

Harvard Law School RECORD



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Coffee Hour Hears Friedrich's Lecture On Totalitarianism

"Totalitarian dictatorships present a unique phenomenon," said Professor Carl J. Friedrich of the Harvard Government Department at the Coffee Hour



—Harvard Crimson

Carl J. Friedrich

on Tuesday. "Any attempt to characterize the mass tyrannies or authoritarian regimes is only flattering them by the use of misleading historical terms."

Five Characteristics

Five main characteristics mark the present-day totalitarian dictatorship, he continued. At the center is a mass party and a co-ordinate leader. An ideology based on what is believed to be more or less scientific truth backs this up. These two factors stem from our democratized modern level of civilization.

The other three characteristics stem from modern technology: almost complete control over weapons and mass communication, and a terroristic police system using the science of modern psychology. None of the historical autocracies possessed more than one of the above five factors.

Since there is this close connection between the emergence of totalitarian dictatorships and the development of modern technology, people are led to think that this is the way of the future. However, Professor Friedrich was optimistic regarding the United States on this point. At the present time he believed that the United States was not on the verge of becoming a totalitarian state. (See FRIEDRICH on page three)

School Studies Public Opinion

The Law School is instituting a one-year study of the interaction of public opinion and modern law practice, Dean Erwin N. Griswold has announced. The study will be conducted by Charles P. Schwartz, Jr., LL.B. '50, under the general direction of Associate Dean David F. Cavers.

The study will eventually become a series of case histories of situations in which public opinion considerations were important. The study will attempt to analyze the ways in which public opinion affects and is affected by the work of lawyers and others associated with them.

In announcing the study, Dean Griswold stated, "Knowledge of the interaction of law and public opinion in the work of the lawyer today is important to an understanding of the lawyer's functions and methods in modern society."

Schwartz, who will be conducting the study, was a teaching fellow at the Law School from 1952 to 1954. He is also a member of the Illinois bar and spends his summers in a Chicago practice. He was connected with the firm of Szold & Brandwen of New York before coming to the Law School as a teaching fellow.

Mainly Interviews

Since there is little or no literature in the field of public opinion and law practice, the study will be composed principally of interviews with lawyers and public-relations experts in metropolitan areas.

In announcing the purposes of the study, Dean Griswold said, "Although there are significant differences in the skills brought to bear in these areas by the lawyer and the specialist in public opinion and persuasion, they often work in concert for a client. We need to know the extent to which the efforts of each in this situation are complementary, a mere duplication, or perhaps even antagonistic."

Selected cases will be prepared as case histories. However, no complete survey will be possible in this one-year study of the extensive "twilight zone" where the function of the lawyer is combined with other specialists," Schwartz said.

20 Here Apply For Fulbrights

With all the Fulbright Scholarship applications in, John A. King, Jr., Director of Graduate and Foreign Student Affairs, announced that 20 Harvard Law School students have applied for grants for study in 10 different countries.

Five applicants chose England for advanced study, four picked the Netherlands, two each chose Italy, Denmark, and France, while single applications were received for Belgium, Norway, India, Australia, and the Union of South Africa.

Results In Spring

The success of the applicants will not definitely be known until next April or May, but applicants will know if they have been selected for their separate countries' panels by around January. Last year there were 26 applicants from the Law School, of which 10 were successful.

The fields chosen by the students varied, but were generally in the fields of criminology, public law in the Anglo-Saxon tradition, and government regulation of industry. Some of the specific fields chosen by those applying include the following: constitutional law in the Union of South Africa; criminal law in Denmark; labor relations in Norway; securities regulations in India; and journalism and law in France.

All Third-Year Men

Mr. King announced that all of the applicants are third-year students in the Law School, and suggests that such study is advisable after the student gets his LL.B. degree, except when concentrating in comparative law. Mr. King also advised that those interested in Fulbright scholarships should plan ahead for them, especially if it is desired to go to a foreign-language country. He advises that a student has a much better chance of success in his application if he first studies a foreign language, and then applies to a country where it is spoken, since English-speaking country scholarships are much sought after.

Besides the Fulbright scholarships, Mr. King stated a studentship in international law at Cambridge University was available to a qualified student for the next academic year. Details will be found on page three of this issue of the RECORD.

Welch Analyzes Hearing, Notes Extra-Legal Aspects



—U. S. Army

Joseph N. Welch

Joseph N. Welch, LL.B. '17, gave Harvard Law students a critical analysis of the workings of a Senate hearing when he addressed the second Harvard Law School Forum on Wednesday evening, Oct. 27, at Sanders Theater.

Mr. Welch spoke for about 45 minutes on his experiences during the Army-McCarthy hearing last spring and was then questioned by the Forum panel for the occasion, consisting of Prof. W. Barton Leach and Prof. Arthur E. Sutherland, Jr., with Prof. Richard H. Field moderating.

Role Of The Witness

After being introduced by Charles P. Rippey, 3L of Omaha, Neb., president of the forum, Mr. Welch first contrasted the feeling of a witness in a customary court proceeding with that of a witness in a Congressional hearing. He stressed the extra-legal sanctions that might result from an appearance at the legislative hearing that ordinarily does not ensue from a civil proceeding.

In addition Mr. Welch criticized the informal press conferences held after certain legislative hearings, which allow all the participants to comment on the events to the press, instead of allowing the press to view the whole proceeding from the record alone.

Other differences between the two types of witnesses which the speaker mentioned were the cost of counsel that many witnesses are practically forced to employ to preserve their rights, and the relative ineffectiveness of the counsel employed during the proceeding.

