



Mr. Bergeson

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TEN CENTS

Lurie to Judge At Model Trial

Judge Reuben L. Lurie, LL.B. '26, of the Superior Court of the Commonwealth of Massachusetts, will preside at next week's model trial, according to Professor Robert E. Keeton, under whose general supervision the first year group work program is conducted. This will be Judge Lurie's first appearance in the annual October "spectacular."

The case, *Sanders v. Bennett*, will be tried in the Superior Court of the Commonwealth of Ames, County of Pound.

Plaintiff is the surviving spouse and executrix of the will of Joseph A. Rubin, who was shot during the robbery of a jewelry store in the city of Gray. He died over a year later.

Allegations

The complaint alleges two counts: assault and battery in the commission of a burglary, and such negligence in the commission of a burglary as to endanger unreasonably the lives of persons who might be in the vicinity.

Plaintiff asks for judgment in the amount of the medical expenses suffered by her husband; funeral expenses, and damages to her as a result of her husband's death.

Defendant admitted that he was in the jewelry store at the time of the robbery, but claimed that he was compelled to be there under threat of serious bodily harm both to himself and to his fiancée, Marsha Mather.

Defendant also alleged that the cause of action stated in the second count of the complaint is barred under Section 3156 of the Ames Civil Code, which provides a limitation of one year on actions of tort, actions of contract to recover for personal injuries, and actions of replevin.

Counsel for Mrs. Sanders will be Professor Richard H. Field, while Arthur E. Sutherland, Bussey Professor of Law, will represent the defendant, Ira M. Bennett. The trial will be held in the James Barr Ames Courtroom on Thursday, October 17.

Californians

The California Club will have a luncheon meeting on October 14, at 1:00 p.m. at Harkness. Visiting Professor Phil C. Neal, on exchange from Stanford Law School and this year's faculty advisor for the club, will speak, together with Mr. Brent M. Abel. Mr. Abel is with the firm of McCutchen, Thomas, Matthew, Griffiths & Green of San Francisco.

Berman Describes Reforms In Soviet Legal Procedures

The widespread view that "Soviet legality" is a contradiction in terms is contrary to observable fact, according to Professor Harold J. Berman, reporting on findings made in Moscow in May 1957 and in August-September 1955 in the current issue of *The Yale Law Journal*.

In an article entitled "Soviet Law Reform — Dateline Moscow 1957", 66 *Yale L.J.* 1191, Professor Berman states that a system of law and justice cannot co-exist alongside a system of force and injustice, and that although



Harold J. Berman

the Soviet leadership "is not bound by effective constitutional restrictions upon the exercise of force against

Archbishop Makarios Will Address First Forum on 'Future of Cyprus'

Archbishop Makarios, head of the Greek Orthodox Church and leader of the Greek nationalist movement on the island of Cyprus, will be the featured speaker at the first Harvard Law School Forum program of the 1957-'58 season. The Orthodox prelate will appear in Sanders Theater on Friday evening, October 18, together with a distinguished panel of Middle Eastern authorities. The Archbishop will discuss "The Political Future of Cyprus; Its Significance in the Troubled Middle East."

Archbishop Makarios, whose enforced exile by the British authorities on Cyprus has made him an international figure of renown, is in the United States advancing the cause of Cyprian independence among the delegations to the current meeting of the General Assembly of the United Nations in New York City.

Topic of Speech

In his main address the Archbishop is expected to outline his reasons for advocating immediate self-determination and independence for the populace of Cyprus, to attack the British policy in regard to the island, and to explain why Turkey (whose people comprise 20% of the population of Cyprus) should be excluded from any final solution of the dispute over the island's future.

His Beatitude's plans and ideas for the future of this strategic Mediterranean island took on added importance last week when the British Labor Party, which could very well take over the reins of the British government sometime within the next few years, went on record in favor of granting Cyprus the right to determine its own future, including the shedding of the island's ties as a crown colony, and the right of Enosis (union with Greece).

Discussion to Follow

Joining the Archbishop on the platform will be three specialists in Middle Eastern affairs, who, following the main address, will discuss with the Archbishop the political, economic and military problems raised by the whole Cyprus question. They are Professor George Kirk, Dr. A. J. Meyer, and Mr. Carlyle Morgan. All three of these men have travelled extensively in the Mediterranean area.

