreak.

If a United Nations force had been available in sufficient numbers, it might have been possible to answer the appeals of the Hungarian patriots and save their country from Soviet invaders in November 1956. The first step to the rule of law in international law is the establishment of a body of troops under the aegis of the United Nations who will be able to enforce the law. The Middle Eastern crisis may have produced some ultimate good if it results in the setting up of such a force.

Time for Reform

The force which motivated the Twenty-second Amendment is not difficult to determine. *Ubi iniuria, ibi remedium*, at least constitutionally speaking. The remedy was to prevent third term presidents from ever happening again. All the tumult and the shouting of 1940, and the sting of four straight defeats at the hands of "that man," pent up because of the late disturbances in Europe and Asia, bubbled up to the surface in 1947, and this great rush of enthusiasm was sufficient to amend the Constitution.

Ten years have passed, and a much more sober movement has taken shape in an attempt to undo the Twenty-second Amendment. Two Democrats, Senator Richard L. Neuberger of Oregon, and Representative Stewart L. Udall of Arizona, have introduced a resolution in Congress to lift the third term ban. Whether their colleagues will balk at playing Penelope and adhere to the thinking which characterized the passage of the Amendment remains to be seen.

But one thing seems clear. This is a most appropriate time for a concerted effort to remove the ban. From a partisan point of view, Republicans may be attracted by the happy dream of another Eisenhower landslide. Democrats whose arguments on the "health" issue fell upon deaf ears during the Late Disaster should realize that much can happen in the next four years. Admittedly, this is a case of burning the candle at both ends. But the results to be attained justify the effort.

From the viewpoint of sheer rationality, there is no reason why a President

Current Case Comments

One of the traditional methods which the International Ladies' Garment Workers Union has found effective to organize an area, is the use of the so-called "union goods only" clause in Collective Bargaining agreements which the Union signs with the manufacturer. Recently the legality of this effective device has come into question.

The garment industry is usually composed of a large number of small manufacturers or "shops," each of which rarely completes the entire article being produced. The industry is usually highly subdivided and a contractor-manufacturer may do only a small part of the work on any garment before it is sent to other independent "shops" for some further step in the manufacturing process. Accessory manufacturers produce the trimmings and other materials which finish the garment.

Coercive Potential

Thus, in an industry which shows a high degree of general interdependence, a union which could force any one manufacturer to work on only goods produced by union shops has the ability to force the remaining non-union manufacturers to capitulate and "sign-up" with the union.

Such was the general background of *Davis Pleating & Button Co. v. The California Sportswear & Dress Assn., Inc.*, 145 F. Supp. 864 (D.C.S.D. Cal., 1956).

Davis Pleating Co. was a manufacturer of buttons and pleating which were used to finish garments. It was a non-union shop and a strike was in progress against it. Defendant Joint Council of Sportswear, Cotton Garment, etc. Workers Union of Los Angeles had signed collective bargaining agreements with several garment manufacturers providing that they would deal only with those accessory firms "such as are in contractual relations with the union or any affiliate of . . ." the ILGWU (145 F. Supp. at 865).

Plaintiff charged that several manufacturers had ceased trading with it as was their custom, that they were being prevented from doing so by this "union only" clause and that this condition created a violation of the anti-trust laws and is a "contract, combination or conspiracy in restraint of trade" growing out of the enforcement of the labor union's collective bargaining agreement.

15 U.S.C. §17 specifically exempts labor organizations from the operation of the anti-

should not be twice re-elected, if the people so desire. The stress and strains of the office minimize the possibility that a man could endure them for more than eight years. On the other hand, if an emergency arises, perhaps it would be unwise to switch horses. The argument that the Presidency should be "rotated" at least every eight years has little weight, and adds to the superficiality in which the Twenty-second Amendment is clothed. The destiny of the nation ought not be subject to artificial conditions.

Also, the political effectiveness of a President in his second term is seriously hampered by the present set-up. It will be interesting to note, if things remain unchanged, how much weight President Eisenhower's legislative proposals will have as his term runs out.

Perhaps the best thing which can be hoped for is that partisan considerations will be put aside, and reasoned debate over the merits of the resolution will determine its success. If that be the case, then the chances for repeal of the Twenty-second Amendment will be considerably enhanced.

trust laws (38 STAT. 731, 1914). However, over the years considerable case law has been built-up in this area and labor unions have, in some instances, been adjudged guilty of entering into illegal restraints and made to pay treble damages, see *Hawaiian Tuna Packers, v. Inter. Longshoremen's etc. Union*, CIO, 72 F. Supp. 562 (1947) or have had injunctions granted against them, see *Bedford Cut Stone Co. v. Journeymen Stone Cutters' Assn., etc.*, 274 U.S. 37 (1927). Thus, it may be seen that §17 is not in and of itself an absolute immunity from liability by a union.

