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TEN CENTS

Burmese Jurist Among Many Who Visit HLS From Abroad

The Honorable U Chan Tun Aung, Chief Justice of the High Court of Burma, was due to arrive at the Law School last night, according to an announcement from the office of John A. King, Jr., secretary of International Legal Studies and advisor to foreign students. The Burmese jurist has been visiting the United States at the invitation of the Ford Foundation in order to observe legal education. The Chief Justice will be accompanied by U Hla Aung, LL.M. '55.

As president of the Burma Law Institute, which was founded in 1956, Justice Chan Tun Aung has already visited the law schools at Stanford and Columbia, and plans to travel to the Yale Law School after his stay in Cambridge. He stopped at Washington during his trip across the country, where a dinner was given in his honor by Chief Justice Earl Warren of the United States Supreme Court. His stay at the Law School will be the longest of those to be made on his tour.

Other Recent Visitors

Chief Justice Chan Tun Aung is but one of many distinguished foreign jurists, teachers and lawyers who have visited the Law School in past months, Mr. King said. Last week, Dean Ramon Oben of the Law School of the University of Santo Tomas in Manila, Philippine Islands, was in Cambridge to discuss teaching methods.

In the previous week, Dr. Hugo Sandoval, president of St. Francis Xavier University of Sucre, Bolivia, visited the Law School. Dr. Sandoval is a co-judge of the National Supreme Court of Justice in Sucre.

In March, the Law School welcomed Paavo K. Kastari, Professor of Constitutional Law at the University of Helsinki, Finland, and until recently solicitor general of the Finnish Parliament. Professor Kastari's visit attracted a great deal of attention from the professors of constitutional law.

Porter Will Speak At Record Dinner

Charles O. Porter, LL.B. '44 ('47), Congressman from the Fourth District of Oregon, will be the guest of honor and speaker at the annual banquet of the HARVARD LAW RECORD on Monday evening, May 6. Representative Porter was the first president of the RECORD, and last November was the first Democrat to be elected from his district since its creation fifteen years ago.

The annual banquet, a tradition of the newspaper, is designed to recog-



Charles O. Porter

nize the work of retiring third year members of the staff.

Mr. Porter entered Harvard College in 1937, and subsequently enrolled in the seven-year college-law program then in existence at the University. His studies were interrupted by World War II, when he served on ac-

(See PORTER on page six)

here because the institution of solicitor general of the Finnish Parliament is relatively unique. It is the solicitor's duty to act as a public defender of the citizens of Finland against infringement of their rights by the executive departments of the government.

In February, the noted British historian, Dr. Alan Bullock, visited Cambridge. Dr. Bullock has written *Hitler, A Study in Tyranny*, and is at present writing a book on Ernest Bevin, Socialist Foreign Secretary

(See VISITORS on page six)

World Tax Series Published Monday

The International Program in Taxation of the Harvard Law School has announced publication of the first volumes in its World Tax Series, according to Assistant Dean William S. Barnes, Director of the Program. The United Kingdom and the Brazil Reports were published last Monday and the Mexican volume will appear on July 15.

Little, Brown & Co. are the publishers of the series, which will consist of reports on the tax laws of thirty nations when completed.

The tax series comprises the first of such legal reports ever published under the auspices of the Law School itself. Many individual faculty members have had private works published, however.

United Nations Proposal

In 1951 a United Nations Resolution proposed the idea of such a comprehensive world-wide tax service. Since then United Nations officials have cooperated closely with the Tax Program in the development of the series.

Approximately sixty U. S. corporations have contributed to the financial support of the effort, Dean Barnes said. A grant from the Ford Foundation helped start the Tax Program in 1952.

The program is arranged to permit one of the leading tax experts from each country to collaborate in preparation of the reports for his country.

Each report follows a uniform format which more readily facilitates comparison among tax systems.

Federal Bureau of Narcotics Policy Is Hit By Expert Advocating European Approach

By ALFRED R. LINDESMITH

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In this country, the Harrison Narcotic Act of 1914 is the basic legislation on narcotic drugs. It made no mention of addicts and gave no indication whatever of the purposes which the legislators may have had in mind concerning them. The interpretation and enforcement of this statute as it affects addicts is based on that part

New Honor

In a survey of American universities currently appearing in the Chicago Tribune, Harvard Law School has been ranked as the number one law school in the United States. The Chicago, Yale, Columbia, Michigan, California, Wisconsin, NYU, Illinois and Northwestern Law Schools rounded out the top ten.

Maguire Joins Law Firm; Lauds Retirement System

John MacArthur Maguire, Royall Professor of Law, has announced that he will become counsel to the Boston firm of Hale and Dorr upon his retirement from the faculty in June. Mr. Maguire will return to the firm where he was a senior partner before he began his teaching career at the Law School thirty-four years ago.

Professor Maguire stated that he will continue to do some work on a half-time basis at the Law School. "I won't do any teaching unless everybody falls down dead," he declared, "but I have a great deal of material assembled here on evidence. It represents the result of many years of research, and now I hope to do the writing on the subject which I never had time to do before."

When asked his reasons for returning to practice, Mr. Maguire replied, "Nobody can go out on a fixed income

in these inflationary times unless he has an 'anchor to windward'. My 'anchor to windward' is the renewal of my past connection with Hale and Dorr. The last person appointed counsel to the firm was Samuel Williston — but, of course, he has been inactive for quite some time."

Professor Maguire termed the University's compulsory retirement system "the best thing going." He explained that since teaching institutions are not run on a profit basis, but rather from the income of invested funds and tuition, only a limited number of teaching posts can be maintained. "If we older men hung on forever, so that no young men could get in at the bottom, it would be fatal to the success of the whole teaching venture."

"New Blood"

"These posts should be taken away from the elders at a reasonable time," he continued, "and given to the 'new blood'. I'll be in the 'open market' at Hale and Dorr. My services must produce more money than I am paid; if they do, I can hang on until I'm 90. But the situation is different at the Law School. The only way to bring up young men is to ease the older fellows out."

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Gala Festivities Are Planned As Part of Commencement

A beer party featured by excerpts from a musical comedy, an alumni luncheon, an informal spread in front of Langdell Hall, and all the pomp and splendor of a Harvard commencement are awaiting the Class of 1957 as another academic year at the Law School draws to a close.

The prelude to these gala festivities takes place today and tomorrow, when third year students will go to the polls to elect a class marshal, a secretary, and four committeemen.

On Thursday afternoon, May 9, the Class Smoker will take place from 4 to 6 on the Harkness quadrangle in the shade of the World Tree. Arthur E. Sutherland, Bussey Professor of Law and well known minstrel, will present several ballads, accompanying himself on the guitar, and will provide the musical background for an abstracted version of the Toepfer Club's hit production, *No Time for Sargent Girls*.

On Wednesday, June 12, the day before Commencement, third year students and their families have been invited to the Alumni Luncheon, to be held at noon in the Harkness Quadrangle.

After the luncheon, there will be a short program, featuring a pair of addresses. Speaking for the Law School will be Arthur L. Goodhart, Master of University College at Oxford. Mr. Goodhart, a barrister and an honorary Bencher of Lincoln's Inn,

invited to the Alumni Luncheon, to be held at noon in the Harkness Quadrangle.

The final event of Commencement day will be the annual meeting of the University Alumni Association, to be held in the afternoon in Tercentenary Theatre. Recipients of honorary degrees from Harvard University will deliver addresses. The identity of these recipients is always a closely guarded secret, never disclosed until the actual Commencement exercises.

Tickets to the luncheon are \$1.00, and may be obtained from the receptionist in Langdell after May 15.