Professor Kirk, visiting Professor of Government at Harvard and a member of the Royal Institute (Chatham House), has taught Middle Eastern History at universities in Jerusalem and Beirut, and directed the compilation of the two volume history of the Middle East published

by the Royal Institute for International Affairs in 1952.

Dr. Meyer, Associate Director of the Center for Middle Eastern Studies (See MAKARIOS on page three)

Salisbury to Open Student Bar Talks

The Student Bar Association will begin its series of programs for the season this evening when Arnold H. Salisbury, LL.B. '36, Assistant Attorney General of Massachusetts will speak.

Mr. Salisbury will outline some of the problems and experiences of his office in the large meeting room of



Arnold H. Salisbury

Harkness Commons at 7:30 p.m. The speaker has had a wide range of experience on the Massachusetts legal scene. He has served as assistant to two Attorneys General and at present is head of the criminal division of that office. Mr. Salisbury is also an assistant professor of law at Northeastern Law School and is actively interested in Lions Club and Red Cross work.

Carter L. Gore, 3L of Staunton, Va., Student Bar president, has outlined the program of activities for the coming year. Evening speakers will be: Edward Bennett Williams, Washington, D. C. attorney who has acted as defense counsel for union leader James Hoffa and for Frank Costello in recent months. Mr. Williams will speak October 31.

Belli Will Speak

Melvin M. Belli, a leading California lawyer specializing in personal injury cases will speak on November 7. In February United States Senator Albert Gore, Democrat from Tennessee and Henry M. Hogan, general (See SBA on page three)

Respite

In honor of Christopher Columbus, noted ancestor of the often cited Italian jurist, Angelo Mario (A. for short) Fortiori, there will be no classes at the Law School this Saturday, Oct. 12. Normalcy will return on the following Monday, Oct. 14.

Law Student Taken Captive By Two Armed Kidnappers

Two men, one of them armed with a pistol, kidnapped and robbed a second-year Law School student last Friday evening in the heart of the city of Cambridge. Hiller B. Zobel, 2L of San Anselmo, Calif., Harvard '53, was accosted outside of Dunster House where he had been visiting Arthur A. Maass, a Harvard associate professor of Government, in Maass' apartment.

As he left Dunster House, the two men approached Zobel and asked him directions to Putnam Avenue. Zobel gave the information to them and the men, apparently satisfied, thanked him and walked away.

The 25-year-old law student had been requested by Maass to put his car in a nearby garage for him. Immediately upon finishing this task, Zobel was surprised by the reappearance of the two men, who forced him into the rear seat of the automobile. The two kidnappers climbed into the front seat and one operated the car while his companion covered the frightened law student with a pistol. This happened at approximately 10:15 p.m.

Zobel was driven hurriedly to Holyoke, where the gunmen apparently expected to be met by confederates. Upon their failure to appear, the kidnappers drove Zobel a short distance into the nearby country.

According to Zobel's account of the happenings, the men then stopped on a lonely road in a wooded area and, leaving him sitting in the automobile, walked a few paces away to confer among themselves. They returned shortly and, after having robbed Zobel of \$20 and some silver, they released him from the car and drove swiftly off. This occurred about 11:25 p.m.

After a fifteen-minute search, the stranded student located a farmhouse from where he telephoned the Holyoke police. Zobel expressed gratitude at the very sympathetic treatment rendered him by the Holyoke police who, after hearing his story, arranged for the now penniless student to spend the night at a hotel in Holyoke.

Zobel reports no physical injuries from his hazardous journey and is back in the Law School pursuing his second-year studies as if the unwelcome experience had never happened. Last Tuesday night the two kidnappers and the car were picked up in Des Moines, Ia.

Mixer

The Law School Committee of the Phillips Brooks House is sponsoring a mixer this Friday night, Oct. 11, in Harkness Commons from 8 to 12 p.m. Refreshments will be served. Tickets will cost 85c at the door, but if purchased at the pre-sale they may be had at the bargain price of 75c.

Prices Rise, Crowds Fall On Harkness Serving Lines

Harkness Commons, which started its eighth year of operations with a price increase and the usual long September waiting lines, handled fewer customers than it did for the same period a year ago, according to figures released by Vice Dean Livingston Hall. The first opportunity for signing off having recently passed, it was expected that the volume would drop further and that lines would become shorter.

