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TEN CENTS

New York Real Estate Man Tells of "Hawaiian Technique"

William Zeckendorf, New York real estate executive, explained the "Hawaiian Technique" for financing real estate acquisition transactions to an open meeting of the Bull and Bear Club last Friday.

The technique, as explained by Mr. Zeckendorf, is a procedure for broadening the base of investment in large real estate transactions.

Mr. Zeckendorf stated that there are many uncharted areas for investment and control in the areas of large real estate transactions. He indicated that real estate was characteristically a conservative investment, but that through the intelligent handling of large credit allowances it was possible to get a respectable yield on short equity.

Past Practice

The picture he presented of the pre-"Hawaiian Technique" real estate market was one of banks and insurance companies holding mortgages on property and those willing to take a "businessman's risk" supplying the often thin layer of equity capital.

The speaker said that the difference in yield between corporate financing

and a similar investment in real estate, arose as a result of the many different forms of financing available to and used by corporations to spread ownership through a greater range of investor demand. The "Hawaiian Technique" was explained as the general application of these corporate financing procedures to the real estate field.

Mr. Zeckendorf explained that the idea for the process came to him while he was bone fishing in the surf in Hawaii.

The technique itself is not too practical for non-urban real estate transactions valued below a million dollars. In essence the real estate is dealt with on a non-unitary basis which permits separation of the land financing from the financing of the building.

Diverse Offerings

By arranging a number of diverse offerings, the realtor can furnish securities for a number of different groups of investors, each of which is interested in a certain type of investment in terms of security, return and time. More investors are "given the chance to invest their money with us."

In addition to outlining his ideas and practices in one phase of realty investment, Mr. Zeckendorf commented unfavorably upon the present tight money policy, indicating that in some areas it has a tendency to create the one thing it was designed to prevent. "Higher interest rates are inflationary on fixed yield securities."

Asked by one of his listeners to comment on city property, the speaker departed from his set pattern to remark, "Low grade urban property is going to go through a national renaissance in up-and-coming cities."

He added that in many cities, including Boston, less expensive urban (See ZECKENDORF on page four)

Harvard Law Review Board, 1957-1958



Recently elected officers of Volume 71 of the Harvard Law Review are, (front row, left to right): Loyd M. Starrett, Treasurer; Peter M. Fishbein, Note Editor; Richard N. Goodwin, President; William V. Kane, Note Editor; Jack H. Friedenthal, Developments Editor. (Back row left to right): Richard J. Medallie, Case Editor; Arthur R. Miller, Article Editor; Daniel J. Gifford, Case Editor; Arnold N. Enker, Article Editor; Thomas B. Leary, Book Review Editor.

Youth, Philosophy, Shoes Discussed by Danny Kaye

Professor Louis Loss, acting as moderator at the Law School Forum last week, refrained from "telling about his children" in order that Danny Kaye might have a chance to talk about children, space shoes, and philosophy.

Mr. Kaye, currently appearing as the main attraction at a downtown Boston theater, fought his way onto the crowded stage of Sanders Theater and spent an hour presenting "an up-lifting, intellectual discussion on adult delinquency."

Mr. Kaye limited himself exclusively to his self-styled topic for a minute and a half, branched abruptly to other topics "well worth our intense con-

sideration," and departed leaving his audience wondering if they had been given a look into the heart of a great clown or had witnessed his unsuccessful attempt to tailor a presentation to the level of a law school audience.

The comedian began his show by mimicking types of legal speakers, beginning with "the bouncer—a characterization," he indicated, "of the gentleman professor who introduced me." From mimicry he turned to an earnest discussion of the Murray Space Shoe which he claimed to wear. Space shoes "carry you through life as on the wings of an eagle when compared with the ordinary 'Chinese torture shoes'" which he said his audience was addicted to wearing.

Asks for Questions

In the course of his performance Mr. Kaye solicited questions from the audience, and with the questions his demeanor changed.

A question concerning his conversation with the British Royal Family during a command performance in 1948 drew the reply, "Why don't you mind your own business?" and a short explanation that he did not want to misquote anyone.

When asked why he had devoted much of his time to children throughout the world in connection with United Nations International Children's Emergency Fund he replied in part, "People wind up doing what they have to do. . . . All children in the world behave the same. A sick or hungry child knows nothing of politics."

Abrupt Departure

Mr. Kaye left abruptly, while the audience pondered a mimeographed sheet handed out by Forum ushers. The paper carried the sentence, "I would like to acquaint you with the

(See WILLIAMS on page three)

(See FORUM on page four)

ABA To Hear Prof. Casner, Dean Griswold

Dean Erwin N. Griswold and Professor A. James Casner have announced that they will attend and speak at the American Bar Association meeting in London this summer. Several other Law School professors are expected to announce their participation later this month.

Dean Griswold will speak at two seminars. One will discuss Income Tax and Administration and the other will examine Legal Education and Admission to the Bar.

Professor Casner will present a paper on Probate Law, Estate Planning and Taxes. His paper will deal with the possible adaptation of American methods to the English system.

His topic is keyed to the purpose of the London meeting: to exchange ideas and to discuss mutual problems with British lawyers.

The convention will actually open in New York City early in the summer. It will then reconvene in London July 24 to 31. A joint meeting of the A.B.A. and British lawyers has occurred only once before, in 1924.

During the London session the Harvard Law School Association will sponsor a cocktail party for Law School alumni and their guests.