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Alfred R. Lindesmith is Professor of Sociology at Indiana University and is presently on leave as a fellow in the Law and Behavioral Research program at the University of Chicago Law School. Professor Lindesmith is the author of several books on the subject of narcotics, including *Opiate Addiction*, and, with Anselm Strauss, *Social Psychology*.

of it which specifies that physicians may dispense narcotics in the course of "professional practice only." The question has been: does or does not this phrase permit doctors to prescribe drugs regularly to addicted persons, and under what conditions? Medical opinion is not in agreement on these points, and court decisions have been ambiguous.

These decisions seem to waver be-

tween the view that the addict is a diseased person in need of medical treatment, and the position that providing addicts with narcotics to keep them comfortable or to alleviate withdrawal distress is evidence of bad faith and unprofessional practice. The positions are incompatible in the sense that if doctors cannot prescribe drugs for addicts without risking criminal prosecution they will not prescribe for them at all. Addiction then ceases to be a medical problem. If addiction is really to be thought of as a disease, as the United States Supreme Court has said, doctors want to know how the courts can rule on proper methods of treatment. Medical treatment for other diseases is not determined by judges and juries.

(See NARCOTICS on page four)



John M. Maguire

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Billboard Regulation

A new 41,000-mile system of interstate highways will be constructed over the next thirteen years. Ninety per cent of the cost of the roads will be paid by the federal government; the states will pay ten per cent. The money will be raised by taxes on highway users, who will pay increased levies on gasoline, diesel fuel and tires.

Whether billboards should be allowed to line the sides of these highways is a question now before Congress. Despite widespread public sentiment for regulation of billboards, it is unlikely that Congress will act.

The case for regulation has been gaining increasing acceptance in recent years. Court decisions, once hostile to state laws and city ordinances on billboards, are now almost unanimously in favor of regulation. Some states, including California and New York, have banned billboard advertising near the thruway and freeway systems.

It is beginning to be recognized that part of making a limited-access toll-road attractive to motorists is the banning of billboards.

Advocates of billboard control stress the scenic beauties of the United States. "Will motorists travel these swift economic highways with an unlimited view of the scenic grandeur of the American countryside? Or will our new transportation arteries become monotonous corridors walled with commercial signboards?" asks Senator Richard L. Neuberger of Oregon. Will the motorist "instead of seeing stirring vistas of mountains and rivers [be] confronted by blatant demands that he buy a particular brand of liquor, soap or chewing gum?"

Actually, the motorist is more likely to be asked to buy automobiles, gasoline or beer than chewing gum or soap. Of the twenty-five companies that spent over a million dollars on billboards last year, four sell cars, seven sell gasoline, and nine are breweries. But regardless of what is being sold, the billboard blots out the scenery with equal effectiveness.

Safety Studies Quoted

Driver safety is also relied on as an argument by opponents of billboards. They cite a Minnesota traffic department study to show that more accidents occur on roads which have heavy billboard concentrations. The time a driver spends reading a billboard cannot be spent watching the road. If a driver spends five seconds reading a signboard, his car, going at fifty miles per hour, will have traveled 367 feet. Furthermore, billboards are often placed on curves where extra attention to driving is needed.

The State of New York, and other states, have gone to great expense recently to build overhead signs informing drivers about approaching intersections. These authorities believe it is safer to keep the motorist's eyes on the road.

As far as can be determined, public opinion supports regulation. In a March, 1957 Trendex News Poll, 65.9% of a nationwide sample favored billboard control, and 25.9% opposed regulation. A poll of 10,000 motorists taken by the Automobile Club of Maryland resulted in a 19-1 margin for billboard control.

The Neuberger bill and the Administration bill proposed by Secretary of Commerce Sinclair Weeks, are before the Senate Subcommittee on Public Roads. Both would encourage the states to restrict billboards on the Interstate System. The Neuberger bill uses the carrot, promising to pay 90% of the cost which the states would incur in buying scenic easements to prevent the construction of billboards. The Weeks bill uses the stick; it would cut off 5% of federal aid appropriations to states that do not agree to regulate billboards.

The Neuberger bill is preferable for one reason—it is the only bill with a chance of passage. The proposal to penalize the states for refusal to comply with the sug-

gested federal standards has run into strong opposition on states' rights grounds. It is also attacked as a breach of faith, taking back money that has already been appropriated unless new conditions are met.

In theory, we can get billboard control without paying for it; either by legislation, or by zoning. These methods have been upheld in some state courts and rejected in others; applied to the Interstate System, they are likely to be found valid by the United States Supreme Court. But politically speaking, such regulation would be almost impossible to achieve, since it would be opposed by farmers as well as roadside business and the billboard industry.

The cost of billboard control has been estimated at \$6,000 per mile for the new roads. But this is less than 1% of the cost of construction. And the easements will never be cheaper to buy than at the time the road is being built.

Can the vast public that will use, and pay for, the new highways speak strongly enough to overcome the opposition of the interests who profit from billboards? It is on its success in meeting tests of this kind that our democracy will be judged.

The Forgotten Gift Of a Forgotten Man

By FRANK W. GRINNELL

Frank W. Grinnell, LL.B. '98, is Editor of the *Massachusetts Law Quarterly* and Secretary of the *Massachusetts Bar Association*.

In the Centennial History of the Harvard Law School (published in 1917) it appears that,

"On May 28, 1778, Isaac Royall made his will and in it provided for 'a Professor of Laws in [Harvard] College or a Professor of Physick and Anatomy, whichever the said Overseers and Corporation shall judge to be best for the benefit of said College.' Royall died in 1781; but it was more than thirty years before the Corporation got together the proceeds of this legacy."

This was supposed to be the only practical suggestion in the 18th Century supported by a gift for the teaching of law in the University but it was not.

It is seldom that one finds a document witnessed by two persons each of whom subsequently became President of the United States. Such a document has recently been found in the Harvard Archives, and I have a photostat of it before me.

Several years ago, while studying the early history of Pownallborough (now Dresden, Maine), Albert West, of the Boston Bar, discovered papers in the Massachusetts Archives and in the Massachusetts Historical Society which led to the recently discovered document—a power of attorney "irrevocable," signed by Thomas Pownall in London, in 1783, to Hon. James Bowdoin and Rev. Samuel Cooper of Boston to grant 500 acres in Pownallborough as hereinafter appears, and witnessed by John Adams and his son, John Quincy Adams.

The background of the gift in Pownall's career is of special interest because he was the best, most informed, and prophetic friend of the American Colonies in the English Parliament in 1767 and thereafter. An article by Mr. West, containing an account of Pownall and his plan, appeared in the *Massachusetts Law Quarterly* for August 1953 (vol. 38, No. 3, pp. 23-27) on the occasion of the seventy-fifth anniversary meeting of the American Bar Association in Boston.

Succeeding William Shirley, Mr. West states, Pownall was the Royal Governor of Massachusetts from 1757 to 1760, and, while Governor, disguised as a simple citizen, he "took long walks into the countryside taking his paints with him and picking up bits of information in the inns and taverns in the interior and along the coast, with which he later astonished the legislators and especially Sam Adams, who supposed that one of his colleagues was tipping Pownall off."

"His view of Boston, painted no doubt as he picked up odd bits of political gossip, may be seen at the Boston Public Library."

"Convinced that the French were planning

Law School do not attend these activities. There is, of course, no recourse for those who find their absence unavoidable. But, unhappily, there are some law students who, with a modicum of effort, could arrange to be in Cambridge during Commencement Week. It is to this group that an appeal is in order.

One normally receives an LL.B. but once in the course of a lifetime. Three rather strenuous years have been spent to earn this degree. The crowning point of these efforts is the actual receipt of a diploma, a memorable occasion indeed. Hence it makes little sense for one to be satisfied with merely the cake, when all the frosting can be so easily and enjoyably had. The law student should think twice before deciding to miss Commencement Week, for such a week may never present itself again.

to attack the Colony, Pownall determined to push the boundary of Massachusetts (now the State of Maine) further north. In May 1759 he, personally, led an expedition up the Penobscot and buried a leaden tablet near where Bangor now stands, establishing possession on behalf of George II. John Adams used a certificate of this fact when he negotiated the peace before the Commissioners in Paris in 1783.