While the daily average number of meals served at the end of September a year ago was 2,900, the total this year was 2,700. This corresponded to the sign-on statistics: 771 at the start of 1956-57, 713 this year. A year ago the October daily average declined to 2,600 as 34 students signed off, and a similar slump was anticipated for this month.

Weekly Rate Increased

An increase of one dollar boosted the weekly board price to \$16.50, marking the second straight year that the price had been raised. Prices of individual meals went up five cents per meal. The rise is the result of a seven per cent pattern increase in employee wages, Mr. Hall said.

Harkness showed a profit of \$1550 last year on 534,954 meals served, a gain of about a quarter of a cent per meal. However, this was a sharp reduction from the \$4700 surplus of the



Livingston Hall

preceding period when 584,461 meals were sold.

The meal figures indicate a trend (See HARKNESS on page four)

The Fable of the Furrier and the Lawyer*

By Joseph B. Abrams, LL.B. '27

Once upon a time in a Jurisdiction far removed from Massachusetts, there was a very Rich Man who had a Lady Friend. He also had a Wife who had been the Rich Man's faithful slave in the early days when he had not had two nickels to rub together. So when the Wife found out, as Wives usually do, that her Husband had bought his Lady Friend a chinchilla coat that cost \$25,000, she went to the same Furrier and bought the mate to the coat at the same price and told the Furrier to charge it to her Husband.

The Happy Furrier

This the Furrier was very happy to do, because his profit on each of these coats was a nice cool \$10,000. But the Husband refused to pay for the coat which the Wife had bought, so the Furrier sued him.

The Husband's Lawyer argued that a \$25,000 fur coat was not a Necessary for which the Husband should pay. He further argued that since the transaction was an Involuntary One so far as the Husband was concerned, the most the Furrier should recover was his cost and not make such a huge profit on an Involuntary Transaction.

But the Court said this argument was Nonsense and that where the Husband was worth 15 million Iron Men and not Lire such a coat was a Necessary, and the Husband had to pay the full amount.

This made the Husband very angry, so he brought a Libel for Divorce, and he also stopped his Wife's support. He was not justified in doing either of these things but

his Lawyer was a very prominent member of a very prominent law firm and the Wife decided she needed as good a Lawyer as her Husband had.

She hired a Lawyer of experience and ability who charged his clients a minimum of \$50 an hour and he successfully beat the Husband's Lawyer on all fronts after two years of legal battles all the way to the Highest Court in the State.

When it was all over, the Wife's Lawyer asked the Court to award him as counsel fees in both actions the same amount that the Husband's Lawyer had charged the Husband, to wit: \$15,000. He pointed out to the Court that his services were more a Necessary than the chinchilla coat which the Husband had had to pay for, especially where the Wife had no money of her own.

But the Court said he was bound by the decisions of the Highest Court in the State that where a Wife has had to hire a Lawyer, it is an Involuntary Transaction so far as the Husband is concerned and is to be governed by more Conservative Principles.

So he awarded the Wife's Lawyer \$7.00 an hour which was what Masters and Auditors were getting at the time, and also some Public Officials, and the Wife's Lawyer ended up with \$1400, out of which he had to pay his Overhead and Taxes.

New Vocation

This whole business did not seem Logical to the son of the Wife's Lawyer. He reasoned that if Lawyers were discriminated against in this manner he wanted no part of the Law. So he left Law School and became a Furrier. He now rides around in a Cadillac because he soon discovered that there are a great many Lady Friends of Rich Men and a great many Wives who insist on fur coats as good as those the Lady Friends are wearing. He also discovered that in the entire history of the fur business in that State there was no record of a Lawyer buying a chinchilla coat. MORAL: If you want your boy to ride in a Cadillac, don't raise him to be a lawyer. Make him a Furrier instead!

*See *Hayden v. Hayden*, 326 Mass. 587, 596.

choice cliches through the years, no one appreciates being told they are all to be avoided. A lawyer reading much of the dry, colorless literature of the profession welcomes a formerly bright expression as an old friend. With such little time at our disposal it is difficult to create such expressions which convey so much meaning.

Cliches Hit

The old expression *carte blanche*, for example, is damned: "... is a signed paper left blank for the person to whom it is given to fill his own conditions. By extension, it means unconditional authority, full power. It is a cliché and like all foreign phrases introduced unnecessarily into English speech, pretentious. The plural, if anyone is conceivably interested, is *cartes blanches*, though the man who would use that phrase in English speech has carried affectation almost to splendor." One who might read all 567 pages would feel guilty using the mildest expression just recently turned cliché.