The situation in the *Bedford Cut Stone* case, *supra*, was not too dissimilar to the situation here. In that case, after a bitter series of strikes, the union ordered its men not to work on stones which had been partly cut by non-union labor. The Court held (Brandeis and Holmes, JJ., dissenting) that such a combination was unlawful, and that the fact that a union was taking this action did not make it legal. The Court then granted relief under §16 of the Clayton Act to prevent any further "restraint of trade." Whatever the present status of the *Bedford* case, it seems difficult to distinguish the objectives and methods of the stonecutters' union and the ILGWU in the instant case.

Unions Exempt

In 1945 the Supreme Court decided *Allen Bradley Co. v. Local Union No. 3*, 325 U.S. 797 (cf. 808-809) (1945) where it held that 15 U.S.C. §17 did indeed exempt labor unions from the operation of the anti-trust laws where the purpose is to carry out a union's legitimate ends, but that a union loses this immunity by becoming a party to any "contract, combination or conspiracy in restraint of trade" to which persons other than labor unions — persons subject to the anti-trust laws are parties. (325 U.S. 797, 809).

The District Court in the instant case explained what it believed was meant by the *Bradley* rule (145 F.Supp. at 865):

That to come within the *Bradley* rule whereby the union loses immunity to the anti-trust law, one of the purposes or objectives of the contract or conspiracy must be some benefit to the non-union parties thereto proximately resulting from the unlawful restraint upon trade. (cf. *Meier & Pohlmann Furniture Co. v. Gibbons*, 113 F. Supp. 409, 410-411 [D.C.E.D. Mo., 1953]).

As a result of this holding, the court dismissed, without prejudice, plaintiff's motion for a preliminary injunction on the ground that neither the pleadings, the affidavits, nor the evidence at the hearings, "establish that the non-union parties . . . entered into such contract or conspiracy for the purpose or object of receiving some trade benefit, such as in the marketing of products or the like" (at 866). The Court however stated that plaintiff was free to pursue another application for injunction upon the showing that the non-union parties had received such a benefit.

Difficult Distinction

The narrow line which the *Bradley* case draws between essentially legitimate and illegitimate objectives in the exercise of union economic power, seems to be workable. However, in view of the fact that in this case the "union only" clause was found in a collective bargaining agreement, it seems difficult to see how plaintiff here could demonstrate that the non-union parties entered into the contract for any personal benefit. Yet, to hold (as it is conceivable the court here could) that during that period of time when the non-union employer is being boycotted that any benefit occurring to the "union employers" is enough to invoke the *Bradley* rule would be tantamount to invalidation of union-employer agreements which affect third parties. This does not seem to be the purpose the Supreme Court had in mind when it decided the *Bradley* case, nor was it the purpose of Congress in passing 15 U.S.C. §17.

— Chazen

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(Continued from page one)

to wipe out that thorn in Arab flesh. These preparations culminated in October 1956 in a military alliance which placed also the armies of Jordan and Syria under Egyptian command, and in an increase in Arab incursions into Israel.

At this point Israel decided to take "security measures" to eliminate the Egyptian military bases in the Sinai peninsula. The surprise attack was successful and Israel occupied all the Sinai peninsula up to the Suez Canal.

The Suez Canal

In the meantime, another crisis arose in the Middle East in consequence of the Egyptian nationalization of the Universal Suez Canal Company in July 1956. That Company was organized in 1856 as an Egyptian company and was granted a concession to build the Suez Canal and to operate it until 1968. This concession was "completed" by an international treaty (the Constantinople Convention of 1888) which established "a definitive system intended to guarantee, at all times and to all the Powers, the free use of the Suez Maritime Canal."

When the United States Government refused to loan to Egypt money for a dam on the Nile at Aswan, the Egyptian Government took over the Suez Canal Company to use its income for the building of the dam. Stockholders of the Company were promised compensation at the value of the shares on the Paris Stock Exchange on the day preceding the seizure, provided that all the assets of the Company (many of them outside Egypt) were first transferred to Egypt.

The United Kingdom Government which owned the controlling interest in the Company and the French Government, representing the principal other stockholders, immediately protested against the nationalization, mainly on the grounds that the Company, despite its private character, was "an international agency" which could not be destroyed by the unilateral act of the Egyptian Government, and that the Egyptian action threatened "the freedom and security of the Canal," as guaranteed by the 1888 Convention.