"As the conflict approached, Pownall became the champion of America and he was the only member of Parliament who opposed all of the measures of the Ministry which led to the revolution. He was a close confidant of his colleague, Edmund Burke, and shared with him the drafting of several laws. As he was an outstanding authority on American affairs and an author of a monumental work on the subject, there is ample evidence to support the contention that Pownall supplied the data for Burke's celebrated speech on conciliation."

"On December 2, 1777, Pownall declared to the astonished House of Commons, 'I now tell this House and government, that the Americans never will return to their subjection to the government of this country. I now take upon myself to assert directly that our sovereignty over America is abolished forever. The navigation act is annihilated.'"

"At another time, this Forgotten Man declared that the balance of power would soon pass from the petty, jealous states of Europe to America. He told England that her 'natural interest' was now in Atlantic basin and that to assure a great era of commerce, cooperation with America and the formation of an Atlantic Alliance was essential."

"In a letter to James Bowdoin, written just after the peace was announced by George III, he wrote:

"'Richmond, Surrey, Feb. 28, 1783. "MY OLD FRIEND, — Permit me through you to congratulate the STATE MASSACHUSETTS-BAY on the establishment of its SOVEREIGNTY IN POLITICAL FREEDOM: & may I beg of you to render acceptable to the State & citizens the congratulations of an Old Governor."

"I consider this wonderful Revolution as the visible interposition of Divine Providence, superceding the ordinary course of human affairs. . . ."

"He intended to come to America, there to spend the rest of his days, he told Bowdoin, but a second marriage and other turns of events prevented this."

In the same month of May 1778 in which Isaac Royall made his will, Governor Pownall,



Thomas Pownall

in a letter to his friend Bowdoin, stated his intention to give his Pownallborough land to Harvard to establish the professorship in a paraphrase of Cicero, saying,

"I mean and wish to see instituted lectures on the Science of Polity & Law-giving as derived from God & nature & the nature of man so as to form the minds of the students to become efficient and good members of the free state."

He tried to carry out this intention in 1783 by the power of attorney "irrevocable," the substantial portions of which appear in italics below:—

"Know all men by these present that—
"I Thomas Pownall Esquire of Old Lynn in the County of Norfolk and now residing in Richmond in the County of Surrey in the Kingdom of Great Britain in consideration of the affection which I bear to the Republic Massachusetts-bay in America and ardently wishing to promote the peace and perpetuity of the same in Political Freedom by the youth thereof being trained up in the true principles of Polity & of the Law of State, I intend & mean to give and grant to Harvard College in its corporate capacity as established within the State aforesaid all my land and estate whatsoever in Pownallborough in the County of Lincoln in the State aforesaid appropriated to the creating a fund whereon to establish a lecturer or professor or as herein after specified, I the said Thomas Pownall therefore have made ordained constituted and appointed and by these present do make ordain constitute and appoint the Honble James Bowdoin Esq. and the Reverend Samuel Cooper DD of Boston,

in the State aforesaid and each or either of them jointly or separately my true and lawful attorney irrevocable for me and in my name to give grant alien and confirm all those my five hundred acres of land situate lying and being in the Township Pownallborough in the County of Lincoln, in the Republic Massachusetts-bay which said lands were given and granted to me the said Thomas Pownall, by the Kenebec Company as by reference to their records may more fully appear unto the President Fellows and Burser or Treasurer for the time being, of Harvard College in Cambridge in the Republic Massachusetts-bay and to their successors and assigns forever, and also for me and in my name place and stead and as my proper Act and deed to execute seal and deliver such conveyances and assurances of the said Premises to the same President Fellows and Burser or Treasurer to the only use and behoof of the said College in Trust and for the purpose that, out of the Product of the sale of the said Premises or out of the Rents, Income or other improvement of the same as to the said President Fellows and Burser or Treasurer their successor or assigns shall appear to the best advantage, Provision may be by them made for the establishing of the Office or Place of a Lecturer or Professor (in the said College) of the Science of Polity and of the Law of State. . . .

"In Witness whereof I have hereunto sett my hand and Seal the twenty ninth day of November in the Year of our Lord one Thousand seven hundred and eighty three

Thomas Pownall [Seal]

Signed sealed and delivered as his Act and Deed for the purpose within mentioned by T. Pownall in the presence of

John Adams. — Witnesses
J. Q. Adams. —

"Unfortunately (continues Mr. West,) the land referred to was sold on a tax taking in 1779 and after fruitless negotiations with the purchaser the President, in the name of the Harvard Corporation, petitioned the Legislature to 'take such measures, as in your wisdom you shall judge needful for the carrying into effect the judicious and generous intentions of Governor Pownall, that such a foundation may be laid for the establishment of the important professorship aforesaid. . . . (The original may be seen at the Massachusetts Archives, State House.)"

Title was finally obtained by the College from the tax title buyer (one Christopher) in August 1784. The College, apparently, held the land until May, 1829, when it was sold to one Meservey. Meanwhile, Isaac Royall died in 1781; but it was more than thirty years before the Corporation got together the proceeds of his legacy.

Proceeds Used for School

It seems probable that whatever proceeds were received from the sale of the Pownall land on May 25th, 1829 were added to the Dane gift of \$10,000.00 and used for the school.

Referring to Pownall's writings in 1817, John Adams said, "A reader who has patience to search for good sense, in an uncouth . . . style, will find in these writings proofs of a thinking mind and more sagacity than in anything that remains of his two more celebrated successors, Bernard or Hutchinson — I am sorry that the name of Pownallborough has been changed to that of Dresden. Pownall was the most constitutional and national Governor, in my opinion, who ever represented the crown in this province. He engaged in no intrigues, he favored no conspiracies against the liberties of America, Hinc illae lacrimae."

Such a man surely deserves grateful recognition by the University and the Law School, not for his sake but for theirs.

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Congress Weighs Billboard Ban On New Interstate Road System

By HENRY J. STERN

The fifty-year-old struggle for billboard regulation reaches a crisis this year as Congress considers plans to keep billboards off the new Federal Interstate Highway System.

Previous battles have been fought in state legislatures, city councils, zoning boards, and courts. Now Congress is involved with the question of whether advertising should be permitted along the 41,000 miles of new roads to be built in the next thirteen years.

The early cases in the field struck down attempts by cities to regulate the billboard. Gradually regulation came to be accepted — first under the near-legal fiction that billboards were health hazards, later under the police power and for esthetic reasons.

Once billboards predominated among advertising media. But today, radio, television and periodicals take large slices of the advertiser's dollar, and billboards are not as essential to business as they once were. But the outdoor advertising industry does a \$150 million a year business, and employs 20,000 people.

Euphemisms Employed

One policy of the advertising industry is the outlawry of the word "billboard." Admen refer to the boards as "poster panels" or "painted bulletins." The reason for this is public aversion to the idea of a billboard. Many motorists associate the boards with police lying in wait. Others see the boards as places behind which immoral acts are performed. The result of these concepts, most of which were more prevalent twenty years ago than now, has been to leave the word "billboard" with connotations that the advertising industry wishes to avoid. But in the vernacular, "billboard" has remained strongly entrenched.