In commenting on the use of *a priori* and *prima facie* there may be a word of wisdom. "*A priori* is sometimes misused for *prima facie*, which means at first view, on the first impression, especially in the phrase *an a priori case*. The two phrases are not the same. The use of technical, philosophical terms, especially in a foreign language, lays one open to the accusation of pedantry anyway and to misuse them will quickly get one convicted of both pedantry and ignorance."

Those lawyers who use *Esq.* in written addresses are warned that no title should be convicted of both pedantry and ignorance." prefixed. "That is, Mr. Richard Roe, Esq. would be incorrect. But titles may be suffixed." It is comforting to know we can write friends as *Richard Roe, Esq., LL.B., A.B.*

One more example. Those teaching and learning Commercial Law will be happy to hear that *endorse on the back* although redundant is correct. "Since the second syllable of *endorse* means back (as in the dorsal fin of a fish), to *endorse on the back* is a redundancy. But since *endorse* has the common meaning of write your name on, only scholars are aware that it is a redundancy and the common speaker or writer is justified in using it."

The reader will find the book helpful in questions of grammar, style, punctuation, idioms, and word choice. Where many will argue with the Evanses about their statement of a rule or choice, you will almost always find the comment reflects what a majority opinion would say is correct in contemporary usage. Since usage can change quickly, it is important to have a current reference work of this sort on hand.

—Cottrell

Current Case

On September 19, the Delaware Chancery Court for New Castle City decided that stockholders in a Delaware corporation have the inherent power to remove a director for cause, even though the corporation's certificate of incorporation contains a provision for cumulative voting.

The directors in *Campbell v. Loew's, Inc.*, 26 U.S. LAW WEEK 2154, pointed out that the by-laws of the corporation provided for the removal of officers and employees, but not directors. They also contended that there was no provision in Delaware statutory law providing for the removal of directors by stockholder action, particularly when the directors had been elected by cumulative voting.

The provisions of the Delaware General Corporation Law §17, relating to cumulative voting, are satisfied when the certificate of incorporation provides that each stockholder is entitled "to as many votes as shall equal the number of his shares of stock multiplied by the number of directors to be elected, and that he may cast all of such votes for a single director or may distribute them among the number to be voted for, or for any two or more of them as he may see fit..."

Cumulative voting thus is analogous to proportional representation, in that it enables a minority of the shareholders to obtain representation on a board of directors. In *Campbell*, it was argued that permitting a mere majority of the stockholders to remove directors who had been elected in this manner, even for cause, would frustrate the very purpose of cumulative voting.

The stockholders, on the other hand, advanced the old but eminently reasonable argument that mischievous directors should not be allowed to continue the exercise of fiduciary duties. It was decided in *Bruch v. National Guarantee Credit Corporation*, 13 Del.Ch. 180, 116 A. 738 (1922) that a majority of directors cannot remove another director. Since Delaware statutory law does not vest this power in the stockholders, the latter were now forced to pitch their case on making out an inherent power in the stockholders of a corporation to remove their directors for cause.

"Inherent Power" of Removal

Deciding in favor of the stockholders, Chancellor Collins J. Seitz wrote, "Considering the damage a director might be able to inflict upon his corporation, I believe the doubt must be resolved by construing the statutes and by-laws as leaving untouched the question of director removal for cause. This being so, the court is free to conclude on reason that the stockholders have such inherent power."

Chancellor Seitz answered the alarms which had been raised over the dangers of such a course for cumulative voting. "It is true that the Chancellor noted in the *Bruch* case that the provision for cumulative voting in the Delaware law was one reason why directors should not be considered to have the power to remove a fellow director even for cause. And it is certainly evident that if not

Movie Review

Before a standing room only crowd in the James Barr Ames Court Room last Thursday, the Board of Student Advisers presented a very convincing pictorial brief that the Harvard Law School reputation rests upon something other than the ability to produce high quality motion pictures.

"Case in Point," a homespun documentary, was shown to the first-year class in order to acquaint its members with the Ames Competition and legal research. Laid in the familiar Law School buildings, it shows the winding path of a first-year student at law as he struggles from his initial fact conference to his first victory in the Superior Court of Ames.