McCarthy Unheard

An interesting point involved in the famous hearing was brought to humorous light by Mr. Welch. Senator McCarthy's now-famous pleas to the chair for recognition and points of order were rarely heard in the hearing room because his microphone was not cut in. However, the Senator's radio and television mike was always connected, so that the only persons hearing these phrases were the twenty million radio and television listeners. Counsel Welch found that to have the local microphone connected, he had to wave to the sound engineer, instead of waiting for the engineer to see him speaking into it.

On the often-discussed question of reform in the procedure of legislative hearings, Mr. Welch commented that what was more important was the proper personnel in charge of the hearings and applying the existing rules, rather than substantive changes in the law.

Broker Speaks Friday On Put - Call Options

Tomorrow the Bull & Bear Club will hold a meeting in the Harkness Meeting Room to vote on the proposed amendments to the Club constitution and by-laws. The meeting will be held at 1:45 p.m. The current issue of *Ticker-Tape*, the Club's bi-weekly publication, contains the texts of the proposals and a comment on the changes.

How To Put And Call

Following the transaction of this business the Bull & Bear Club will present Mr. John Thomas of Thomas, Haab & Botts, New York City. The firm is a member of the Put and Call Brokers & Dealers Association, Inc. He will address the Club on "Put and Call Options."

William H. Vogt III, 3L of Rochester, N.Y., president of the group, urged all members to attend this meeting.

Conflict Of Laws, Military Tribunals, Semi-final Subjects

On Dec. 6 and 8 the two semi-final rounds of the Ames Competition will take place. Both appeals will be heard in the James Barr Ames courtroom, and each deals with unusual situations.

On Monday, Dec. 6, the Hall Club will argue against Baker-Smith Equity, plaintiff-appellant, in a conflict of laws problem. It involves a law similar to the Louisiana direct action statute which permits suit by the injured party directly against the insurer of the tortfeasor.

The contract of insurance was issued and delivered in a state that permits the insurance company to insert a clause that no action can be brought before damages are ascertained by a suit against the insured. As condition precedent to doing business in Ames, the insurer waived the clause. The accident took place in Ames and the company's defense is that the forced waiver was an unconstitutional condition.

Judges Appointed

The case, which also involves diversity of citizenship and jurisdictional problems, is entitled *Rhoda Trail, Guardian of the Estate of Alexander Hamerstein v. Langdell Fidelity and Guaranty Corp.* The judges of this appeal will be Hon. Stanley H. Fuld, LL.B. Columbia '26, Judge of the New York Court of Appeals; Hon. John W. Ford, LL.B. '14, Court of Common Pleas, Youngstown, Ohio; and William A. Edwards, LL.B. '21, an attorney in Providence, R.I.

The second case will be argued on Dec. 8 by the Jaffe Club, petitioner-appellant, against the Seavey Club. It is entitled *Walter L. Tickle v. Charles E. Wilson*, and concerns a private in Korea who kills and disposes of a South Korean, under orders of a superior officer.

Where To Sue Secretary?

The question arises whether a person abroad imprisoned by subordinates of the Secretary of Defense can bring an action in the District of Columbia courts against the Secretary. It will involve the scope of review over military tribunals on habeas corpus to a civil court.

The judges will be Hon. Shackleford Miller, Jr., LL.B. '17, of the United States Court of Appeals, Sixth Circuit; Bertram H. Loewenberg, LL.B. '37, Boston Attorney; and Ralph E. Langdell, LL.B. '32, Attorney, Manchester, N.H.

Augustus Noble Hand, 1869 - 1954

(The following article was written especially for the RECORD by University Professor Zechariah Chafee, Jr.)

Augustus Noble Hand was born in 1869 in Elizabethtown, New York, where he spent his summers all his life. From Phillips Exeter he went to Harvard College and Harvard Law School, graduating from both with the highest honors then awarded. Other members of his Law School class, 1894, were Edward B. Burling of the Washington (D.C.) bar, Judge Franklin Hammond of the Superior Court of Massachusetts, Arthur D. Hill, late of the Boston bar, Frank L. Hinckley, and my former partner James C. Collins of the Providence bar, and Judge Harvey H. Baker, a pioneer in the Boston Juvenile Court.

Recollection Of Teachers

In an account of his student days written for the HARVARD LAW SCHOOL RECORD five years ago, Judge Hand said in part: "In spite of distinguished mental powers Langdell was always somewhat eccentric. . . . Thayer was the most original of our instructors and made the most important impression on our best students. . . . I think he was a very great teacher. . . . Samuel Williston was

probably the best teacher and clearest expositor I ever saw. Gray had a profound philosophical mind. . . . Ames was original and stimulating. He cared little for precedent. . . . His kindness



Augustus N. Hand

beloved by all. . . . 'There were giants and courtesy were unfailing and his passion to do justice strong and deep. . . . Beale was emotional and dogmatic, but beloved by all. . . . 'There were giants

in those days.' . . . We had the best America then afforded. . . . I believe there never was a place where a man was so uniformly judged on his merits by students and faculty, or where, in spite of the eagerness of the young men to excel, there were so few rivalries that were not wholly generous."

19 Years Of Practice

In 1895, soon after graduating, Hand began 19 years of practicing law in New York City. For four years he was a member of Curtis, Mallet-Prevost & Colt and for 13 years the senior partner in Hand, Bonney & Jones. Forty years ago, in 1914, President Wilson appointed him a United States District Judge in the Southern District of New York. President Coolidge ignored Judge Hand's party affiliations as a Democrat and promoted him to the Circuit Court of Appeals in 1927. In both courts he joined his cousin Learned Hand. Judge Augustus Hand ended 39 years of active service on the bench in the summer of 1953.