Most of the participants in the New York session will board the Queen Mary on July 17. Ten other ships have also been made available to A.B.A. members.

House Committee Checks Periodicals

American foreign-language periodicals have been brought under the scrutiny of a House Un-American Activities subcommittee in recent New York hearings.

Representative Morgan M. Moulder, subcommittee chairman, indicated that his group had no intention of interfering with freedom of the press. On the contrary, the free world should be told "as much as possible" about Communist activities. Representative Moulder emphasized that "seditious and treasonable publications" should be sought out and that this was the purpose of the hearings.

Four days of hearings produced twenty-seven witnesses from the staffs of foreign-language newspapers who declined to say whether they "were now or had ever been" Communists.

Demands Deportation

These demurrers moved Ohio Representative Gordon Scherer to demand the deportation of "active Communist" editors.

Representative Scherer stated that a number of foreign-language press articles were indicative of "treason."

The charge of treason was based upon an article in the July 2, 1950, issue (See HEARINGS on page four)

Treasure Room

The Law School Library is holding an exhibition honoring the 25th anniversary of Justice Benjamin N. Cardozo's appointment to the Supreme Court of the United States. It will appear in the Treasure Room as well as in the Reading Room exhibit cases. This exhibit will continue for approximately thirty days.

Tobias Will Head Research Bureau

The Legislative Research Bureau, the student organization whose members not only study law but draft laws, has elected Paul H. Tobias, 2L of Cincinnati, president for the coming year.

Other officers chosen were: Jack B. Helitzer, 2L of Flushing, New York, director of client relations; Arthur N. Field, 2L of New York City, direc-



Albert M. Sacks

tor of research; Alan E. Boroff, 2L of New York City, treasurer; and Robert C. Johnston, 2L of Highland Park, New Jersey, secretary.

Drafting projects have come to the Bureau from Congressmen, state legislators, state attorneys general, unfunded public service groups and members of the faculty.

The Bureau purports only to draft legislation for these groups. It does not endorse the policies of the bills it prepares nor does it lobby for them.

This is the Bureau's fifth year of operation. It is also the fifth year in which Professor Albert M. Sacks has acted as faculty advisor.

NATO

W. Barton Leach, Story Professor of Law, will act as moderator for a Symposium on the Mission and Problems of NATO to be held in Sanders Theatre from 2:30 to 4:30 p.m., Saturday, March 23. Principal speaker will be Lt. Gen. Leon Anderson, USAF, Chairman of the NATO Standing Group. The panel will be made up of the twelve officers who represent the member nations on the committee.

District Attorney Williams Explains Problems of Office

"I have the greatest confidence in the American jury system. I have found juries seldom wrong." This statement, made by Paul W. Williams, LL.B. '29, United States Attorney for the Southern District of New York, set the tone for an address before the Student Bar Association last week.

Mr. Williams, speaking under the title "Criminal and Civil Jurisdiction of the United States Attorney," outlined for his audience some of the major problems with which a United States Attorney is confronted. His own experience served as the basis for his presentation.

Mr. Williams' district contains almost ten million people. There are more criminal cases prosecuted annually in this district than in any other district in the country. He pointed out that more crimes are committed daily in New York than in any other city in the world.

New York is the illegal narcotics capital of the globe, Mr. Williams continued, and through its port is smuggled more than a half-million dollars worth of narcotics every day. The speaker explained that because the drug occupies such a small space and is so easy to conceal it is almost impossible for the Customs officials to prevent its importation.

Although postal theft presents the greatest number of single offenses, Mr. Williams said that narcotics is by far the most difficult with which to deal. As U. S. Attorney he has concentrated on uncovering the men who handle narcotics in large quantities.

In an answer to a question, Mr. Williams dismissed the idea of free

narcotic clinics as a solution to the problem. He pointed out that where the method has been tried, not only have the number of users been found to increase but the user always wants more and the illicit trade continues to flourish.

In a different vein, Mr. Williams discussed the difficulty inherent in the attempt to enforce the controversial Smith Act. He said that he does not prosecute under the first section of the Act which requires proof that the accused was a member of the Communist Party knowing its purpose to be the violent overthrow of the government. The reason, he says, is that it is almost impossible to secure a conviction because of the difficulty of proof.

He further indicated the Communists have learned not to speak openly of the violent overthrow of the government. As a result it is usually hopeless to try and prove a member of the party knows that this is a purpose of the organization.

The difficulty is compounded, he continued, because not only the de-

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Legal Casuistry

Two weeks ago the Supreme Court of Florida newly applied to a segregation case an old doctrine of repression by doublethink: to uphold law, the law must not be applied. Fear of public violence and of disruption of the university system are given as grounds for refusal to obey a mandate from the Supreme Court of the United States, which has passed on this case at least twice in the eight years it has been before the courts.

Briefly, the facts are these. Mr. Virgil D. Hawkins, 49, a Negro, has been seeking admission to the University of Florida Law School. He is now an instructor at Bethune-Cookman College, Daytona Beach, Florida. The Florida Board of Control, which has jurisdiction over state educational policy, has repeatedly declined to accept him, on the ground that he is a Negro. Mr. Hawkins has been seeking a peremptory writ of mandamus to compel them to admit him.