If the photography were esthetically pleasing and the dialogue were not so stilted, the film would be an excellent presentation for pre-law students, weeks, months, or years before their absorption into the Harvard atmosphere. But it is difficult to imagine that the typical Harvard beginner at law is such an unobserving and uninquisitive person that he did not already have the little information furnished by the movie through his stay of two weeks at the Law School.

It might have been more effectively used, had it been presented at the very beginning of the term, before the law club indoctrination at the several smokers.

The detailed information that was presented with regard to legal bibliography had more threat value than instructional value, since its presentation did not lend itself to mental retention.

If a student had already investigated the library, he probably learned little from the movie. If the student had not yet ventured to the second floor of Langdell Hall, he probably learned less, because of the rapidity with which the reference works were enumerated.

The film should be commended to the attention of anyone who has not yet commenced to study.

—Manley

carefully supervised, the existence of a power in the stockholders to remove a director could be abused and used to defeat cumulative voting."

The court continued, "[I]f we assume a case where a director's presence or action is clearly damaging the corporation and its stockholders in a substantial way, it is difficult to see why that director should be free to continue such damage merely because he was elected under a cumulative voting provision."

"On balance, I conclude that the stockholders have the power to remove a director for cause even where there is a provision for cumulative voting."

Chancellor Seitz had cautioned that this power should be "carefully supervised" by the courts. In support of this proposition, he cited *Auer v. Dressel*, 306 N.Y. 427, 118 N.E.2d 590 (1954). Speaking for the New York Court of Appeals, Associate Judge Charles S. Desmond had written, "It seems to be a settled law that the stockholders who are empowered to elect directors have the inherent power to remove them for cause. . . . Of course, . . . there must be the service of specific charges, adequate notice and full opportunity of meeting the accusations." (306 N.Y. at 432, 118 N.E.2d at 593.)

Proxies Ruled Invalid

In *Campbell*, proxy requests sent out by the corporation managers had unilaterally stated their side of the case without giving the directors an opportunity to present their side of the controversy. The proxies thus obtained were ruled invalid. "I am satisfied, however," the Chancellor wrote, "that to the extent the matter is to be voted upon by the use of proxies, such proxies may be solicited only after the accused directors are afforded an opportunity to present their case to the stockholders. And the corporation has a duty to see that this opportunity is given the directors at its expense."

In view of the number of large business enterprises which are incorporated in Delaware and doing business elsewhere, the *Campbell* decision may have effects far greater than would a similar decision in another state. It is to be hoped that such removals will in fact be "carefully supervised" by the courts, and the causes stated will be scrutinized with care. If not, cumulative voting could be nullified by a majority of the stockholders of a corporation who merely charged misconduct against their directors.

—Oliver

Letters to the Editor

To the Editor of the RECORD:

I am curious to know where the RECORD received the misinformation published in its number for September 26, 1957, in which under the heading of "Ten Years Ago: 1947" it refers to me as being "on vacation for fall term due to overwork."

Following service with Military Government I returned to the United States in June 1946 and taught at the Law School during the summer and fall terms in 1946 and the spring term 1947. In June 1947 I left for a second tour of service with Military Government and at the time the RECORD mentions was on leave of absence from Harvard, returning to this country (and to Harvard) in September 1949.

Incidentally, under the rules applicable to the Law School during the period of accelerated program, a faculty member was given a term off after teaching three successive terms. This was analogous to the normal summer vacation after the two-term school year. The way the matter is put by the RECORD may give an erroneous impression.

Yours truly,
William E. McCurdy
Professor of Law

To the Editor of the RECORD:

The RECORD's flashback to 1947 does not convey quite the right picture. While no summer term was offered to first year students in 1948, the "rat-race" was far from over in the fall of 1947. The statement that four of us on the faculty were "on vacation for the fall term due to overwork" in 1947 is no more precise, for the worst was yet to come. I, for one, taught continuously from late January 1948 through June 1949. Term-ends afforded not a respite but a double load, because exam book readings overlapped into the following term.

Some of us were off in the fall of 1947, because there was an attempt to relieve each man one term in three. As new casebooks were much needed at this time, this afforded a chance, by mad scrambling, to do the spadework on casebook revisions. Some of us stole enough weekend and evening time in the next eighteen months to finish casebooks. In any case, the war was not over for us until 1949.

Sincerely yours,
James A. MacLachlan
Professor of Law

(The RECORD blushes at the discrepancies which appeared in the "memory lane" item of two weeks ago, and promises a review of the hectic post-war days at the Law School in a coming feature article. —Ed.)