He married in 1899 Susan Train, who survives him with three grandchildren. Besides his home and judicial work, he was actively interested in the American (See JUDGE HAND on page three)

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Good Show

A few weeks ago the Teaching Fellows staged their model trial in the new Ames courtroom as an example for the first-year students of how a trial is conducted.

The Teaching Fellows should be complimented on their efforts, for the trial was quite successful in many respects. The realism of the proceedings could not have been improved. From the entrance of the robed judge, through the appearance of the witnesses, and until the jury filed out to deliberate the verdict, the trial could hardly be distinguished from a real one.

The witnesses selected were very convincing, and added greatly to the effectiveness of the trial. We should not overlook the realistic way in which counsel for each side handled the case. With such credible presentations of the cases, it is no surprise to learn that model-trial juries have often debated their cases as long and as ardently as many a real jury. Recordings made in the jury room at an earlier trial show that the model jurors soon think of the case as a real one, and become vehement in support of the side they think should win.

One of the problems of the Law School is that so few students can find the time to go into Boston for the sessions of the Federal courts or to East Cambridge for the sessions of the Middlesex District Court. As a result, many of us would graduate from the School with little or no concept of the actual operations of a trial court if it were not for the Teaching Fellows' mock trial. A well-run and well-planned demonstration such as the one put on this year adds much to the education of us all.

No Seats

On Wednesday a local engineering society held a students' night meeting in Harkness Commons. Ordinarily we would not comment editorially on a meeting in Harkness, but this meeting was a little different. It was a dinner, and by some piece of mismanagement, the group's dinner was scheduled at the height of the dinner rush hour in the Commons.

Obviously the engineers cannot be blamed for the fact that about 200 of them thronged the dining room to the point that people were eating at the counter in the Grille Room, and dozens of students and guests had to wait for 10 to 15 minutes to find a seat. The management of the Commons must bear the responsibility for this unnecessary inconvenience to students and to the engineers.

It would have been the simplest thing in the world for the Steward to notify the regular patrons of the Commons that an extra-large group would be eating at a particular hour. Those of us who are signed on could have come at an earlier or later hour. This notice is the least the students deserved at the hands of the Harkness higher-ups.

More sensible, and hardly more difficult, would have been scheduling of the engineers' dinner at some time like 6:45 or 7, instead of 6.

Harkness often is crowded enough without unexpected floods of guests. Regular customers of the Commons are entitled to more consideration; groups that the University permits to meet here are also entitled to the courtesy of a dining room not so crowded that they must eat standing up.

Gallery

BAILEY ALDRICH
Federal District Judge
District of Massachusetts



On Thursday, Oct. 21, the model trial of the case of *Crane v. Sloane* was enacted in the new James Barr Ames Courtroom. The trial was held before the Honorable Bailey Aldrich, LL.B. '32. Although people in and about the Commonwealth of Ames have known him as "Judge" for several years (he has sat on the Quarter-final Ames courts three times), there was a new note of reality to the title that evening, for in April of this year President Eisenhower made Judge Aldrich of Ames a Federal District Judge for the District of Massachusetts.

New England Education

Mr. Aldrich was born and bred in Boston. He went to the Middlesex School and to Harvard College. After receiving his A.B. in 1928, he spent a year taking a trip around the world. Three years later in 1932 he graduated from the Law School.

During his years at the Law School, Mr. Aldrich had an outstanding record. In his first year he was a winner of the Sears Prizes. In his second year he was elected an editor of the *Law Review*, and in his third year became Case Editor. He was a member of Lincoln's Inn and the Morgan Law Club.

From Law School, Mr. Aldrich went directly to the firm of Choate, Hall & Stewart in Boston. He was particularly interested in trial work, and felt that he would best be able to engage in a trial practice by association with that firm. It was the only one to which he applied or by whom he was interviewed. He remained with Choate, Hall & Stewart until his appointment to the Federal bench in April of 1954, after having become a partner in 1940.

Engaged in General Practice

Judge Aldrich took a particular interest in the law of libel, and as representative of an association of Massachusetts daily and weekly papers wrote a pamphlet explaining to newspaper employees how to avoid libel suits. Aside from this area, most of his work was done in the area of non-tort cases, with emphasis on life insurance. The great bulk of his work, however, was of a general practice sort: his time was about equally divided between his office and the courtroom, doing research and advising clients. "I have found from my experience as a lawyer," comments the Judge, "that the general practice of law is the most satisfying."

Although Judge Aldrich admits that his experience on the Bench of Ames has given him a head-start in adjusting to his new position, he hastens to add that from the standpoint of quantity and complexity of the cases involved the Federal judgeship is slightly the more demanding. Among the cases he has tried since coming on the bench perhaps the best known was the proxy fight of American Woolen and Textron. As a Judge, he has the distinction of being one of two lone Republicans in the First Circuit.

In addition to his legal duties, Judge Aldrich has found time to participate in both community and law school projects. He is secretary of the Massachusetts Memorial Hospital, and until his appointment was an active solicitor for the Harvard Law School fund.

W. R. McK.

Off the Record

Message chalked on a second-row desk in a Trusts class in Austin North: "Today let me see less of your forehead and more of your face. (signed) Scotty."

(Editor's note: The following citation was sent in by an interested alumnus with "I dare you to print this." Hoping to continue in existence, the RECORD necessarily refuses the dare. The citation, however, is *Jeffries v. Olesen*, 121 F.Supp. 463. Thanks to Jack Sexton, LL.B. '53).