In 1954, a week after the landmark decision in *Brown v. Board of Education*, 347 U. S. 483, 74 S. Ct. 686, the United States Supreme Court unanimously directed that Mr. Hawkins' case be reconsidered by the Supreme Court of Florida in the light of its decision in *Brown*. Upon reconsideration, the writ was again refused. The equitable principles, said the Florida court, which governed the issuance of the writ, precluded that issuance while Hawkins' admission would create the hazard of student riots and the other educational embarrassments and difficulties which the United States Supreme Court foresaw as problems in implementing its decision in *Brown*.

On March 12, 1956, the United States Supreme Court again considered *Hawkins v. Board of Control*, 350 U. S. 413, 76 S. Ct. 464. It said, in another unanimous opinion,

On May 24, 1954, we issued a mandate in this case to the Supreme Court of Florida. . . . We directed that the case be reconsidered in the light of our decision in the Segregation Cases. . . . In doing so we did not imply that decrees involving graduate study present the problems of public elementary and secondary schools. We had theretofore, in three cases, ordered the admission of Negro applicants to graduate schools without discrimination because of color. . . . Thus our second decision in the *Brown* case, which implemented the earlier one, had no application to a case involving a Negro applying for admission to a state law school. Accordingly, the mandate . . . is recalled and is vacated. . . . The petition of writ of certiorari is granted. The judgment is vacated and the case is remanded. . . .

As this case involves the admission of a Negro to a graduate professional school, there is no reason for delay. He is entitled to prompt admission under the rules and regulations applicable to other qualified candidates.

Another year has gone by, and another decision is announced. On March 8th, 1957, the Supreme Court of Florida quietly re-issued its refusal. This time there were two dissenters.

Gallery

Professor of Legal History Samuel E. Thorne is one of a tiny band of dedicated men who mean to perpetuate their field on this side of the Atlantic. Of course the idea is absurd. History? As 1066 and All That pointed out twenty-five years ago, most Americans can just manage to trace their ancestry as far back as their parents!

But England herself is hardly better off, points out Professor Thorne. The only chairs of legal history which come to mind are those of Professors T. F. T. Plucknett at the University of London, Julius Goebel at Columbia, and, besides his own at Harvard, the one at Yale which he vacated in coming here. On the other hand, he comments, there is a professor of legal history at almost every university in France, Germany, and Italy.

Amicable View

However, sitting in his office surrounded by piles and piles of pages and proofs in Latin manuscript, Professor Thorne takes an amicable and, one might add, a historic view. Time is, after all, on his side.

Professor Thorne is a New Yorker, and graduated from the City College in 1927. He took his LL.B. at Harvard in 1930 and then became an assistant librarian at Columbia Law School. From 1933 to 1942 he taught law at Northwestern University, and spent three years in the Navy during World War II as a cryptanalyst, attaining the rank of Lieutenant Commander.

After the war he married, and now has two sons. He became Librarian of Yale Law



Samuel E. Thorne
Professor of Legal History

School, and, in 1948, Professor of Law, both of which posts he held until March, 1956, when he came to Harvard. He was a Guggenheim Fellow in 1946-47, and again in 1948-49, and, as Visiting Fulbright Professor at Cambridge University in 1951-52, gave the six Maitland Lectures on English Law and the Renaissance. In addition to his Law School courses, he teaches medieval constitutional history in the College and in the Graduate School of Arts and Sciences.

Auchincloss Novel Criticized as 'Pedestrian'

THE GREAT WORLD AND TIMOTHY COLT, by Louis Auchincloss. 285 pp. Houghton-Mifflin, Boston, 1956 \$3.75

The lawyer who can shed the impediments of legal rhetoric and write in one of the more artistic modes is rare indeed. Arthur Train, the creator of Mr. Tutt, and Archibald MacLeish, of course, could do it. And in a somewhat more limited fashion, so can Louis Auchincloss, the author of a new and slick piece of fiction called *The Great World and Timothy Colt*.

Translated Experiences

In this work Mr. Auchincloss has tried to translate his experience and observations as a practicing New York lawyer into the idiom of the novel. Since it is his sixth work of fiction, it is not too surprising that as a lawyer he should write fiction so well; what is surprising is that as a novelist he should write about lawyers so badly. Except for his law degree, Timothy Colt is very much like the grey-flanneled heroes of many another recent "business novel."

Sub Judice

The following case has been received from Albert M. Freiberg, LL.B. 1934 ('35) who recommends it as having "a certain horrid fascination . . . much like an examination question in Torts. . . ." Mr. Freiberg, a member of the Ohio Bar, will be remembered by readers for the legal questions he has raised in the RECORD in the past, such as, "Can a dog inherit money, and, if so, can the bequest evade the Ohio inheritance tax?" (He demonstrated that he could and it did.)

Plaintiff's Allegations

Appeal was taken from a verdict of \$1,500 in favor of the plaintiff. Fess, J. stated the facts.

"In her petition, plaintiff alleges that about 8:30 in the evening of April 13, 1952, she entered the motor vehicle of the defendant Jones; that defendant Woodland was seated in the rear seat of the vehicle; and that defendants formulated a plan to frighten and startle plaintiff by suddenly exhibiting to her a certain life-like rubber lizard. It is alleged that, after entering the automobile, as plaintiff was seating herself in the rear seat, defendant Woodland placed the lizard in plaintiff's lap and 'as a further part of said plan defendant Jones, to whom the lizard belonged, then suddenly called plaintiff's attention to the said lizard in her lap.' It is alleged further that, upon discovery of the lizard in her lap, plaintiff was frightened to such an extent that she jumped up and down 'causing her to break her back and injure herself.' Plaintiff claims further that the acts of the defendants were done intentionally as a part of a pre-conceived plan to frighten plaintiff and cause her to move and react suddenly and violently; and that they were done with no regard for a sudden and violent reaction by plaintiff and without regard to the particular serious consequences to plaintiff which were likely to occur. Judgment for the sum of \$15,000 is prayed."