Harvard Law Record

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Law Wives...

The Law Wives will hold their first meeting of the year on Wednesday, October 16 at 8 p.m. in the Large Meeting Room of Harkness Commons, according to Mrs. Truman S. Casner, president of the group. Vice Dean Livingston Hall will address the wives on the history of the Law School.

Green Stamps...

"Green Stamps" and the hundreds of other trading stamps now issued through retail outlets the country over are not a form of "unfair competition," the Federal Trade Commission has decided.

The five members of the FTC recently rendered a unanimous decision that trading stamp plans, properly managed, are a perfectly legitimate trade practice. But the Commission at the same time issued a warning that it intends to crack down on any trading stamp operations it finds being used to deceive in any manner the consuming public.

The FTC has spent a year and a half investigating and studying the issuance of these stamps after receiving complaints from customers and businessmen alike, charging the stamp plans with deception, trickery and unfair competition.

There are now more than 300 kinds of these ubiquitous stamps being distributed by approximately 200,000 retail outlets in this country, the Commission revealed.

A MOTION PICTURE YOU MUST SEE! and to which You Must Bring the Children

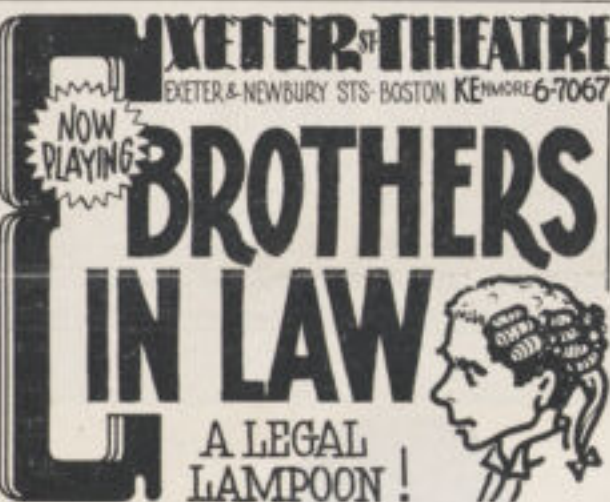
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MAKARIOS

(Continued from page one)

at Harvard, has spent the last three years conducting an exhaustive study of the Cyprian economy. A long time student of Middle Eastern affairs,



Milton Katz

Dr. Meyer has served in the past as a Director of the Gaza Strip for the United Nations, as a Director of Research for the Harvard Pakistan Planning Board Project, to which he remains a consultant, and as an administrator and educator at the American University of Beirut.

Carlyle Morgan, editorial writer and Middle Eastern expert for the *Christian Science Monitor*, has recently returned from a tour of Greece and Turkey, where he gathered material for a forthcoming book on the NATO alliance in the Eastern Mediterranean area.

Moderating the program will be Professor Milton Katz, Director of International Studies at the Law School.

— Binder

NEWS IN BRIEF

The Law School Library has announced several aids now available to first year students intended to assist them in the preparation of their first briefs. A newly prepared library manual will be available to all first year students next week at the main desk in the reading room. Exhibits on legal research will be set up in the display cases, while information on the library may be obtained at the round desk behind the main desk.

Library tours for first year clubs will be completed next week, according to the Board of Student Advisers. The Board has announced that maps of the library have been prepared for first year men, and may be picked up by tour leaders at the Board offices for use during the tour.

The Law School Southern Club will hold a luncheon meeting at 1 p.m. tomorrow in the Mallory Smith Room of Harkness Commons, according to William C. Higgs, 3L of Greenville, Miss., vice president. Present members and any student at the Law School interested in joining the organization have been invited to attend.

SQUASH RACKETS

Largest Variety in New England

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BERMAN

(Continued from page one)

Union. When he argued this point to some of the 20 or more lawyers, judges, law professors, and justice officials whom he interviewed, he was told that there is "less" secrecy now and that there would be "more" publicity in the future. "Apparently it did not occur to them that we expect all judicial and legislative acts to be a matter of public record available to anyone."

Apart from the area of political crimes, the Soviet jurists were able to report to Professor Berman a large number of reforms in criminal law, judicial administration, labor law, and other fields, which are a matter of public record. Criminal penalties have been substantially reduced for a large number of acts and have been entirely removed for others. The rules on official negligence and on economic crimes have been relaxed, and workers are no longer criminally liable for quitting without permission or for absenteeism. Social insurance has been widely extended. The prestige and independence of the courts and the legal profession have been enhanced.