Sub Judice

IN THE STEUBEN CIRCUIT COURT
COMPLAINT FOR DAMAGES

Comes now the plaintiff and complains of the defendants and for his cause of action alleges and says:

1. That at all times mentioned herein plaintiff was the land owner of a certain parcel of real estate in Steuben County, Indiana, adjoining a certain parcel of real estate owned, operated and in possession of the said defendants.

2. That the plaintiff herein was the owner in the year 1951 of the following described heifers, that were eligible for registration in the Holstein Friesian Association of America: (1) Hoosier Hollow Bessie Bold; known by the barn name of "Midget," (2) Hoosier Hollow Crestlyn Queen, known by the barn name of "Snowball," (3) Hoosier Hollow Crestlyn Bess, known by the barn name of "Little Bessie," (4) Hoosier Hollow Crestlyn Beck, known by the barn name of "Becky," and also the owner of the following heifer that was so registered in said association under registration number 2982718; (5) Crestlyn Aristocrat Priscilla, known by the barn name of "B."

3. That the said defendants were the owners of a certain bull whose true name and barn name is unknown to this plaintiff and for purposes of identification will be called "Unsophisticated Charley" hereinafter.

4. That during the period of August, September and October, in 1951, these defendants failed to keep, and are negligent in so doing, the fence between the above parcels of land in a good state of repair, it being their fence and their duty to so do, thereby the "Unsophisticated Charley" upon occasion entered upon the land of this plaintiff.

5. That during divers occasions during the said months heretofore mentioned, the said "Unsophisticated Charley" did travel across the unrepaired fence and ravish the above named heifers who were at said time unsuspecting and about to make their debut in bovine society, all except Crestlyn Aristocrat Priscilla, known by the barn name of "B," who had had her coming out.

6. That thereafter Hoosier Hollow Bessie Bold, known by the barn name of "Midget" gave birth on the 12th day of June, 1952, to a calf that was of such bastard nature that the calf, like any common calf, was sold far below the market value of any calf that would have been born of good and true stock through said Hoosier Hollow Bessie Bold known by the barn name of "Midget," and that "Midget" was at said breeding time of insufficient and tender years for being bred, and therefore was damaged in herself.

7. That thereafter Hoosier Hollow Crestlyn Queen, known by the barn name of "Snowball" gave birth on the 4th day of June, 1952, to a calf that was of bastardy lines; that said calf was sold far below the market value of any calf that would have been born of good and true bull stock through the said "Snowball," and further that said "Snowball" had received her vaccination for Bangs prior to said ravishing, and that because of "Charley's" unprecedented act she became paralyzed during the childbirth, and

wsa thereafter converted to beef for mere eating purposes.

8. That thereafter on the 6th day of June, 1952, Hoosier Hollow Crestlyn Bess, known by the barn name of "Little Bessie," gave birth to a heifer calf that was of such inferior breed that said calf died during childbirth, and that said "Little Bessie" was paralyzed during the ordeal and died herself.

9. That thereafter on the 22nd day of June, 1952, Hoosier Hollow Crestlyn Beck, known by the barn name of "Becky," gave birth to a bull calf that was of such inferior stock that he was converted to beef . . . and "Becky" received irreparable damage. . . .

10. That thereafter Crestlyn Aristocrat Priscilla, known by the barn name of "B" on the 14th day of June, 1952, gave birth to a bull calf that was ultimately sold at a public auction, and at a figure far below the market value of any calf of "B's" would she have been bred through the proper line of a bull, other than such a bastard as "Charley."

11. That because of the aforesaid negligence of the defendants; that as a proximate result thereof, this plaintiff was damaged in the sum of fourteen hundred dollars.

12. WHEREFORE, this plaintiff sues and asks that he recover the sum of Fourteen Hundred Dollars from the defendants, costs of this act and all other and just relief.

(Thanks to Judge James A. Emmert, LL.B. '23, of the Indiana Supreme Court, Second Judicial District. Judge Emmert writes: "I sent a copy to Professor Morgan at Vanderbilt Law School. He asked me what kind of rape it was. I suggested that it was common law statutory rape, vi et armis accomplished by quare clausum fregit, which was a damn sight better answer than I put in many a blue book.")

Letters to the Editor

TO THE EDITOR:

The Oct. 28 edition of the RECORD contained an article about the Harvard Law School Democratic Club. In fairness to the club and myself, I feel a proper interpretation of the statements quoted in the last paragraph is in order.

The club does not avoid "taking a political stand on any issue except the election of Democratic candidates." Rather, its main efforts are concentrated on the current election campaign. After the campaign we shall continue to support the basic tenets of the Democratic party recognizing the right of its members to work within the party for such modifications as they desire.