Judge Fess reviewed the record, and found plaintiff's allegations to be supported by substantial, if disputed, evidence.

"In their answer, defendants allege that the defendant Jones, for the accommodation

Although the focus here is a "law factory," Mr. Auchincloss has, in effect, produced another of the "business novel" genre. The difference is that the usual work of this type in the past has offered a kind of clinical analysis of big business, big advertising, or big television, although usually the form breaks down when the author attempts to deal with the various ethical conflicts involved.

References Eliminated

Unfortunately, the present work is not even worth much as a clinical study of "big law." By eliminating any real references to the routine problems of legal work, about the most profound impression we get of Timothy's firm is an idea of the floor plan and the ages of the various secretaries. Sheffield, Knox, Stevens and Dale is just another fictional suite.

And when the author attempts to come to grips with matters of ethics, the result is both dismal and pedestrian. Timothy, for example, is engaged through much of the book in effecting a corporate merger. From all

Because of the esoteric nature of his work, Professor Thorne has grown accustomed to encountering jokes about it, most of which, however, are complimentary to him in an obscure sort of way.

A random day's glimpse into the shelves at Lamont, for example, would disclose that he is represented only by a thin and well-bound volume consisting of a ninety-eight page introduction in English to a sixty-nine page text in Middle English entitled, *A Discourse upon the Exposition & Understandings of Statutes With Sir Thomas Egerton's Additions*.

Footnotes

Another joke is that told by a member of the faculty who, at the time Professor Thorne submitted his first article for publication, was editor of the *Columbia Law Review*, to which it was submitted. The article, says this editor, was historical, as usual, and his footnotes were so learned "We couldn't check them, so we printed them just as he gave them to us."

Oblivious to these physical and verbal traces of his influence, Professor Thorne moves across the campus from classes to his work on forth-coming editions of scholarly texts and translations with a friendly twinkle in his eye, and a very humane humor lurking just under the surface of his historical mien. He is a Fellow of the Royal Historical Society, the American Academy of Arts and Sciences.

He is active as a fellow or advisory board member of many leading associations within his profession, and is a Fellow of the Royal Historical Society.

indications, this deal is ethically as pure as the driven snow. But Timothy is unbearably wary about George Emlen, the entrepreneur involved, and about Sheridan Dale, a senior partner in the firm. This is not due to any revulsion at the business at hand, but apparently at Emlen's "hairy face" and Dale's blue suits. One gets the impression that Mr. Auchincloss somehow has placed the wearing of a blue suit fairly high on his list of significant breaches of ethics.

Administers Trust

And then there is the matter of the trust which Timothy administers. Here there is indeed a fine ethical problem — Timothy, through diligent research, is put on notice that a proposed settlement among the beneficiaries is in fact grossly disproportionate. But the hero's complicated loyalties to his firm, his mistress, his mother, and, for that matter, every character in the book, lead him to equivocate and eventually at the book's end face possible disbarment.

The author's point is undoubtedly that Timothy should have been more resolute. But he has been so busy looking for ethical problems where they didn't exist that he really comes across when a real crisis arises. In other words, he has been unable to see the forest for the sake of the trees — trees in the form of blue suits and hairy faces.

Deft Style

Some of the scenes in *The Great World* are well done, in a deft, flashy style. But the characters — Timothy, Timothy's long-suffering wife and dull mistress, Timothy's alcoholic mother, lovable old Mr. Sheridan, etc. — are neither credible nor interesting.

To sum up, Mr. Auchincloss' novel offers disappointingly little insight into the theory or practice of the law. Its chief service may well be to Price, Waterhouse and the insurance companies; if taken at face value, the book is enough to send the most diligent legal savant running to their doors.

— James H. Duffy, LL

Letter to the Editor

TO THE EDITOR OF THE RECORD:

In *Coleman v. Middlestaff*, [25 U.S. Law WEEK 2332, Current Case in your issue of February 14], where a Los Angeles court ruled that a Negro patient had no cause of action against a dentist who denied him service you see, as the larger question presented: "Should that state prohibit an individual from refusing to do business with another solely on the grounds of the other's race?" From the dentist's standpoint, if not from that of yourself as a future professional man, shouldn't the question be: Should that state compel an individual to do business with another?

Dentists, like lawyers, are in abundant supply. You would not, I suppose, require a lawyer to accept every case presented to him. Why, then, deny this freedom to other non-public utilities?

I doubt that many Los Angeles have to wait much longer than the rest of us to be treated by a dentist, competent, licensed and willing. Let's not drive the other end of the equal protection clause into the ground in an effort to make things equal.

James M. Knowles, Jr.

Capital Punishment Question Is Again Raised in California

A stay-of-execution order which arrived two minutes too late has resulted in a request from California Attorney General Edmund G. Brown for a five-year moratorium on the death penalty in that state.

Burton W. Abbott had been sentenced to die in the gas chamber for the kidnapping and murder of a 14-year old schoolgirl in 1955. *People v. Abbott* 303 P.2d 730.