Egyptian Refusal

When the United Kingdom, the United States and France called together a conference in London to deal with the Suez crisis, Egypt refused to attend. The proposals made by the majority of the Conference for the settlement of the dispute were rejected by Egypt which, however, expressed willingness to conclude an agreement reaffirming and guaranteeing the freedom of passage through the Suez Canal. A Suez Canal Users Association was then established which threatened Egypt with sending ships through the Canal with its own pilots and with depriving Egypt of all the Canal dues. Though these aims of the Association were later softened due to United States insistence, Egypt refused to deal with it.

The Suez question was finally submitted to the United Nations in October, but the Soviet Union vetoed a resolution endorsing the proposals of the London Conference. Thanks to the efforts of the Secretary-General an agreement was reached on six basic principles which were endorsed unanimously by the Security Council on 13 October 1956. While the Secretary-General continued his negotiations with Egypt with respect to the implementation of these principles, France and the United Kingdom decided to take the matter into their own hands.

The British-French Action

When Israel invaded Egypt on October 29, the British and French Governments issued an ultimatum to both

belligerents asking them "to stop all warlike action forthwith" and "to withdraw their military forces to a distance of 10 miles from the Canal." At the same time, "in order to separate the belligerents and to guarantee freedom of transit through the Canal," they asked the Egyptian Government to agree that Anglo-French forces occupy "temporarily" key positions along the Canal. After the Egyptian Government rejected this ultimatum, the Anglo-French air forces started immediately to destroy airfields and other military objectives in Egypt, and an expeditionary force landed in Port Said a few days later.

In the meantime, British-French vetoes prevented the adoption by the Security Council of resolutions asking for a cease-fire and the withdrawal of Israeli forces which were proposed by the United States and the Soviet Union. An emergency special session of the General Assembly was then called, pursuant to the Uniting for Peace Resolution adopted during the Korean crisis, and the Assembly met the next day and immediately adopted a resolution urging a cease-fire, withdrawal of all forces behind the armistice line and the taking of effective steps "to reopen the Suez Canal and restore secure freedom of navigation." The parties agreed to a cease-fire, but difficulties arose with respect to the withdrawal of forces from Egyptian territory.

UN Gathers Force

The Assembly then adopted a Canadian proposal for the creation of an emergency international United Nations force, and rapid action was taken by the Secretary-General to gather contingents from smaller nations and to transport them to Egypt. Its functions cover "an area extending roughly from the Suez Canal to the armistice demarcation lines," and Major-General Burns of Canada, Chief of the United Nations Truce Supervision Organization in Palestine, was appointed "Chief of the Command." The British, French and Israeli Governments have agreed to withdraw their forces from Egypt, as soon as the United Nations force is able to fulfil its functions. The Secretary-General reached an agreement with Egypt about the operations of the United Nations force in Egyptian territory, but difficulties have arisen between the United Nations and France, Israel and the United Kingdom with respect to some of the conditions imposed by Egypt. In particular, these three States have objected to the acceptance by the United Nations of the obligation to withdraw its force from Egypt whenever Egypt should request it. They want the United Nations to condition such withdrawal on the prior approval by Egypt of a settlement of the Suez and Palestine questions.

Questions Raised by These Events

These three interconnected cases — Israeli-Arab conflict, nationalization of the Suez Canal Company and the British-French action in Egypt — raise, *inter alia*, the following issues:

(1) Has Israel violated the prohibition in the Charter of the United Nations against the use of force, or was she entitled to take retaliatory or preventive action against Egypt?

(2) Was Egypt entitled to national-

ize the Suez Canal Company and take over the control of the navigation in the Canal, or has she violated the Constantinople Convention or other rules of international law?

(3) As the Suez question could not be settled by available peaceful means, were France and the United Kingdom entitled to take military action to bring about a settlement, or was such action a violation of the Charter prohibition against the use of force?

(4) May a State which has approved the use of the Uniting for Peace Resolution in the Suez question, later revive its old claim that this Resolution is unconstitutional?

(5) May a State which has claimed that the United Kingdom and France must comply with the resolutions of the General Assembly concerning their withdrawal from Egypt, later claim that resolutions of the General Assembly directed against that State's own actions are merely non-binding recommendations?

(6) May a State which has insisted that the United Nations must have complete freedom to decide where its police force should go and how long it should stay there, later object against similar use of the police force in a territory under the control of that State?

A common feature of these problems is that the United Nations Charter imposes certain parallel obligations with respect to settlement of international disputes and the use of force, but does not provide equally effective methods for the enforcement of these obligations. While the United Nations can take binding action in case of a threat to the peace, breach of the peace or act of aggression, it can make recommendations with respect to the settlement of disputes. Thus a nation can with impunity violate all international treaties, including the Charter, or other rules of international law, and the United Nations cannot do anything about it. As long as a nation can violate its obligations to other nations without committing an armed attack, other nations are not entitled to resort to force in self-defense. If a nation refuses to submit a dispute with another nation to an impartial international tribunal, the other nation is helpless even if its claim is well-founded beyond reasonable doubt.