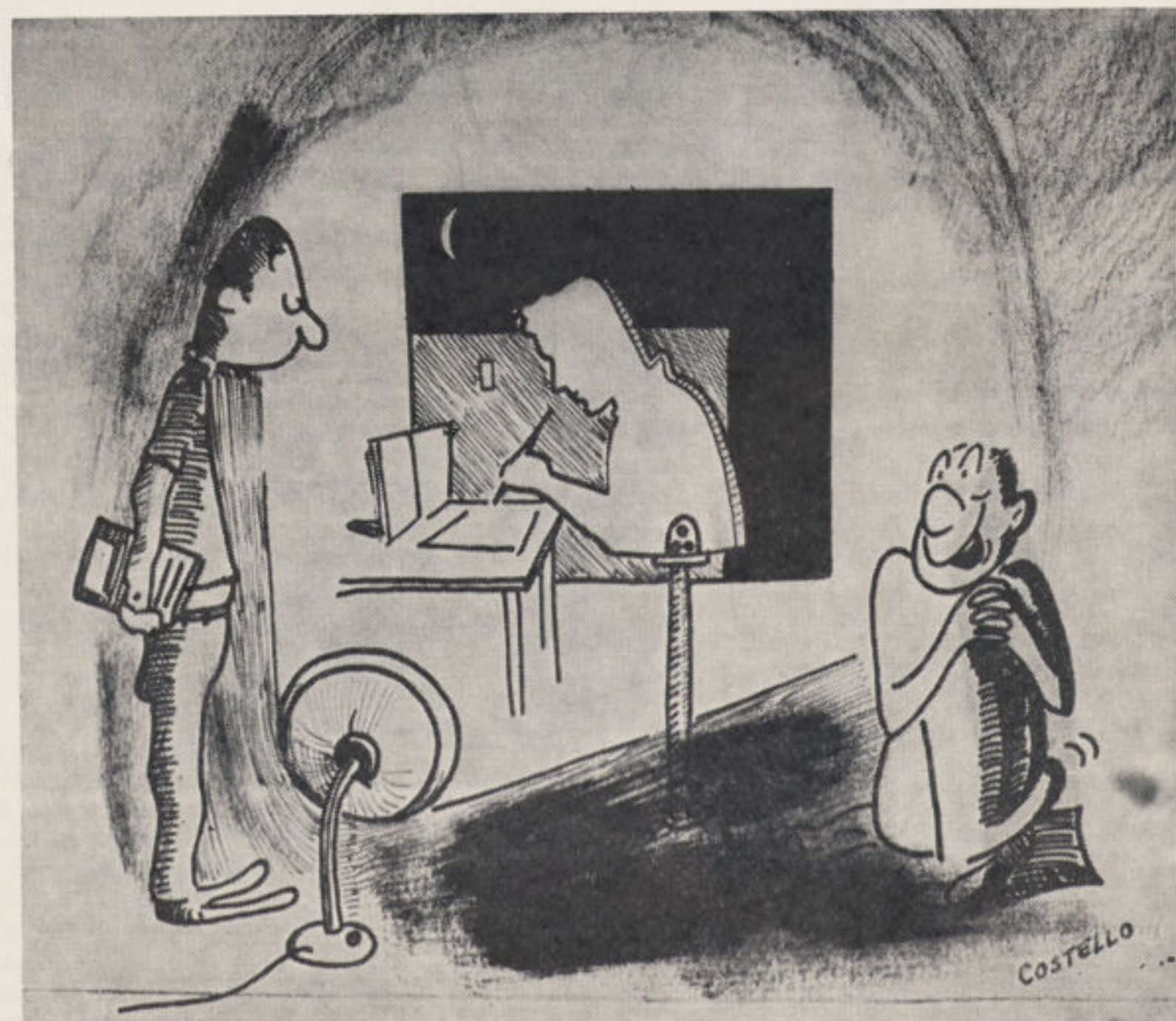
I do not feel that it is "silly to ask questions" about the issues confronting all Americans. It is my firm belief that only by asking questions and having intelligent discussions may we reach the desired results.

The RECORD reporter asked for my personal beliefs. I replied that it seems improper to include personal beliefs in an article about the Democratic Club. Such beliefs might be construed to be those of the whole body. We have only recently seen the undesirable results of an organization chairman identifying his personal beliefs as those of the organization.

ALAN H. STRAUSS, 2L

President,

Law School Democratic Club.



"Heh, Heh, it really clutches those first-year men in Story."

Review And Board Fight To 6-6 Tie In Gridiron Clash

Scholars turned athletes last Sunday afternoon. The result was a 6-6 stand-off in a hard-fought gridiron imbroglio between the *Law Review* and the Board of Student Advisers.

"Brawl"

The game was characterized by a member of the *Review*, wishing to remain anonymous, as "a moderate brawl, fortunate in that, toward the end, cooler heads prevailed." Nevertheless, whispers of "treachery" and "ringer" were heard in the aftermath. The ringer charge, it seems, refers to the use by the Board of their faculty adviser, Monroe Freedman, LL.B. '54.

Sweaters Unfair

The *Review* also had comment to make on the Board's use of female members in cashmere sweaters. *Law Review* claims that it, too, would have used its female colleague, Miss Priscilla Holmes, 3L of Oklahoma City, but in a sense of fairness to the Board, considering that Miss Holmes comes from Oklahoma, a state possessing the number-one team in the country, the *Review* kept her on the bench.

That the *Review* managed to pull out a tie in a game that was played almost solely in *Review* territory, is character-

JUDGE HAND—(Continued)

Law Institute, in the Episcopal Church, being for many years Trustee of its Theological School in Cambridge, and in Exeter and Harvard. He was an early President of the Harvard Law School Association of New York, and in 1944 President of the Harvard Alumni Association.

Opinions Esteemed

This is not the place to review Judge Hand's opinions in many noteworthy cases. Though less influential in law schools than those of his cousin, who is happily still with us, they are highly esteemed by teachers and practicing lawyers. Augustus Hand was skilled in the intellectual part of a judge's task, but even more interested (I felt while talking with him) in the process of achieving justice between the particular litigants. He once told me that he sometimes regretted his transfer to appellate work because he missed the motion session in the District Court, where all sorts of questions arose which he had to decide immediately. The outstanding quality of Judge Augustus Hand was wisdom.

ized by the Board as approaching "criminal theft."

Nevertheless, all ended well. In the words of Dennis G. Lyons, 3L of Passaic, N.J., "the game may have strained athletic relations, but I don't think they are too tense."