His execution had been scheduled for 10 a.m. March 15. The day before, one of his attorneys, George T. Davis, had begun a last attempt to save Abbott's life by petitioning for a writ of habeas corpus before Judge Walter L. Pope of the Ninth Federal Circuit Court of Appeals.

The petition charged a violation of the due process clause of the Fourteenth Amendment during Abbott's trial. Judge Pope refused to issue the writ on the grounds that the issue had not been before the state courts and that the Federal courts lacked jurisdiction.

Desperate Attempt

On the day of execution Abbott's counsel attempted to reach California Governor Goodwin J. Knight for a stay of execution to permit time for a habeas corpus petition to be filed with the State Supreme Court.

Governor Knight was not immediately available, but the attorneys learned that he was on his way to a naval air station to embark for a short cruise aboard the aircraft carrier Hancock.

Mr. Davis was scheduled to be interviewed by telephone on a TV news program. He requested that the naval air station set up a television set which Governor Knight would see upon his arrival and navy authorities agreed.

Television Appeal

Mr. Davis was put on the air just as the Governor arrived at the air base. He made a direct appeal to the Governor for clemency, or in the alternative, commutation of sentence or a stay of execution.

The Governor agreed to a one-hour stay of execution and counsel immediately filed the habeas corpus petition with the clerk of the Supreme Court.

At 10:38 a.m. the Chief Justice telephoned the warden at San Quentin Prison and told him that the petition had been denied. The warden ordered that preparations for the execution be continued.

Attorneys Call

A call from Abbott's attorneys to the prison at 11:01 a.m. informed the officials there that counsel were once again trying to reach Governor Knight. Procedural and mechanical details delayed the execution for near-

ly a quarter of an hour. At 11:17 a.m. Abbott was led into the gas chamber.

At 11:16 a.m. Mr. Davis had again reached the Governor aboard the Hancock and requested a second stay until noon. Governor Knight agreed and immediately called his secretary in Sacramento. The secretary relayed the message to the warden at San Quentin. The call was received at 11:20 a.m.

Cyanide Pills

Unfortunately, the cyanide pills had been dropped into the sulphuric acid at 11:18 a.m. Abbott was dead.

Attorney General Brown in calling for a death penalty moratorium said that he doubted "that capital punishment has a deterrent effect."

"A confirmed conviction and sentence of death are too often used to suspend the will of the people."

WILLIAMS

(Continued from page one)

fendant but also his fellow members and friends may plead the Fifth Amendment when called to testify.

Mr. Williams said, however, that he does prosecute under the second section of the Act which prohibits advocating the violent overthrow of the government.

He emphasized that the use of informers in Communist conspiracy cases, as in narcotics enforcement, is almost essential to successful prosecution.

One large advantage of the United States Attorney's office, according to Mr. Williams, is that once any part of a crime is committed in his district, he has jurisdiction over the entire crime even though major portions are carried out elsewhere in the country.

Another advantage enjoyed by his office is the regular and punctual support of the Federal Bureau of Investigation. A high degree of cooperation with the F. B. I. is essential, he said, because a U. S. Attorney must authorize every arrest made by any Federal agent.

The speaker pointed out that restrictions on the use of wire-tap evidence hamper the activities of his office.

While admitting that wire tapping may constitute an occasional infringement of the right of privacy, he stressed that the negative aspects are more often offset by the beneficial ones.

Mr. Williams advocated the use of wire-tap evidence in internal security and narcotic cases, but hesitated to advocate that its use be extended further.

"The principal duty of the U. S. Attorney," concluded Mr. Williams, "is to administer his job justly and to see that every man is protected in his right to a fair trial. This is the ideal for which he must strive."

— Binder



Abram J. Chayes

SBA Conference To Present Panel

A panel of criminal law experts will highlight the eighth annual Northeastern Conference of the American Law Student Association to be held at the Law School on April 4, 5, and 6.

Professors Jerome Hall, of Indiana University, Herbert Wechsler, Visiting Professor at the Law School from Columbia, and Abram J. Chayes, will debate "Criminal Responsibility" at 2 p.m. on April 5, in the James Barr Ames Courtroom.

The discussion will be moderated by Professor Louis Jaffe, and will be part of the program of the annual meeting of the First and Second Circuits of the A. L. S. A.

The Conference is being sponsored by the Harvard Law School Student Bar Association.

Carter L. Gore, 2L of Staunton, Va., was chosen president of the Student Bar Association for the coming year at the group's annual elections recently. Mr. Gore, who was secretary of the organization, succeeds Sidney A. Stutz, 3L of Urbana, Ill.

Other officers elected to serve on the Association's executive committee were Daniel M. Hall, 2L of Houston, Tex., vice-president; Ronald J. Stein, 1L of New York City, secretary; and Christopher C. Larimore, 2L of Coral Gables, Fla., treasurer.

Clinic's Loss

The Law School Clinic will lose its secretary, Mrs. Brenda Conley, in the fall. Her husband, George F. Conley, Jr., has been awarded the Prix de Rome in architecture, and will spend next year in Italy with his wife.

Alumni Notes

LL.B. '32 — Hartley C. Cutter has been appointed City Solicitor of the City of Medford. Mr. Cutter is also Associate Editor of the Massachusetts Law Quarterly.