The primary antagonists of the billboard industry are a group of citizens who oppose the signboards on basically esthetic grounds. America's senior billboard fighter is Albert S. Bard, LL.B. '92, who has been battling signboards ever since he was appointed to a special committee on the subject by New York City Mayor William J. Gaynor in 1913. For many years, Mr. Bard was counsel to the National Roadside Council, a group that is now defunct. He has filed amicus curiae briefs in cases involving billboard regulations, including the significant decision of *United Advertising Corp. v. Borough of Raritan*, 11 N.J. 144, 93 A.2d 362 (1952). In that case Justice William J. Brennan, Jr., LL.B. '31, then a member of the New Jersey Supreme Court, distinguished signs relating to the business conducted on the property from the outdoor advertising business. This distinction is important, because some regulation exempts signs advertising business conducted on the premises. Both the Neuberger bill and the Administration bill now before the Senate contain this exemption.

Citing the Supreme Court's decision in *Cusack Co. v. Chicago*, 242 U.S. 526, 37 Sup.Ct. 190, 61 L.Ed. 472 (1917), Justice Brennan wrote:

"It has long been settled that the unique nature of outdoor advertising and nuisances fostered by billboards and similar outdoor structures located by persons in the business of outdoor advertising, justify the separate classification of such structures for the purpose of governmental restriction and regulation."

Limited Restrictions

But the courts have not so far allowed a fairly large city to keep out billboards. Also, it is much more difficult to get billboards demolished than to prevent their erection, so many cities which have recently zoned areas to keep billboards out must continue to allow the outdoor structures already built.

In general, city and state regulation of billboards has been upheld in recent years. But these regulations usually apply to residential or retail zones. The Interstate Highway System will be built in large part through open country, where there now is no zoning.

The billboard industry's case against regulation is that it is a legitimate medium of advertising, and that the regulation in question is designed to kill the medium by preventing it from developing it along the roads which will carry the largest amounts of traffic and are therefore most suitable for its purpose.

The question Congress is now facing is whether to encourage the states to regulate billboards along the new roads. Two years ago, a plan for federal acquisition of billboard rights for the area adjacent to the right of way was deleted from the bill at the insistence of Senator Walter F. George, who said that the provision in the bill violated states' rights.

This year a new effort is underway to regulate billboards. Two proposals have been introduced to accomplish this objective, by Senator Richard L. Neuberger and by Secretary

of Commerce Sinclair Weeks. The plans differ in the inducements they provide for the states to regulate billboards.

Under the Neuberger bill, the federal government would pay 90% of the cost to the states of acquiring scenic easements. Under the Weeks plan, the states would be penalized 5% of their federal road building allotment if they did not agree to a program of billboard regulation.

The Neuberger Bill

Under both bills, certain types of signs would be allowed. These include official road signs, notices that the property on which the sign is located is for sale or for rent, and signs advertising a business conducted on the premises. The Administration bill would go further and allow billboards in areas specifically zoned for commercial and industrial purposes.

Although the exception for commercially zoned areas is reasonable in theory, it leaves open the possibility that states may zone a strip surrounding a highway for commercial purposes, thus frustrating the intent of the agreement.

Under the Administration bill, states could acquire the necessary easements either by eminent domain proceedings under the police power or by purchase, at the discretion of the state. Agreements would be reached under this plan between federal and state officials on specific state proposals for billboard regulation.

At hearings held last month in Washington, supporters and opponents of the proposed bills testified before the Senate Public Roads Subcommittee. An unusual lineup of witnesses appeared on both sides of the question, which was regarded by the Senators, at least on the surface, as a non-partisan issue.

Testifying in favor of regulation or prohibition of billboards were conservationists, naturalists, planners, architects, the American Automobile Association and women's clubs. On the other side were roadside businessmen, advertising agencies and labor unions.

The anti-billboard speakers for the most part argued on the bases of safety and scenery. It was pointed out that highway users will pay the cost of the new roads in gasoline taxes. Billboards were assailed as the only form of advertising which utilizes public facilities, built at public expense. Since the value of the billboard is created by the presence of the road, it was argued that the state which creates the road should prevent its commercial exploitation.

The Moses Plan

Park Commissioner Robert Moses of New York, whose anti-billboard article in the December issue of *Harper's* was reprinted and mailed to all members of Congress, proposed a bill that would ban all advertising within 500 feet of the right-of-way by direct federal action. Mr. Moses argued that the federal government is paying 90% of the roads' cost, and in the Act of 1956, has declared them to be a "National System of Interstate and Defense Highways."

"They are instrumentalities of interstate commerce and national defense," he said. "Congress has both the moral responsibility and the legal right to protect them by federal law against commercial billboards which would mar the scenic beauty and endanger the safety of travel." Mr. Moses opposes the Neuberger proposal to pay for the purchase of advertising rights. "The motorists who will pay billions of dollars in fuel and excise taxes for the construction of this new highway network should not be called upon to contribute additional sums to buy up the advertising rights which do not now exist," he stated.

Opponents of the proposed regulation believe that their industry is being singled out unfairly for attack. They stress advertising's contribution to the national economy, and object to the imposition of what they consider are the esthetic standards of a minority.

Existing state and local regulation provides adequate safeguards for the policing of outdoor advertising, the industry argues. Furthermore, intrusion of the federal government into this area — a field traditionally regarded as one of state control — would be an unwelcome infringement of states' rights, it is maintained.

(See BILLBOARDS on page four)

Rule of Reason

The following excerpt is reprinted, with italics added, from page 90 of the 1957-58 edition of *The Catalogue of the Law School*:

"In obtaining a professional education a student is making a capital investment, and the graduates of the School may reasonably expect that their incomes will be sufficient to enable them to repay the loans within a reasonable time after graduation."

Kaplan Club Wins Ames Final

Eight third year members of the Kaplan Club and their faculty sponsor have won the right to see their names engraved on the bronze plaques in Langdell Library honoring past winners of the Ames Competition. The Kaplan Club defeated the Griswold Club on Wednesday evening, April 10, before an overflowing audience in the James Barr Ames Courtroom.

Oralists for the winning team were W. John Kennedy of Plandome, N. Y., and Daniel J. O'Hern of Red Bank, N. J. Counsel on the brief included Arthur F. Abelman, of Scarsdale, N. Y.; Philip A. Brooks, of Longmeadow; Richard J. Cravens, of Whiting, Ind.; Frank N. Gallagher, of Mount Carmel, Pa.; William P. Moyles, of New York City; and

Daniel J. Sweeney, of Yonkers, N. Y. The losing oralists, representing the Griswold Club, were Edward G. Bauer, Jr., of Greensboro, Pa.; and Clark L. Wagner, of Hammond, Ind.

Associate Justice of the Supreme Court William J. Brennan, Jr., LL.B. '31, presiding, Chief Justice of the Supreme Judicial Court of Massachusetts Raymond S. Wilkins, LL.B. '15, and Associate Justice William L. Henderson, LL.B. '19, comprised the court. No opinion was offered on the law in the case argued, but the judges expressed the unanimous wish that lawyers presenting cases to their respective courts would adhere to the high standards of quality which both Ames teams had demonstrated.

Thorne, Berman Describe Courses In English Legal History, Russian Law

By HAROLD J. BERMAN

Professors Samuel E. Thorne and Harold J. Berman conclude the RECORD series on the second year "perspective" courses with analyses of English Legal History and Comparison of Soviet and American Law. Professor Thorne will be teaching English Legal History for the second time since his appointment last spring. The course was given for several years by Professor Thorne while he was teaching at the Yale Law School. Professor Berman reports on Comparison of Soviet and American Law from Europe where he has been spending a sabbatical year studying and visiting various European cities, including Moscow, in order to talk with businessmen and government officials about their experiences in East-West trade. Due to Professor Berman's absence the course was not given during the past fall. Professor Arthur T. Von Mehren will return from a year's visit to Japan to teach The Civil Law System. An article on that course will appear in the RECORD in the fall.