POLITICS

Democrats

The Harvard Law School Young Democrats Club concluded its campaign with pre-election activities of canvassing, poll-watching, and an election parade.

On election night the members attended a victory celebration at the state campaign headquarters in Boston.

Republicans

The Harvard Young Republican Club, including its Law School contingent, continued its activities right through election day.

The Club, rather than dilute its efforts in a program of general aid to the party, concentrated its efforts to aid Representative Curtis, of the 10th Congressional District, Cambridge, who was seeking re-election to his seat in the House of Representatives.

United Nations Ambassador Henry Cabot Lodge, Jr., who was to speak at the Law School last Friday under the auspices of the Republican Club, was unable to appear because of an unexpected change in the United Nations agenda.

FRIEDRICH—(Continued)

lieves us to have sufficient vitality to resist such a tendency.

Unawareness

He noted that countries which have been under totalitarian rule have one advantage. Though they have no pre-democratic history, they are intensely anti-totalitarian. That is not true of the United States where large segments of the population are unaware of the dangers of totalitarian rule and often unconsciously engage in conduct tending to foster it.

Professor Friedrich sees a totalitarian dictatorship as if it were a bicycle rider—"it must go forward or fall."

NEWS IN BRIEF

STUDENTSHIPS

The University of Cambridge announces that an election to the Humanitarian Trust Studentship in Public International Law will be made early in 1955. Candidates for the Studentship should apply in writing to the Secretary of the Faculty Board of Law, the Squire Law Library, The Old Schools, Cambridge, not later than Jan. 1, 1955. Applicants must produce two testimonials of their fitness to engage in advanced study, together with any additional evidence of their fitness which they desire to go to the Electors.

Third-year and graduate students interested in applying should contact John A. King, Jr., Director of Graduate and Foreign Student Affairs, for further information.

LIBRARY DISPLAY

The Library is currently displaying at the north end of the Reading Room Desk an exhibit explaining the use of Shepard's Citations. The display was prepared by the publisher at the Library's request and illustrates the various uses which may be made of this tool of legal research.

HARVARD LAW WIVES

The Harvard Law Wives will have a pot luck supper and square dance Saturday, Nov. 6, at 7 p.m. in the large meeting room of Harkness Commons. Ed Ginsburg, accompanied by a three-piece band, will call the dances. Intermission entertainment will be by Tony Sifton. Please sign up with Betty Anne Tate at EL 4-2981 after 5 p.m.

On Tuesday, Nov. 9, the Harvard Law Wives will have a bridge and canasta meeting in the Wheeler Room of Holmes Hall at 8 p.m. Prizes will be given. The Constitution will also be read and any change desired may be made at this time.

WASHINGTONIANS

Citizens of the State of Washington who are interested in celebrating Admission Day (Nov. 11) with a party, please contact Chas. Talbot, 201 Ames Hall, phone UN 4-6891.

STUDENT BAR ASSOCIATION

Membership dues and subscription fees for the American Bar Association *Journal* are payable now to the Treasurer, Marvin A. Stern, 210-A Shaw Hall. New memberships and subscriptions to the *Journal* are also available. Checks should be drawn to the order of the Harvard Student Bar Association.

CRONIN'S

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Dessert

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Jim Cronin, Mgr.

Smithies Raps G.O.P. Budget

Pres. Dwight D. Eisenhower's defense-spending policy was subjected to moderate criticism by Prof. Arthur Smithies of the Department of Economics on Thursday at the Coffee Hour.

Smithies described his appraisal of the Federal defense program as "non-partisan." His remarks, he said, were based on his professional views as an economist and on his civilian status. He told the audience that he would leave the military matters up to Prof. W. Barton Leach, who took an active part in the discussion that followed Prof. Smithies' remarks. Prof. Leach, too, was critical of the lower level of military spending which has been made a major Administration policy.

Smithies said that the cuts in the military budgets had come as a result of decisions made by the fiscal, not the military, experts of the government. The chief architect of the new program was Secretary of the Treasury Humphrey, who had the "twin goals" of tax reduction and budget-balancing. Humphrey is a strong advocate of currency control and a return to a sound dollar, in Smithies' view.

Humphrey and other Administration leaders have been critical of what they thought was an over-regulated, over-taxed, over-inflated economy, cumbersome, and beginning to bog down because of a lack of incentive to expand (among other causes). The new administration believed it would be necessary to reduce taxes, so that the economy would continue to expand, and to cut government expenditures to lessen inflationary pressures.

Calculated Risk

To achieve these economic goals the Administration reduced expenditures for defense below the minimum safe level, according to Smithies. Since the new policy went into effect, United States strength vis-a-vis the Russians has declined. While the President claims that our total strength has increased, the claim is meaningless, according to Prof. Smithies, unless relative strength has increased, too. He takes it as a self-evident proposition that the Soviets are progressing faster than we are.

Prof. Smithies said that even this serious decline in the United States position would not automatically merit criticism. The real question is whether the economy was in so perilous a state as Secretary Humphrey claimed. To that question, Smithies said, the answer was no. He read what he described as a "lyrical passage" from an economic report to the Congress from President Eisenhower, to show that even the leaders of the administration regarded the economy as basically healthy.

Thus, said Smithies, it could be shown that there was no need to take the very serious risks with the defense of the nation that the government has taken. While he felt that the goals of the Treasury (reducing taxes, retarding inflation) were worthy goals, they were not so important at this time that gambling with national security was justified.