Force Not Allowed

On the other hand, the aggrieved state is not allowed to take the matter into its own hands, even if the only purpose of its action is to force the other state to fulfil in good faith its duty under the Charter to settle the dispute by peaceful means. Neither has the United Nations been given effective means to bring about "in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."

When the Charter was drafted, the Big Powers were not very concerned with these difficulties. They seem to have felt that this approach to the problem of settlement of disputes was of no importance to them and that they would be able to achieve their aims regardless of Charter limitations. They rejected, therefore, all pleas of small States to establish bind-

ing procedures for the settlement of disputes and to confer on the International Court of Justice obligatory jurisdiction to decide disputes under the Charter, treaties and general rules of international law. They were deaf also to arguments for providing better means of modifying the law when it no longer corresponds to the requirements of justice. They felt that they had achieved a satisfactory *status quo* and did not want the United Nations to tamper with it.

Authors Erred

They did not realize that they cannot block forever the demands of many nations for a better order; in particular, for the end of political and economic colonialization. They did not understand that even disputes between smaller nations, if not solved in time, can bring the whole world to the edge of an atomic catastrophe.

The authors of the Charter made also another mistake — they left it to the Big Powers to enforce peace. But the Big Powers could not agree on a joint international force, and they were too suspicious of each other to let one of them maintain peace in a particular area in the name of the United Nations. No effort was made to establish a force big enough to deal at least with the smaller crises which could at any time flare up into a bigger fire. The atomic weapons made a direct war between Big Powers unlikely, and deprived the Big Powers of the main weapon of power politics — a threat of war. But the smaller nations do not have that deterrent and "limited wars" have become the main menace to peace. A threat of an extension of such wars is, however, always present and steps need to be taken to stop them as soon as they start. Even better, they should be prevented before they get to the danger point, and effective methods for solving disputes need to be provided therefore.

The Awakening

The Middle East crisis brought to the attention of the world's statesmen the inadequacy of all the peace machinery which they thought was available to solve the existing problems. They suddenly discovered that "Peace is a coin which has two sides. One side is renunciation of force, the other side is the according of justice. Peace and justice are inseparable" (Secretary Dulles, 35 Dept. of State Bull. 572). They now realized that "The peace we seek and need is much more than mere absence of war. It means the acceptance of law and the fostering of justice in all the world" (President Eisenhower, Television Report to the Nation, October 30, 1956). But justice requires impartial tribunals to administer it, and sufficient force to ensure that the tribunals' judgments are executed. In consequence of the British-French action first steps have been taken to equip the United Nations with a "force adequate to the duties it has to discharge" (Prime Minister Eden, Statement to the House of Commons, November 6, 1956). But the force established is not really adequate to the task before it,

and no official proposals have yet been made to ensure a better administration of justice.

World Sees Need

The peoples of the world have been awakened to the need for the rule of law in international affairs. Their representatives have started to assemble the instrumentalities which are required to make the rule of law a living reality. The task is arduous, the obstacles are many, our efforts are still inadequate. But the task is not impossible, and the Western world has again a chance to show to the international community how it can be strengthened by the employment of those very means which are the sources of the innermost strength of the nations of the West. If they are really ready to enthrone Justice in the United Nations halls and are willing to make the necessary sacrifices for the rule of law, no nation, however big, will be able to resist this effort.

STEVENSON

(Continued from page one)

His listeners heard themselves characterized as the most important group of the age because they were presumed to be conscious of the existence of problems of which many less well informed than they were unaware. They listened intently as they were charged to be "missionaries to one another" in meeting the problem.

At the close of his remarks Mr. Stevenson answered questions about the draft, campaign funds and foreign policy in an idiom more reminiscent of a university professor than of a disappointed politician.

— Mulroney

FORUM

(Continued from page one)

Constitutional privileges when questioned on communism, and "collaborators" in the Communist conspiracy. As an organization, AWARE does not blacklist performers, but merely urges political screening as a prerequisite for employment. In 1955 members of the American Federation of Television and Radio Artists voted to "condemn" AWARE, Inc.

The Forum will be moderated by Professor Benjamin Kaplan.

After Mr. Malin and Mr. Schmidt finish their talks, there will be a discussion between them, followed by questions from the floor. Tickets will be on sale for 95 cents at the door.

COFFEE HOUR

(Continued from page one)

The difference of approach to any single problem as between civil and common law jurisdictions is significant enough to provide a multitude of countervailing problems. Mr. Tor-em explained that his experience had shown that the most effective approach to any bifurcated problems that arise was to work in concert with French advocates trained in the special field at hand. The team thus produced was able to come much more readily to a solution than either could have done working alone.

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