Reasons for Changes

The motives behind these changes, Professor Berman states, are to enhance the leadership's political prestige at home and abroad, to lay a basis for increased efficiency and productivity in the economic sphere, and to create a more stable social order, "a happier and more loyal people."

In addition to the fact of secrecy, the great threat to the Soviet law reform movement in Professor Berman's view is the leadership's philosophy of historical necessity and its view "that law is basically an instrument of force and that where the instrument fails, force must use more ruthless means." In the course of a four-hour conversation the Deputy Attorney General said to Professor Berman: "If it becomes necessary, we will restore the old methods. But I think it will not be necessary."

— Duke

SBA

(Continued from page one)

eral counsel for General Motors are scheduled to appear.

Frank Pace, Jr., president of General Dynamics and former Secretary of the Army and William P. Rogers, Deputy Attorney General of the United States have also accepted speaking engagements but have been unable as yet to determine a date. Evening programs will be open to attendance by the general public as well as by members.

In addition to the program of evening speakers, the Student Bar presents luncheon speakers for its members. The next scheduled luncheon address will be given by Jose de Varon, counsel for Eastern Gas and Fuel Associates. He will speak Wednesday, October 16, in the large meeting room at Harkness Commons at 1:30 p.m. on the duties and the practice of a house counsel.

Another aspect of the Student Bar program is a series of court tours. Members go in small groups to one of the courts in the Boston area to observe the proceedings. At the close of the session, they are permitted to question the judge in his chambers. A new feature this year will be tours of correctional institutions and prisons in the Boston area. Permission for the visits has been received from the Massachusetts Correction Department, and the first institution to be visited will be Walpole state prison.

Officers of the 350 member group, in addition to Mr. Gore are: Daniel Hall, 3L of Houston, Tex., vice president; Ronald Stein, 2L of New York, City, secretary; Chris Larimore, 2L of Coral Gables, Fla., treasurer; and George Page, Jr., 2L of La Grange, Ill., luncheon speaker chairman.

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HARKNESS

(Continued from page one)

that has become typical every year: a high total in September which gradually drops throughout the year. Assistant Dean Wesley E. Bevins, whose office handles the sign-off procedure, cited as factors a student desire for personalized variety and a general improvement in the quality of the restaurants in the area.

Dean Hall, noting that the number of sign-offs is greater in the Law School than in the graduate schools which use Harkness, pointed to Lincoln's Inn and Chancery as major sources of competition.

Officials conceded that tie-ups at certain times, such as the 1 p.m. lunch



Wesley E. Bevins

hour, are a problem. But, they say, it is one of long standing which defies solution as long as most people decide to eat at approximately the same time.

One measure adopted to alleviate the situation has been to schedule classes in the Law School so that as many students as possible are free to eat at 12 noon rather than at 1 p.m. if they desire.

A recent spot-check showed that 407 persons were served between 1:00 and 1:30, in comparison to 448 between 12 and 1. Each serving line can handle from ten to twelve persons a minute.

— Borden

Informal . . .

The Bob Norris Orchestra will provide music at the second Law School Dormitory Council dance of the season, this Saturday, October 12, from 9 p.m. to midnight.

The dance will be held in the ballroom of Harkness Commons. Set ups will be sold; bottles may be checked at the bar.

Admission to each of the ten dances is by presentation of membership card in the Dorm Council which may be purchased for \$3.00.

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Bull & Bear

Armand Erpf, partner in Carl M. Loeb, Rhoades & Co., a New York investment banking firm, will speak before the Bull and Bear Club tomorrow at 1:40 p.m. in the Large Meeting Room of Harkness Commons. His topic will be "The Pursuit of an Honorable Estate through Risk." Mr. Erpf edits Loeb, Rhoades' investment publication *Fortnightly Review*.

Students may apply for membership in the Club at this meeting and be eligible to participate in the investment contest, which begins this week.

ALSA . . .

Students from Boston area law and medical schools will be given the opportunity to attend panel discussions on medical expert testimony and medical professional ethics as part of a Boston Medico-Legal Day sponsored by the First Circuit of the American Law Student Association on the Columbus Day holiday, Saturday, October 12.