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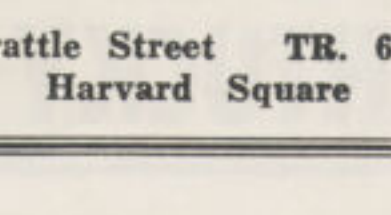
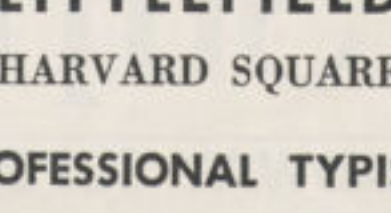
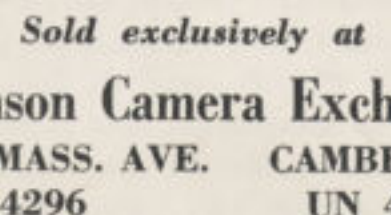
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Legislative Research Bureau Prepares Revised Massachusetts Adoption Law

The new members of the Legislative Research Bureau, elected two weeks ago, have started their program of initial training before starting work on the Bureau's projects. This training program is under the direction of Ralph E. Erickson, 3L of Jamestown, N.Y., and stresses instruction in the general procedures of legislative drafting. Emphasis is placed on Massachusetts legislation and statutes.

Among the Bureau's projects which these new members will shortly start to work on are two of unusual interest. Gerald Weinstein, 3L of Syracuse, N. Y.; Robert Donovan, 3L of Cambridge; John Allen, 2L of Pittsburgh, Pa., and David Rose, 2L of Gardner are working on a project to revise the adoption laws of this state in accordance with the desires of the General Court. Because of publicity regarding the so-called "black market" in babies, it has been felt that an examination to determine what legislative changes, if any, could help to remedy any undesirable situation which might be found to exist, should be undertaken by the Bureau. It seems that there is little evidence of placement of children in consideration of monetary payments, and scant indications all seem to point to well-intentioned but ill-advised violators, rather than to any true "black market."

Concern has been expressed over hasty placements by young mothers; adoption procedures started before birth of the child; the unrestricted availability of adoption records; the religious element in adoptions; and the lack of supervision in many cases of placement. Inadequacies in any of these phases of the problem are sought to be corrected or alleviated by legislative changes based on the studies and drafting of the Bureau.

Code Of Ethics

A vacuum has been felt to exist as re-

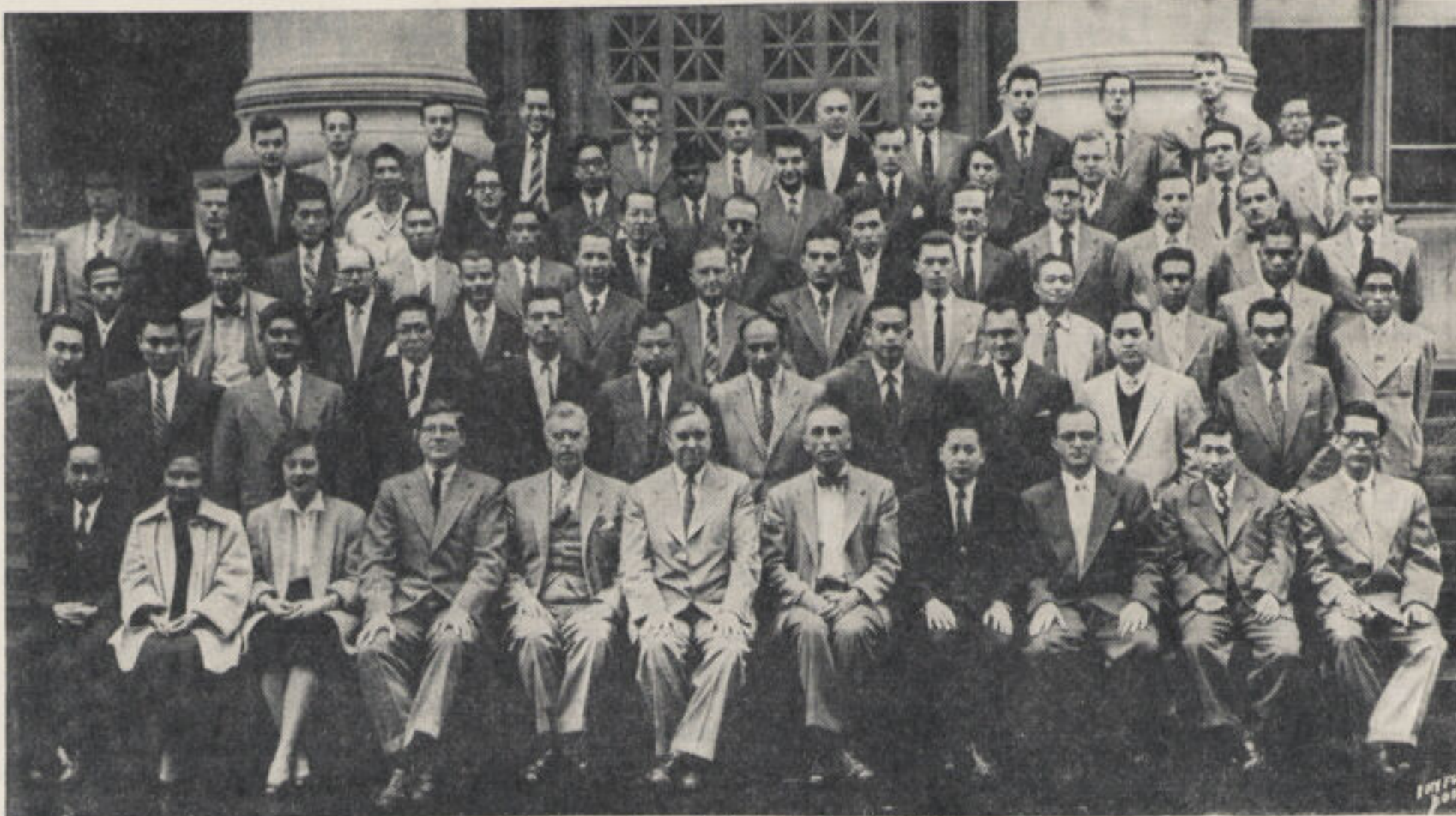
gards rules for conduct and ethics for lawyers practicing before administrative agencies. This type of practice is unusual inasmuch as the group of lawyers engaged in it appear repeatedly before the same boards composed of the same members and the personal element is not always lacking.