By SAMUEL E. THORNE

If we must fix a date at which English law becomes articulate, begins to speak to us clearly and continuously, the day beyond which legal memory does not extend, the 3d of September 1189, is perhaps the best date we can choose. The writer whom we call Glanvill had just finished the first text-book that would become a permanent classic for English lawyers; some clerk was just going to write the earliest plea roll that would come to our hands; the justices of the king's court at Westminster, a court that would later be known as the Bench, were beginning to sit regularly, term after term, and to deal in a reasonable, methodical, legal way with the problems placed before them. Indeed, before the end of the twelfth century, though it would be difficult to match this elsewhere, English law was becoming clear and well attested. When another century has gone by and we are in Edward I's reign, it is a complex, developed system, already described in the greatest legal work of the middle ages, Bracton's treatise on the laws of England. Before the end of the thirteenth century the main outlines of the common law have taken form, to be overlaid in the course of time by an



Harold J. Berman

and particularly a legal order of "our" kind? To what extent is the legal order of modern societies threatened by requirements of military security and of political loyalty? How can legal concepts developed in an age of individualism and private property best be adapted to meet the needs of an age of group and public economic controls?

Of course such questions as these — like all important questions — are too big to be answered with mathematical precision. Con-

(See BERMAN on page five)

ber of other topics, all of substantial size.

But the course is not intended to be a simple survey, palatably served up with the bones removed, nor another example of haut vulgarisation. The reading and use of original materials (in which the Harvard Law School Library is exceptionally, indeed, uniquely, rich) is undertaken and some hours are devoted to the languages of the law: anglicized Latin and the French of Stratford-atte-Bow.

Legal history is not everyone's cup of tea. If not strictly true, there nevertheless is much truth in the statement that a good, even an excellent, lawyer or judge may know nothing of and care nothing for the history of law. To paraphrase Sir Christopher Wren's epitaph, *Si probationem requiras, circumspecte*. But legal history is one of the ways in which one may step outside for a moment to see what it is that lawyers and judges have done over the centuries, the materials with which they worked, the problems they had, the solutions they proposed. It is only fair to say the subject is to some degree technical. De donis, Quia emptores and the Statute of Uses were not written for him who runs while he reads; the common law, to the study of which not three but ten or twelve years of the fourteenth and fifteenth century English law student's life was devoted, is not comprehended without effort; nor do the learned and intimidating works of, say, Sir Edward Coke, have anything of the flavor of those produced by his contemporaries, Shakespeare, Jonson and Donne.

Nevertheless, the history of English law has drawn to it the enquiring minds of a long and splendid list of eminent men and it is likely to continue to attract those interested in catching a glimpse of a unique legal system, a triumph of the human intellect and spirit, growing from simple origins to the complex and formidable body of doctrine we know today.



Samuel E. Thorne

elaborate superstructure, the work of many generations of learned hands, but preserving still the outlines of the original plan.

It is with the origin and development of English legal thought, legal rules, legal institutions, that this course is concerned, which is to say, in effect, that it is concerned with one manifestation, a characteristic and by no means negligible manifestation, of English social, economic and intellectual life over a period of some five centuries. In the presence of so large a subject no one can help but feel humble and inadequate, nor can there be any hope of encompassing it in a long lifetime, to say nothing of a semester. All that can be attempted with any chance of success is a Pisgah view, some introduction to the history of real property, contracts and torts, to the origin and development of courts, legislation, equity, the doctrine of precedent, and a num-

Legislative Research Bureau Marks Fifth Drafting Season

The members of the Harvard Student Legislative Research Bureau have completed the major part of their activities for the 1956-57 academic year. The Bureau's purpose is to make available to governmental and public service groups technical services in the preparation and drafting of legislation. It was organized in 1952 in the belief that such a group would be of service to the community and would provide valuable experience for its student members.

The services the Bureau renders are those concerned primarily with drafting legislation requested by its clients. Although the Bureau does not accept work directly from any private lawyers or law firms, it does assist Bar Associations and Uniform Commissioners whose committees are staffed by attorneys. At present the Bureau is enlarging the scope of its activities to make its services more actively available to state and national legislators.

This fifth year of Bureau operation has been its most productive. Twenty-two projects have been completed in addition to the many bills drafted in assisting the House Counsel's Office of the Massachusetts State Legislature during the fall sessions.

Variety of Projects

Projects run the gamut of legislative drafting. An inspection of the Bureau's files would disclose projects such as these:

1. An amendment to HR 627, the Civil Rights Bill, which would require an exhaustion of state administrative remedies before the aggrieved party, or the attorney general on his behalf, could resort to the federal courts. This bill, as originally proposed by the Administration, would permit a civil action in the federal courts even if an adequate administrative remedy to such a civil rights abuse as a denial of the right to vote, were readily available.

2. A federal statute substantially revising existing legislation on lobbying. The bill would require full identification of lobbying activities by requiring legislative agents who attempt to influence legislation to register and submit reports on their lobbying activities. The bill would require disclosure of indirect lobbying practices as far as the First Amendment to the Constitution permits. Contingent fee lobbying is outlawed under the provisions of the bill. A unique feature of the bill is the creation of an agency directly responsible to Congress, which would administer the Act.

3. A Vermont statute, begun last year, which incorporates a *cy pres* approach to the rule against perpetuities which will enable a court to save dispositions which violate the rule, where reformation according to intent would not violate the rule.

4. A bill revising the Massachusetts procedure for impanelling jurors. The client's request was a response to the furor that grew out of delay in the selection of the "Brinks" jury under responsibility for selection on a county jury commissioner who would be appointed and supervised by a committee of Superior Court justices.

5. A draft for a Massachusetts client which redefined the defense of insanity along the lines of the American Law Institute's Model Penal Code.

6. A statute aimed at insuring the continuity of administration of trusts during and after an atomic emergency.

Annual Screening

Each spring the Bureau sends out announcements of its services to interested parties. In the late summer requests for legislation begin to arrive. These requests are then screened to determine which will be selected to receive the Bureau's attention.

The Bureau seeks a diversity of projects to include the varied interests of its membership. Law professors are often interested in and sponsor the preparation of legislation. Many members enjoy the opportunity of working for a professor, a lawyer client or an expert in any one of several fields.

Ordinarily the Bureau does not accept assignments that involve research alone. The soundness of the proposed legislation is one of the factors that are considered when screening drafting requests, but acceptance is not based on approval or disapproval of the policy underlying the proposed legislation.

The likelihood of passage is an important but not an absolute factor in selection. The Bureau prefers to work on drafts that might become law. However, many bills can influence a legislature or the legal community even though they do not receive a

passing vote. Such bills may well generate ideas which will find expression in later statutes.

After a project has been accepted, the members begin initial research to determine the scope of the project, the issues involved, and its time and personnel requirements. It is then turned over to a team, usually headed by a third-year student.

The first stage of work involves reading background materials on the general area of law involved and examining the existing statutes in the field. Problems which arise are referred to the client to determine his wishes as the course of the drafting proceeds.

When the draft is nearing final form, it is examined by a faculty member who is interested in the subject field. Final approval is given to the finished draft by the Research Director, and it is forwarded to the client.

Then comes a period of waiting. The client may ask for further revision. He may reply that he likes the draft and plans to introduce it. Each Bureau member awaits the day when he can pick up a newspaper to find that his statute has become the law.

BILLBOARDS

(Continued from page three)

It is not state governments, however, that are raising the cry of states' rights. According to W. A. Bugge, president of the American Association of State Highway Officials, who testified March 28, a total of 29 of 38 state highway departments favor regulation of outdoor advertising on federal roads. But most of the state officials oppose the Administration proposal as a "breach of good faith."

Senator Neuberger charges that the billboard lobby is invoking "states' rights" because it is more powerful in state legislatures and can more easily defeat regulation of billboards on the state level.