William C. McAuliffe, Jr., 3L of Columbus, Ohio, First Circuit vice president of the Association announced that the panels will meet in the James Barr Ames Courtroom at 10 a.m. and at 2 p.m.

The ALSA, an association composed of Student Bar Associations throughout the country, will bring medical and legal experts together to discuss common problems of medical appearance in the legal forum.

Mr. McAuliffe indicated that the program had been especially designed to be of particular interest to law students enrolled in the Evidence, Trial Practice and Medico-legal Problems courses.

Panel Discussion

The morning session will bring together a panel of experts to discuss problems and methods of the pre-trial and courtroom handling of medical expert testimony. Audience and panelists will have an informal luncheon at Harkness Commons at noon and return to the James Barr Ames Courtroom for the afternoon discussion of the problems of medical professional ethics.

One of the features of the program will be the opportunity given to the audience to question the panelists on the topic of discussion and related fields.

A double-feature film highlighting the day's discussions will follow the afternoon session. Mr. McAuliffe has indicated that the meetings are open to all who are interested. There will be no admission charge.

Panelists will include William J. Curran, LL.M. '51, Lecturer in Legal Medicine at the Law School, Dr. Victoria M. Cass, M.D., Associate Director of Peter Bent Brigham Hospital, a judge, two officers of the American Medical Association's legal staff and a local doctor.

Marks . . .

The first year courses in Criminal Law and Agency will be counted as separate half courses instead of one full course for the purpose of determining academic standing, Louis A. Toepfer, Secretary of the Law School and Director of Admissions, recently announced. This change is in accordance with a vote of the Faculty.

Thus, whereas in the past a first year student who failed one full course and either Agency or Criminal Law, but whose combined average in Agency and Criminal Law was above 55 might maintain satisfactory academic standing, under the new requirement his standing would be unsatisfactory.

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Louis L. Jaffe

Jaffe Blasts FCC
In Recent Article

"The FCC is dealing a heavy blow to good government." This is the conclusion reached by Louis L. Jaffe, Byrne Professor of Administrative Law, after a three year study of FCC hearings and decisions. His views were aired in an article entitled, "The Scandal in TV Licensing," published in the September issue of *Harper's*.

Professor Jaffe, who is now on sabbatical leave, criticizes Congress for failing to provide the Commission with adequate standards and criteria to guide its necessarily arbitrary actions.

Mr. Jaffe supports the objects pursued by the FCC and most of the policies announced by the Commission for guidance in its decisions. He accuses the FCC itself, however, of being interwoven with politics, prejudice, and favoritism.

Professor Jaffe condemns the Commission's handling of radio and TV licenses in these words: "The purported criteria for making choices among competing applicants . . . are, in my opinion, relevant criteria. But," he goes on to say, "the record shows that they have become spurious criteria, used to justify results otherwise arrived at."

"Standards are announced only to be ignored, ingeniously explained

New Members Are Chosen
By Legislative Researchers

The Harvard Student Legislative Research Bureau has announced that nineteen second year men have been elected to membership. The Bureau assists government officials and public service groups in preparing legislation. Emil Herman, 3L of Pittsburgh, chairman of the membership selection committee, stated that applications for membership were the largest in the Bureau's history.

Applicants for Bureau membership must be in the top half of their class. They enter a competition in which they must answer a request for legislation from a Massachusetts state senator. Members are chosen on the basis of this trial project and an interview.

The new members, all second year men, are: Calvin D. Trowbridge, Jr. of Lake Forest, Ill.; Herbert B. Nech-

in of Chicago; James H. Duffy of Lowville, N. Y.; Nicholas J. Coolidge of Washington, D. C.; Juris Udris of Washington, D. C.; Donald F. Sandberg of Westport; and Edward S. Davis, Brookfield Center, Conn.

Also named are: John W. Weiser, New York City; John E. Young, Denver, Col.; Samuel H. Liberman, St. Louis; John C. Keene, Wynnerwood, Pa.; John F. Fritts, Chester, N. J.; and Thomas A. Smith, Newburgh, Ind.

Completing the list are Daniel C. Kramer, Philadelphia; William Tatlock, Summit, N. J.; Morton L. Ginsberg, New York City; Robert B. Silverman, Lakewood, N. J.; Stephen M. David, Brooklyn, N. Y.; and Norman Rosen, Queens Village, N. Y.

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