LL.B. '43 ('48) — In January Walter P. Arenwald became a member of the firm of Gainsburg, Gottlieb, Levitan & Cole, 122 East 42nd Street, New York 17, New York. He had previously been associated with this firm during a period of eight years.

LL.B. '44 ('47) — Leonard Joseph and Charles E. Stewart, Jr., LL.B. '48, have become members of the firm of Dewey, Ballantine, Bushby, Palmer & Wood, 40 Wall Street, New York 5, New York.

LL.B. '54 — Alan Sweetser has recently accepted a position with the firm of Vedder, Price, Kaufmann & Kammholtz in Chicago.

LL.B. '56 — Martin Kramer is now associated with Hetkin, Jervis & Hetkin in the practice of law with offices at 9 East 40th Street, New York City. He was previously associated with the firm of Paskus, Gordon & Hyman.

THE MISSES LITTLEFIELD

HARVARD SQUARE

PROFESSIONAL TYPISTS

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Minor Parties Seek to Change State Election Code Practice

California's election laws have been attacked by two of the nation's minor parties in law suits aimed at liberalizing the restrictions which act to keep smaller parties off state and national ballots.

The Socialists and the Christian Nationalists headed by Gerald L. K. Smith have joined in a united front in charging that present California laws make it so difficult for the minor parties to get on the ballot that they are in effect being suppressed.

Each of the political parties has commenced suit naming the California Secretary of State as respondent. Both suits claim in effect that the prevailing election laws are unconstitutional. The parties claim violations of express and implied rights of franchise in the First and Fourteenth Amendments of the Federal Constitution.

The parties maintain that in drafting the objectionable requirements the California State Legislature exceeded its objective of keeping the ballot within reasonable proportions. They claim that the present regulations "discourage and prohibit serious challenge to the status quo."

The California election code provides several ways which a political party may use to get its name on the ballot.

The party must either obtain petition signatures of one per cent of voters registered in the last election or petition signatures from adults of eligible voting age equal to ten per cent of the total vote in the last election.

At present these figures would be based on an election-day turnout of approximately 4,100,000.

The suits claim that these requirements are too severe. They indicate that the present cost of solicitation and publicity to fulfill these requirements would be nearly \$500,000.

Educator Desires Liability Extension

Airlines and other owners of non-military aircraft should be forced to pay for all damage caused by plane crashes in populated areas, Professor Lawrence Vold, LL.B. '13, declared in an address before the Lawyers' Institute meeting at the Florida Agricultural and Mechanical University in Tallahassee.

Professor Vold, a member of the faculty of the University of California's Hastings College of Law, noted that in some states damages cannot be recovered without proof of negligence. He suggested that Congress should enact legislation making even the federal government liable, without requiring proof of negligence, for death, injury and property losses caused by military planes.

Jet Crashes

Citing recent jet plane crashes in populated areas in California, Professor Vold said, "All of us are potential ground surface victims of crashing aircraft." He spoke of such crashes as another hazard of life in the present age, and deplored the lack of a clear-cut legal rule fixing financial responsibility.

"Let it be granted for the sake of argument," Professor Vold said, "that for public reasons — such as its importance to national defense — the aviation industry should be specially favored."

"That still affords no reason in fairness for requiring the luckless ground

The suits are being pushed through the court system as test cases. The Secretary of State filed a demurrer to the Christian Nationalist's suit which Superior Court Judge J. L. David sustained last week. This ruling is slated to be used as the basis of appeal to the State Court of Appeals. It is expected that eventually the case will be taken to the United States Supreme Court.

The American Civil Liberties Union has joined the cause as amicus curiae, although it has publicly noted that it "detests" the aims and intentions of the hyper-conservative Christian Nationalist Party.

A. L. Wirin, west-coast civil rights advocate, and a counsel for the ACLU appeared as a counsel for the Socialist Party in its suit.

The two parties are complaining from slightly different positions. The Christian Nationalists have never appeared on the California ballot. The Socialist party had been shown on the state ballot from 1900 to 1938. After 1938 they were deleted on the basis of another code provision requiring parties on the ballot to receive three percent of the total vote for any of their candidates.

In 1954, the most recent state elections, two minority parties appeared on the ballot. Both the Independent Progressive Party and the Prohibition Party were shown. In the national elections in 1956, the Prohibition party appeared as the only minor party on the ballot.

The Christian Nationalists received eight write-in votes with Mr. Smith as presidential candidate and Darlington Hoopes, Socialist presidential aspirant, received 123 write-in votes.

The plaintiff political parties contend in their suits that the existing election code makes it so difficult for smaller political parties to be listed on the ballot that it is in effect a

(See ELECTIONS on page four)

victim of crashes or forced landings to subsidize air traffic in which he takes no part. That affords no reason in fairness for throwing on him — without compensation — the entire loss which the crash or forced landing inflicts upon him by the destruction of his home or his family or his life."

Professor Vold, who has taught at Hastings since 1948, is the author of *Vold on Sales*.

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Shaw Frustrated At Last; Roman Custom Falls Too

Foreign legal tribunals in widely separated European capitals tampered with tradition and came up with some interesting results.

In London, Mr. Justice Harman of the Chancery Division of the High Court of Justice upheld the old order and frustrated the testamentary wishes of a man who made a fortune out of frustration.

Deciding *In re Shaw's Will Trusts*, Law Report, London Times, Feb. 21, 1957, p. 13, Justice Harman held that \$2,000,000 of George Bernard Shaw's estate cannot be applied to the furtherance of the late author's pet project — revamping the English alphabet to include forty characters.