A strong presentation against the proposed bills was made by former Senator Scott W. Lucas, now representing the Roadside Business Association. He called the proposed bills extraneous to the construction and improvement of highways. Mr. Lucas forecast delays in the program if the bill was adopted because of lengthy litigation that would follow a state's attempt to use the police power for esthetic purposes.

The former Senator raised the specter of the threat to other forms of advertising. He said that under the Neuberger bill pig sties and junk yards could border the roads, but not a billboard advertising a motel. Mr. Lucas said that 100% of motel patronage, 82% of hotel business and 33% of restaurant receipts come from motorists.

Conclusions

The billboard question is unique because it presents a novel lineup of interests on each side. It is not a labor-management, North-South, or internationalist-isolationist dispute. It is not a partisan political issue, yet it is a subject of very real disagreement.

It is unlikely that Congress will act on the subject of billboard regulation. The outdoor advertising business has been relatively restrained in recent years in the number and placement of signboards, and although the public is unsympathetic, it is not indignant. Although some states would ban billboards along the Interstate System on their own, a majority would allow them.

The trend of state legislation, supported by court decisions, has been in favor of strict billboard regulation on high-speed limited-access roads. Outdoor advertising, although unchallenged in industrial areas, will find it difficult in the years ahead to stay on the new Interstate System.

As public esthetics develops as a factor in legislation, this heretofore permitted medium is coming into increasing conflict with local ordinances and zoning. No matter what decision Congress reaches, the battle of the billboards is likely to be fought out on the state and local level for the next generation.

Williston Winners...



Members of the winning team in the first annual Williston Competition are, left to right: first row, Curtis V. Titus of Washington, Conn., and Leonard S. Goodman of Cambridge; second row, John H. Carnahan of Leavenworth, Kans., and Wallace R. Barnes of Stewartstown, Pa. All are third year students.

NARCOTICS

(Continued from page one)

Neither is it determined by majority vote of the medical profession or by rulings of the American Medical Association.

American doctors on the whole have had little experience with drug addicts and their treatment since the Harrison Act was passed. Consequently their opinions are often indistinguishable from popular views, and they vary widely. It is therefore a simple matter to find medical experts for both defense and prosecution when a doctor is charged with a criminal violation for having dispensed drugs to an addict in an unprofessional manner. If disagreement between the experts leaves the decision to judge or jury, this can have the practical effect of providing punishment for the physician who uses methods of treatment not regarded as appropriate by laymen. If addiction is a disease, this is an unusual method of handling differences of opinion among specialists concerning its treatment.²

Doctors Avoid Addicts

It is not surprising that reputable medical men, rather than risk prosecution, and regardless of their views on addiction, usually refuse to have anything to do with addicts. It is simply too dangerous. A criminal charge against a doctor may do him irreparable harm even if it is not sustained in court. Dr. Linder of *Linder v. United States*, 268 U.S. 5 (1924), is said to have been without a medical license for two years and to have spent \$30,000 before his name was finally cleared by the Supreme Court. Other physicians of unchallenged integrity and professional reputation, acting on the belief that their professional oath obligated them to treat addicts as diseased persons, have been convicted and sent to prison.

The enforcement of the narcotic laws is in reality governed by regulations issued by the Federal Bureau of Narcotics.³ These regulations are based on the theory that addiction is not a disease, but a vicious or criminal indulgence. They specify that regular administration of narcotics to an addict is permissible only when he is suffering from an incurable disease or when withdrawal of the drug might cause the death of an aged and infirm user. The American Medical Association has supported this interpretation, but only after the fact and over the bitterest kind of professional opposition. When enforced, these regulations prevent addicts from securing drugs legally and from being accepted as patients. Since mere possession of illicit drugs is a violation of the law, the addict is inevitably a criminal despite the fact that addiction as such is not defined as a crime by federal law. Even if it were, it would make virtually no difference to the average addict, whose present status is almost that of an outlaw anyway.

This separation of drug addicts from the medical profession was accomplished in the first several years of enforcement of the Harrison Act, and along with it came the growth of the illicit traffic. Drug users who had been law abiding citizens became criminals by patronizing this traffic and by resorting to illegal methods of raising money to meet illicit prices.

Comparing the evolution of our scheme of control with that of Great Britain is both instructive and sug-

gestive of needed reforms. The Dangerous Drug Act of 1920 in Britain, like the Harrison Act, made no mention of addicts and did not indicate how they were to be treated. In almost the same language, it specified that doctors could possess and dispense narcotics in the course of their professional practice only. A disagreement between enforcement officials and the doctors about the interpretation of the law arose there, as it did here. But there the parallel between British and American experiences ends; the conflict was settled in a very different way in Britain.

British Attitude

When the British Home Office saw that English doctors were continuing to give addicts their regular supplies of drugs as they had been doing before, it was viewed as a violation of law. The doctors, however, were not prosecuted because the Home Office realized there was disagreement among medical men about such treatment. Instead, the Government was asked to appoint a committee of physicians to investigate and make recommendations to the Home Office. This committee of eminent medical authorities, under the chairmanship of Sir Humphrey Rolleston, was appointed in 1924 and published its report in 1926 after holding extensive hearings. The report authorized practitioners to prescribe drugs regularly for addicts under the following circumstances:⁴

(a) where patients are under treatment by the gradual withdrawal method with a view to cure, (b) where it has been demonstrated, after a prolonged attempt at cure, that the use of the drug cannot be safely discontinued entirely, on account of the severity of the withdrawal symptoms, (c) where it has been similarly demonstrated that the patient, while capable of leading a useful and relatively normal life when a certain minimum dose is regularly administered, becomes incapable of this when the drug is entirely discontinued.

The acceptance of the Rolleston Report by the Home Office has guided the subsequent enforcement of the Dangerous Drug Laws and placed addiction under medical control as a disease except in the case of addicts who refuse to conform to conditions which may be imposed upon them. The committee recommended that doctors see their addict patients at least once a week; that dosage be kept to a minimum; that cures be undertaken in institutions with appropriate facilities; and that a second medical opinion be secured before the decision is made to continue drugs indefinitely. There are no penal sanctions to enforce these recommendations. Medical inspectors of the Ministry of Health are especially appointed to check the doctor's records and to give advice in the handling of cases. Criminal prosecutions of doctors under the Dangerous Drug Laws are extremely rare, and usually arise from the falsification of records, such as when an addicted practitioner attempts to cover up his own addiction.

Main Violations

The main violations of law by British addicts are forging prescriptions and securing additional supplies from a second doctor. The user can escape criminal prosecution entirely by cooperating with the doctor in a program aimed at eventual cure; but if all efforts at cure fail, he may continue to secure his supply from his doctor indefinitely, or until another effort at cure is indicated. This system tends to compel addicts to place themselves under medical care, and gives them the strongest possible motives to avoid entanglement with the law. Since the cost of the habit is trivial, there is no compulsion on the British user to raise money by illegal means to support it.⁵

A United Nations publication, *Summaries of Annual Reports of Governments*, put out annually by the Commission on Narcotic Drugs, indicates that schemes similar to the British program are used throughout Europe with excellent results. Britain, with a population of more than 55 million, claims to have fewer than 500 addicts and almost no juvenile users. Figures from other European nations are much the same. In comparison, the city of Chicago alone has an estimated 8,000 to 10,000 drug addicts, many of them young persons, and more addicts are processed in Chicago courts on an average day than go through all the courts in Britain in a year.

In view of these comparisons it would seem that at least we have little

Legal Aid...

Warren G. Miller, 2L of Brookline, recently elected president of the Legal Aid Bureau, has been appointed by the Bureau's board of directors to supervise its summer operations.

The Bureau will be open for the summer period from June 24 to August 30. It will be staffed by eligible second year students who are able to donate two or more hours per week.

The Bureau has announced that volunteers may make arrangements to work only a part of the summer and to arrange their schedules so that it will be possible to combine Bureau work with outside employment.