This condition has given rise to a demand for a code of conduct for this particular type of practice and the Bureau is attempting to meet this demand by its research and proposals. The Bureau's work is felt to be particularly valuable because no code exists at this time directed specifically at the comparatively new field of practice before administrative agencies. No existing codes are applicable to the peculiar nature of this field of law, in which lawyers often help to set the policy of the agency before which they practice, which becomes binding on all future cases. This, of course, does not happen in a judicial court.

Another aspect of the code, perhaps more procedural in nature, is an attempt to write into it provisions which will free the lawyer from a rigid adherence to the rules of evidence which place so many restrictions on the workings of the judicial courts and which are not truly applicable to the differing purposes and goals of an administrative agency.

Those working on this code are: Morris Brown, 3L of Carteret, N. J.; Frank D'Andrea, 3L of Stamford, Conn.; and Donald Crowley, 2L of Newark, N. Y.

The following works are used in conjunction with this preparatory program and are read by the new members: Cullen, "Mechanics of Statutory Revision—A Revisor's Manual," Kennedy, "Legislative Bill Drafting," Newman, "How to Draft Statutes," (chap. six); Note, "A Manual for Drafting Federal Legislation" (11 Fed. B.L., 238, 1951), and Dickerson, "Legislative Drafting."



Foreign and graduate students, 1954-55

Alumni Notes

LL.B. '42—Fred Floberg was named a Lecturer in Legal Medicine at the University of Illinois Medical School.

William Klemm Stewart is now with McCloskey & Co., Builders.

Edward Smith has opened his own offices for the practice of law in Kansas City, Mo.

James A. Doherty has been named an Assistant City Attorney of Los Angeles.

About 20 graduates of the Harvard Law School sat at a special table at the Seattle Bar Association Weekly Program to honor the speaker, the Honorable Francis B. Sayre, LL.B. '12, S.J.D. '18.

Mr. Sayre was formerly a professor at the Harvard Law School, and also was Governor General of the Philippine Islands. He spoke on "The Crisis of Western Civilization in Asia."

Students From 26 Countries Study Special Subjects Here

One of the largest groups of foreign graduate students to attend the Law School enrolled this year, according to an unofficial count of graduate students in residence. The count revealed that of 89 graduates or special students with graduate status in the Law School, 66 are from countries other than the United States. A total of 26 countries is represented.

Typical of the foreign graduate student group are the nine Japanese enrolled in a special program of Anglo-American law. Each of these men, whether law professor, judge, or government worker, will spend two years in the United States in order better to deal with the new laws occasioned by the occupation.

The Japanese group is typical in the sense of being given special treatment at the Law School. All the foreign graduates are pursuing programs specially designed to meet their specific needs.

Purpose

Many of the graduates are officials of their governments and others are teachers or lawyers. Their reasons for coming to the Law School are varied: to

study subjects not taught in their own lands; to learn teaching methods; to become acquainted with the United States and its laws; or to obtain advanced degrees for international work.

The second largest group from one country is the seven from the Philippine Republic. Tied for third place in country representation are Canada, the Netherlands, and Israel, which sent four each.

For LL.M. Degrees

Most of these graduates are pursuing a program leading to an LL.M. degree. All are taking regular courses of one type or another with students from this country, although a great many are also taking "Introduction to the Common Law," in which no students from this country are enrolled.

Each of the foreign graduates works out his schedule with Prof. Paul A. Freund, chairman of the graduate committee. The schedules are suited to the interests and needs of each student.

Special efforts are being made to have the foreign graduates meet American students. Some of the law clubs will have foreign graduate students as social members throughout the year. In some clubs, the foreign graduate members with common law backgrounds will hear the first-year arguments.

The 26 countries represented by the foreign graduate group at the Law School include: Argentina, Australia, Brazil, Burma, Canada, Chile, Colombia, Denmark, France, Germany, and Greece.

Also Iceland, India, Israel, Italy, Japan, Korean Republic, Mexico, the Netherlands, New Zealand, Panama, Peru, Philippine Republic, Saudi Arabia, United Kingdom, and Viet Nam.

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SAMPLE ARTICLES AND NOTES TO APPEAR THIS YEAR

TAXATION:

The Internal Revenue Code of 1954: A Symposium (Part I)
Gross Income, Deductions, Gains and Losses (Magill *et al.*)
Estate Planning (I) (A. J. Casner)
Tax Accounting (Surrey, Warren, *et al.*)

The Internal Revenue Code of 1954: A Symposium (Part II)
Corporate Reorganizations and Distributions (Surrey, Warren, *et al.*)
Estate Planning (II) (A. J. Casner)

SUPREME COURT:

The Supreme Court, 1953 Term (discussion of leading cases of the past term)
The Supreme Court's New Rules (F. B. Weiner)

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