Mr. Shaw's will, among other things, had established trusts to be administered for the express purpose of changing the English alphabet.

The action on the will was brought to the Chancery bench by the secondary beneficiaries of the trusts: the British Museum, the Royal Academy of Dramatic Art and the National Gallery of Ireland.

Why Can't the English...

It was their contention that the trusts were void as to their avowed purpose because they were not to be held for a person and they were void for uncertainty.

The trustee's rebuttal was that the wills were established for a charitable purpose, and that even if they were not charitable, they were "not tainted with the vice of perpetuity," and "were a valid exercise by a man of his own power of disposing of his money as he thought fit."

The trusts were established by Shaw to find out by inquiry how much time could be saved by persons speaking and writing the new alphabet.

Trusts to Transliterate

As a vehicle for this, the trusts were to be applied to transliterating a Shavian play, *Androcles and the Lion*, into the proposed alphabet. The

copies were then to be disseminated with enough appropriate advertisement and propaganda to persuade the English speaking world to adopt it. The trustees maintained that the trusts were charitable because they were to be used for education.

Not Charitable

Justice Harman found himself unable to agree that the trusts were in fact charitable. "Who was to say whether this project was beneficial?" he asked.

The judge held that the trusts were analogous to trusts established for political purposes, and that they would involve a change in the law of the land. "Such objects have never been considered charitable."

In part of the opinion, Justice Harman undertook to establish himself as something of a literary critic. "This document, moreover, was evidently originally the work of a skilled equity draftsman. Unfortunately, it bore ample internal evidence of being in part the testator's own work."

Two Styles

"The two styles as ever made an unfortunate mixture. It was always a marriage of incompatibles: the delicate testamentary machinery devised by the conveyancer could but suffer when subjected to the *cacoethes scribendi* of the author, even though the latter's language, if it stood alone, might be a literary masterpiece."

"It was a long and complicated document made when the testator was already 94 years old and it was rather youthful exuberance than the hesitations of old age that marred its symmetry."

In finding that the alphabet trusts must fail, Justice Harman considered *Houston v. Burns* [1918] A.C. 337, and *In re Astor*, [1952] Ch. 534. "An object," he said, "could not complain to the court," which therefore could not control the trust and therefore would not permit it to continue.

Shaw Doubted

A suggestion is made by the will that Mr. Shaw might have had his own doubts about the validity of the clauses concerning the alphabet trusts, when a jibe is made about the failure of judicial decisions.

Justice Harman answered this posthumous jibe by saying that it "was the fault, not of the law, but of the testator, who failed almost for the first time in his life either to grasp the legal problem or to make up his mind what he wanted."

And in Rome, Judge Arnaldo d'Ottavi handed down a decision that may strike him for all time from the list of the nobler Romans.

Judge d'Ottavi ruled that Roman citizenry can no longer reclaim tourist coins from Bernini's famed Fontana di Trevi.

Legend and custom dictate that he who throws a coin over his shoulder into the monument's basin will someday return to Rome. Tourists report

Off The Board...



Independents Win Basketball Series

The Independents, the top team in regular season play with a 7-0 record, defeated the second place Bankrupts 39-28 last week to win the championship playoff in division A of the Law School Basketball League. In division B the Rangers conquered Law Review, who had tied the Rangers in season play for first place in the division, 58-50. *Ferae Naturae*, after defeating the De Factos in a second spot playoff in division C, upset the divisional top team, the Interpleaders, 31-25.

Individual league scoring was led by Fred C. Anson, 3G, of the Independents with 100 points. He was followed in division A by William Tatlock, 1L of the Bankrupts (88) and John N. Scales, 2L of the Second Storrs (81). Robert S. Burnham, 2L of the Rangers was the division B leader with 73 points, trailed by Glenn M. Feit, 3L of the Law Reviews with 58 and David M. Dorsen, 1L of the Rangers with 40 points.

In division C, Evan R. Dawson, 2L of the De Factos accumulated 72 points, closely followed by Warren Wertheimer, 1L of the Interpleaders with 70 points.

The League operated under the supervision of Blair L. Perry, 3L of Williamstown.

that on a warm day the splash of coins can be heard for blocks.

Schoolboy Tradition

For several centuries it has been the unwritten perquisite of the Roman schoolboys to salvage coins from the floor of the fifty foot wide pool after tourist crowds had departed for the night.

A municipal ordinance forbids people to climb into public fountains, but seldom has anyone been arrested for the offense.

One night last summer, however, an irate policeman arrested three youths after they had ignored his orders to get out of the fountain. When the three were finally brought to trial, they drew only suspended sentences, but precipitated a ruling of which few Romans are reported to approve.

Relinquish Rights

"There is no doubt that this money can be classified as *res delictae*," Judge d'Ottavi said, and "pilgrims relinquish their right to it when they throw it into the fountain."

"And because this money has not been thrown just anywhere, but in

Legal Aid Society Helps NY Indigent

Since 1876 the Legal Aid Society of New York City, oldest in the nation, has given counsel to over 2,069,000 clients unable to afford the services of a lawyer. The total number of applicants at the offices of the Society in 1956 was 69,535; on the civil side there were 40,984 and on the criminal side, 28,551. This was an increase of 2,076 over 1955, and continues the steady upward trend of recent years.