To be eligible for the Legal Aid Bureau staff, a first-year average of 70 or better is required.

Mr. Miller has indicated that eligible and interested students may apply at the Bureau office in Gannett House.

to lose by the adoption, either in toto or on a piecemeal basis, of the British plan. In a sense we already use the British scheme with a few privileged addicts of the higher social classes who are permitted to secure legal drugs from doctors in violation of Narcotic Bureau regulations. To extend this practice on a fair and equitable basis it would be necessary to remove the present threat of prosecution of reputable physicians who prescribe drugs for addicts. All indications are that the medical profession, under these circumstances, would meet the obligations imposed upon it no less effectively than it has in other countries.

Public Acceptance

Before any such changes could be made, however, public opinion would have to accept them. This is not likely because of the continued misrepresentation of the narcotics problem by an agency of the federal government with a stake in the status quo — the Federal Bureau of Narcotics under Harry J. Anslinger. The Bureau's official line toward European programs for many years was to ignore them completely. There is still not available from federal officials a description of the program of a single European country. The line has changed recently to a denial of any significant differences between our system of narcotics control and that of European countries. British practice has been falsely identified with the "clinic system," and an attempt made to discredit it by the wide circulation of a free pamphlet giving a grossly distorted and inaccurate account of American experience with narcotic clinics from 1919 to 1923.⁶

The existence of an officially sponsored view of the problem creates hazards for those who dissent from it. This is particularly true of officials in the Narcotics Bureau itself, but the virus of official timidity extends much further through all the agencies officially concerned with the drug problem. Public Health Service officials, for example, have generally refrained from taking issue in public with the Bureau, however much they have disagreed with it in private. This situation needs to be recognized and corrected in order to create a favorable climate for rational public discussion — an indispensable prelude to reform.

²See King, *The Narcotics Traffic and the Harrison Act: Jailing the Healers and the Sick*, 62 YALE L.J. 736 (1953).

³The attitudes of the British medical profession toward the recent trial of Dr. John Bodkin Adams, and the way in which the disagreement of the experts concerning the administration of narcotics in this case was dealt with by the English court, are pertinent.

⁴See ANSLINGER & TOMPKINS, *THE TRAFFIC IN NARCOTICS* 125-37 (1953).

⁵Quoted in Appendix A of MEMORANDUM AS TO DUTIES OF DOCTORS AND DENTISTS, DANGEROUS DRUG ACT, 1920-32, D.D. 101 (5th ed.), Home Office (1948).

⁶The writer studied British practice at first hand during visits to Britain in 1955 and 1956. For additional materials on Britain's drug problem, see: E. W. ADAMS, *DRUG ADDICTION* (1937); MINISTRY OF HEALTH, *REPORT OF DEPARTMENTAL COMMITTEE ON MORPHINE AND HEROIN ADDICTION* (1926); files of the *British Journal of Addiction* (formerly the *British Journal of Inebriety*); winter, 1957 issue of *Law and Contemporary Problems*; NYSWANDER, GRUNE & STRATTON, *THE DRUG ADDICT AS A PATIENT* 148-61 (1956); *Hearings before the Subcommittee on Juvenile Delinquency of the Senate Committee on the Judiciary*, 84th Cong., 2d Sess., 60-79, 159-197 (1956); *Hearings before the Subcommittee on Illicit Narcotics Traffic of the Senate Committee on the Judiciary*, 84th Cong., 1st Sess., 1858-69 (1955), testimony by John H. Walker, United Kingdom delegate to the United Nations Commission on Narcotic Drugs.

⁷CF. TERRY & PELLEN, *THE OPIUM PROBLEM* (1928).

MAGUIRE

(Continued from page one)

graduated from Colorado College in 1908, and received his LL.B. from the Law School in 1911. Admitted to the Boston bar the same year, he practiced with Hale and Dorr (then Hale and Grinnell) until his appointment to the faculty in 1919. He has been a professor of law since 1923, and Royall Professor of Law since 1950.

Professor Maguire was assistant reporter for the American Law Institute's Code of Evidence from 1939-1942. He has edited casebooks on evidence and taxation, and is the author of *Evidence: Common Sense and Common Law*, which was published in 1947. He is now preparing a two-volume treatise on Evidence.

Tributes

As Professor Maguire's retirement approaches, several members of the Law School faculty have paid tribute to his career.

Warren A. Seavey, Bussey Professor of Law, Emeritus, recalled an early incident in his own teaching career.

"Jack Maguire is so unassuming that those not intimately acquainted with him may not realize the extent of his contributions. My contact with him began when, while teaching at another school, I was called upon to teach Evidence, to me a strange and forbidding subject. In response to a plea for help, Maguire sent me his full notes, a perfect *vade mecum*, which enabled me to avoid disgrace. In my difficulties with the tax officials he has been my constant guide in times of trouble.

"This is characteristic. Through the years, on the administrative board, in the classroom and with his fellows, he has been the kindly student of law, always willing to help others, a tower of strength in the School and through his meticulous writings, a wise and learned adviser to the profession.

"We, his friends, wish for him many happy and useful years as he returns to his first love, the practice of the law."

As a Neighbor

Austin W. Scott, Dane Professor of Law, spoke of Mr. Maguire as a student and as a neighbor.

"My acquaintance with Jack Maguire began some time ago. He was a student in the first class which I taught. I was delighted when, after he had practiced law in Boston for a dozen years, he joined the faculty of the Law School.

"During these thirty-four years, I have seen much of him as a colleague and as a next-door neighbor at home. I have, indeed, got to know him very well. His friendship has meant much

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to me. His services to the Law School, as teacher and scholar, have been great. All his colleagues wish him well on his return to the active practice of the law."

Professor John T. McNaughton, who next year will teach the course in Evidence, spoke of the contributions which Mr. Maguire has made and will make to the learning on the subject.

"Professor Maguire would be assured an enviable amount of immortality even if 'retirement' of a Harvard Law School professor meant all that the word sometimes implies. Take Evidence. He has taught Evidence at Harvard, as he puts it, 'just short of 50 times' (a record by almost two to one); and his students are playing their roles in the world. His law review articles and his *Common Sense and Common Law* will continue to enlighten. The fourth edition of the Morgan and Maguire Evidence casebook (as if to commemorate Professor Maguire's retirement) will be published this June. The Model Code of Evidence and its successor the Uniform Rules of Evidence, both of which Professor Maguire helped to create, will as time passes have more and more impact on the law.

Vast Wisdom

"Fortunately, however, 'retirement' does not mean all that the word implies. Professor Maguire will continue his work. He will finish his two-volume treatise on Evidence. The publication of the treatise will be a major event. This is so partly because (and by this I mean no disrespect to the other Greats in the field, each of whom has his forte) Professor Maguire knows more Evidence than any man alive. Furthermore, Professor Maguire — unless he changes his mind about offers to teach elsewhere — will be present much of the time in an office here. So, while the students will be deprived of mass first-hand exposure to his wisdom, that wisdom will continue to be available to those of us who are used to beating a path to his door."

NEWS IN BRIEF

FORMAL DANCE

The annual Dorm Council Spring Formal will take place on Friday, May 3, at Harkness Commons.

Two bands, headed by Bob Norris and Herbie Wayne, will furnish music from 9 p.m. to 1 a.m. Both the Large Meeting Room and the upstairs dining room will be available for dancing. As usual, set-ups will be provided.

There has been some confusion as to the exact local meaning of the expression "formal with dress optional." The Dorm Council advises that either tuxedos or suits may be worn by the men, while cocktail dresses or formals will suffice for their dates. Also no flowers are required or expected.

Admission will be by Council cards, which students may currently purchase at \$1.50. Non-student guests of card-holders are welcome at \$1.00 per couple.

YEARBOOK

A 221-page yearbook was placed on sale before the spring recess, and most copies have already been picked up. But about 150 men who signed up for books in the fall have not yet taken their copies. The books are being distributed at the Yearbook office on the second floor of 23 Everett Street.

A few copies are still available for sale to those who did not order books. Price of the book is \$7.50.

LAW WIVES

The Law Wives will hold their final meeting of the year on Wednesday, May 1, in the large meeting room of Harkness Commons at 8 p.m. Visiting Professor Herbert Wechsler will speak on "The International Trial at Nuremberg."

HLS Association
To Meet Saturday

The annual council meeting of the Harvard Law School Association will be held on Saturday, April 27 at the Law School. The morning agenda of the meeting will include the election of officers and reports of committees. The council will hear from representatives of the new local associations formed as part of the now nearly completed program of the council to establish a local association in every major population center.

In the afternoon, Dean Erwin N. Griswold and other members of the faculty will discuss matters of general interest to alumni.

BERMAN

(Continued from page three)

sequently there is a danger that any discussion of them may be speculative and general.

Of this danger it may be said, first, that there is too little speculation and generalization at Harvard Law School, and second, that questions of legal theory which might otherwise appear abstract are often brought to life when posed in the context of a comparative analysis of two such legal systems as the American and the Soviet which differ in some of their basic postulates.

The course revolves around three sets of conflicting postulates underlying the Soviet and American legal systems. The first is the assumption implicit in the Soviet system that law is essentially a means whereby the leadership exercises control over the society, as against the American assumption that law is essentially a means whereby the society exercises control over the leadership.

A second set of conflicting postulates underlying Soviet and American law is the Soviet belief that only when the State directly plans and administers the economic life of the country can law operate objectively and impersonally, as against the American belief that central economic planning is itself a serious threat to the objectivity and generality of law.

A third conflict in basic postulates or assumptions exists between the Soviet premise that the primary social function of law — and especially of the judicial process — is consciously to educate people (including the litigants) and to shape their standards of morality and their beliefs, and the American premise that the educational and moral consequences of law are, for the most part, by-products of its other functions.

Within the broad limits of ideas such as the ones mentioned, the course presents Soviet and American cases and materials selected from various fields such as civil and criminal procedure, contracts of state enterprises and agencies, labor law, family law, and a few others. Students who are so inclined are free to write a term paper, instead of an examination; for the rest, the examination is of the 48-hour "take-home" variety.

Fund...

John Richardson, LL.B. '11, and George E. Hale, LL.B. '38, have been named vice chairmen of the Harvard Law School Fund, according to Wesley E. Bevins, Jr., assistant dean and Director of the Fund.

Mr. Richardson, a member of the Boston firm of Ropes, Gray, Best, Coolidge and Rugg, will be responsible for the annual gifts from members of classes prior to 1926.

Mr. Hale, a member of the Chicago law firm of Wilson and McIlvaine, will handle gifts from members of classes since 1926.

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Page Is Elected To Edit Record

Joseph A. Page, 2L of Medford, was elected president of the HARVARD LAW RECORD for volume 25 at the newspaper's recent elections. Mr. Page graduated from Harvard College magna cum laude in 1955, and has



Joseph A. Page

served as editorial manager for volume 24. He succeeds Robert W. Oliver, 2L of Arlington, Va.

Michael Mulroney, 1L of Elkader, Iowa, was chosen editorial manager. Mr. Mulroney is a 1954 graduate of the State University of Iowa, and served in the United States Army. Mr. Oliver, who graduated from Harvard in 1953 and served in the United States Marine Corps, was elected business manager for the coming term. He succeeds Henry J. Stern, 3L of New York City.

Also elected to positions on the RECORD's board of directors were John J. Moss, 1L of New York City, news editor; William F. Cottrell, 1L of Chicago, department editor; David F. Binder, 1L of Beaver Falls, Pa., copy editor; Allen Wood, 1L of Woodstock, Ill., personnel manager, and Frederick J. Wethly, 1L of Jersey City, advertising manager.

Harvard, City College Lead In Alumni on Law Faculty

Although a heavy majority of the faculty spent their law school days at Langdell Hall, there is great diversity with respect to the colleges where the professors did undergraduate work.

Only two schools can boast of more than two Harvard Law School professors as alumni. The two are Harvard College and the City College of New York. Harvard led the field with 11, and CCNY's delegation of five alumni took a strong second place.

Harvard College, founded in 1636, is the oldest and best known college in the country. 325 of its graduates are currently attending the Law School.

City College, founded in 1847, is the oldest and best known municipal college in the country. Last year six of the first twelve articles of Volume 69 of the *Harvard Law Review* were written by CCNY graduates.

Tied for third place among colleges are Penn, Illinois, Michigan and Oxford, each with two alumni on the Law School faculty. A total of twenty-five schools contributed one man apiece to Langdell Hall.

Of the thirteen endowed professorships, only two are held by Harvard College men. W. Barton Leach is Story Professor of Law and Milton Katz is Henry L. Stimson Professor of Law. The other eleven chairs are held by graduates of eleven colleges. The dean, vice dean and associate dean are from Oberlin College, the University of Chicago and the University of Pennsylvania, respectively.

This survey extends only to a recording of the bachelor's degree. We do not consider here the S.J.D. or Ph.D. It may be noted, however, that Professors Charles Fairman, Sheldon Glueck, Donald F. Turner and Arthur T. von Mehren hold Harvard Ph.D.'s.

Windows

Two broken windows in the lower floors of the law dormitories and mounting apprehension for the safety of the larger floor-to-ceiling windows in Harkness Commons have prompted Vice Dean Livingston Hall to announce that he will enforce the old rule prohibiting ball playing on the grounds of the University. Dean Hall has indicated that administrative sanctions will be imposed on those found using the lawns and terraces as athletic fields.

VISITORS

(Continued from page one)

after World War II. He is also censor (equivalent to master) of St. Catherine's Society at Oxford, and has been given funds to form St. Catherine's into an Oxford College. One of the purposes of his visit to the Law School was to observe the handling of the problems of foreign students here, since many foreign students are members of St. Catherine's.

One of the most unusual visitors during the past year was Dr. Manfred Lachs, United Nations delegate from the People's Republic of Poland. Dr. Lachs is Professor of International Law at the University of Warsaw and has been a member of the Permanent Court of Arbitration at the Hague since 1956. His chief interest was in re-establishing intellectual contacts between Poland and the West.

Not all the visitors from foreign countries come to the Law School for brief stays. Dr. Karl Firsching, a judge in the District Court of Munich, Germany, has been at the Law School for the entire spring semester. He has been making a comparative study of the law of inheritance, under the general guidance of Professor A. James Casner.

In the 1955-56 academic year, 113 visitors from 35 different countries came to the Law School. Among them were practitioners, judges, law teachers, government officials, officers of international organizations and others interested in international legal studies.

PORTER

(Continued from page one)

tive duty for four years, mostly in Europe. Returning to Harvard, he received his A.B. and his LL.B. in 1947.

On September 13, 1946, Mr. Porter was elected president of the RECORD at the first meeting of the organization's board of directors.

In November 1956, Mr. Porter opposed Harris Ellsworth, a Republican who had represented the Fourth District for fourteen years. Congressman Porter unseated Mr. Ellsworth by a margin of nearly 5,000 votes.

Tax Institute...

The Federal Tax Institute of New England will present a forum next Saturday on personal tax planning, at the John Hancock Hall in Boston.

The program will consist of two panels of tax experts, meeting in the morning and afternoon. Short talks by panel members will be followed by a discussion session at which panelists will answer questions from the floor.

Professor Ernest J. Brown of the Law School will participate in the afternoon session. Dean Erwin N. Griswold is president of the Tax Institute.

The morning session will begin at 9:15 and the afternoon program at 2.

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