Board Supervises

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

While many persons have the impression that the Legal Aid Society is a city agency, all of its funds are raised by private contributions. The necessity of increasing the staff as a result of the greatly increased case load and at the same time maintaining the high professional standards which have characterized its efforts in the past requires that a minimum of \$500,000 be raised in 1957. This can be accomplished, the Society states, only if the members of the legal profession and laymen recognize the importance of the work done by the Society and give it even more generous support than they have in the past.

—Wood

ELECTIONS

(Continued from page three)

severe limitation on the expression of unorthodox ideas in the forum of the polling place.

Because the protest is cast in the framework of a law suit the parties make no affirmative suggestion as to the form the election code should take. Their suit confesses that the state has the power to regulate and control election procedures. The parties say that the state has a valid "concern in minimizing election expenses and burdens by excluding parties or their candidates having no following of any consequence."

However, they add that the state "cannot do so in such a manner as to effectively quash all dissent."

The parties contend as a basis for their suit that in being deprived of a place on the ballot their "different" ideas cannot effectively be brought to the public's attention.

The American Civil Liberties Union, by coming to the aid of the minor parties, has put itself in the unique position of helping both ends of the political continuum in their fight against the middle.

an institution maintained by the city, with laws designed to prevent the public from violating the premises of that institution, which applies to anyone seeking to remove money from city property, therefore the court rules that the money belongs to the city of Rome and will be collected by duly authorized employees of the city for deposit into the account of the city."

One of Rome's leading newspapers, *Il Popolo*, took a somewhat less materialistic view of the matter when it said, "With this ruling a part of the tradition of the Fontana di Trevi is definitely closed, at least on a theoretical plane. It is doubtful that the court will ever prohibit tourists from throwing their money away, but the ruling will impede somewhat the *ragazzi* (schoolboys) from getting it back, and the spirit will never quite be the same."

—Mulroney

FORUM

(Continued from page one)

fact that the Forum is insolvent... a deficit of \$300.

"Probably the root of our problem is that due to necessary arrangements we were unable to charge admission to either the Truman or Stassen programs" (presented prior to national elections last fall).

An attempt to re-enter solvency will be made tomorrow when the Forum brings Clarence Manion and Norman Thomas together.

Mr. Manion is an author and former Dean of the Notre Dame Law School.

Mr. Thomas is also an author and political candidate for Mayor and Governor of New York and for President of the United States in 1928, 1932, 1936, 1940, 1944 and 1948 on the Socialist ticket.

Carl J. Friedrich, Professor of Government at the College, will act as moderator.

HEARINGS

(Continued from page one)

sue of the *Ukrainian Daily News*, a paper with a circulation of 2,400.

Representative Scherer indicated that the article intimated the United States had been the motivating influence in the war in Korea. The passages objected to said that the war was between "the Korean people who defend their independence" and the "American armed forces aided by reactionary groups of Koreans."

Asks Denaturalization

Representative Scherer asked that denaturalization proceedings be begun against Michael Tkach, editor of the *Ukrainian Daily News* and Anthony Bimba, editor of a Lithuanian quarterly, *Sviesa*. Chairman Moulder ordered that appropriate proceedings be initiated.

Among the writings examined were articles from Ukrainian, Lithuanian and Russian language periodicals supporting Soviet armed intervention in Hungary. The three publications have a total circulation of 17,278.

Objectionable Article

The Yiddish-language *Freiheit*, circulation 10,260, was also examined by the committee because of an article which characterized the United States as sustaining "bloody attacks against the North Korean civilian population."

Paul Novick, *Freiheit* editor, issued a statement that the hearing was "an attack on the foreign-born," and complained that it did not examine anti-American activities of "the anti-Semites and the racists" of the country.

Mr. Novick indicated that his paper would work for the abolition of the committee.

ZECKENDORF

(Continued from page one)

real estate is coming increasingly into the focus of real estate transactions which deal either in its rehabilitation or in its destruction for purposes of new construction.

The next meeting of the Bull and Bear Club will be held on Friday, March 29 at 1:40 p.m., in the Wheeler Room of Holmes Hall. The speaker will be Paul F. Glenn, LL.B. '55, former president of the club and now a commodities expert for Dean, Witter & Co. He will speak on his specialty.

—Lawlor

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20. The
22. Helping
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27. Iron
29. Deave
30. Reel
31. Nones
33. Era
34. Gaspe
35. Ga.
36. Bunt
38. Norm
40. St.
41. Uri
42. Rap
43. Sh!
45. Lamb
47. Lena
48. Ha!
49. Sarah
52. Udo
54. Drier
56. Tsar
57. Crack
59. Trek
60. Rig
61. Serbian
63. Ann
64. Ja.
65. All
66. Nix
68. Ye
69. Psalms
72. Anil
74. Griswold
75. Bevins

DOWN

1. Hastings
2. Lo!
3. Mat
4. Etah
5. Shred
6. We
7. Es
8. Stone
9. Thug
10. Fet
11. AR
12. Little
16. Throat
19. Peep
21. Eon
23. Leet
24. Par
25. Ivan
26. Res
28. Nebular
30. Rampart
32. Surah
34. Grand
37. Nim
39. Ore
43. Sheeny
44. Harkness
46. Burr
47. Loci
49. String
50. Asia
51. Rag
53. Dab
55. Ira
57. Cello
58. Kanab
61. Slaw
62. Nine
65. Ass
67. XIV
69. Pi
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71. S.D.
73. Li

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