

Harvard Law School Record



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Webster Heads Fund Drive For New Wing

Bethuel M. Webster, LL.B. '25, has been appointed to head a special committee in conjunction with the Harvard Law School Association to match the Ford Foundation Grant last January of \$500,000 for the erection of the new wing to Langdell. As a project of the expanding program of International Legal Studies at the Law School, the wing will be financed by the Ford Grant and donated funds outside the "Annual Giving" Fund of the School.

The \$500,000 was part of the original grant of \$2,050,000 given by the Foundation for the expansion and further development of International Legal Studies. Similar grants of lesser amounts were announced at the same time to Columbia Law School, Michigan Law School and Stanford Law School.

No further members of the committee were announced, nor was the final location of the wing. Administrative officials of the Law School, however, have indicated their needs to the architects and are presently working with models and sketches of proposals.

Mr. Webster is a past president of the Association of the Bar of New York City, and present head of the firm of Webster, Sheffield & Christie of New York City.

His long association with Law School activities included the national vice-chairmanship of the Law School "Annual Giving" Fund from 1950 to 1952.

The tentative plans made for the wing include working space for the research associates, space for about one half of the 400,000 volumes on international and foreign law topics now in the Langdell stacks, and working space and offices for faculty members and visiting scholars to the Law School.

The original Ford Grant provides, besides new construction, for the endowment of two professorships and aid over a ten-year period for advanced fellowships, research library staff and cooperation with other institutions.

Bull & Bear Elects Convis President

Charles L. Convis, 2L, Lansford, North Dakota was elected president of the Bull & Bear Club at its annual meeting on April 7. He succeeds William H. Vogt, III, outgoing president.

Other officers elected for the coming year were: First Vice-President: Robert N. Grant, 2L, Newburgh, New York; Second Vice-President: Willis M. Ertman, 2L, Kingston, Mass.; Secretary: Richard M. Lilly, 1L, Charleston, South Carolina; Treasurer: David A. Goldberg, 1L, New York City. The new officers will assume their duties immediately.

Investment Contest

A one year subscription to the *Wall Street Journal* was awarded to William D. Gaillard III, 2L, Scarsdale, New York for winning the club investment contest. His investment portfolio increased from \$50,000 to \$90,157.25 during the running of the contest. Second prize, a subscription to *Fortune Magazine*, was won by Charles T. Albert, 2L, Fallston, Maryland. Third prize, a copy of *Graham and Dodd, Security Analysis*, was won by Richard B. Treanor, 2L, Jamiaca Plain, Mass.

Paul S. Glenn 3L, Sharon, Penna. was awarded the Student Achievement Award of the *Wall Street Journal*. Mr. Glenn was one of the founders of the club and served as president during his second year in the law school. The award was presented by Professor Loss, the club's faculty sponsor.



Left to right, standing: William N. Jenks, John D. Stoner, Andreas F. Lowenfeld. Seated: Allan R. Trustman, Curtis M. Korplus, Richard M. Sandler, John B. Hook.

Jaffe Downs Baker-Smith Club In Ames Final Thursday

In the final Ames argument last Thursday evening the Jaffe Club defeated Baker-Smith Equity. The judges, Tom C. Clark, Associate Justice of the Supreme Court of the United States, Peter Woodberry, LL.B. '27, of the United States Court of Appeals for the First Circuit, and Frederick W. Brune, LL.B. '20, Chief Judge of the Court of Appeals of Maryland, were unanimous in making the award to the Jaffe Club on the basis of its brief and arguments.

As is customary in Ames final cases, no decision was announced on the legal issues. Justice Clark noted that the issues posed by the case had not yet been decided by the federal Supreme Court, and that further petitions for certiorari in similar cases might be expected.

Appearing for the appellee, Jaffe Club oralists, John David Stoner, of Bloomington, Ind., and Alan R. Trustman, of Brookline, argued that the Supreme Judicial Court of the Commonwealth of Massachusetts should uphold a probate court's decision to deny a non-Catholic couple the right to adopt a child of Catholic parentage. Appearing for the appellant were Baker-Smith oralists Irwin Kimmelman and Marvin A. Sachs.

The original decision was based on ch. 210, sec. 5B of the Ames Annotated Law. This statute is identical to a statute of Massachusetts, and the case itself strongly resembled the recent Massachusetts case, *Petitions of Goldman*, 331 Mass. 647, 121 N.E.2d 843 (1954).

In this case, the natural mother, Lillian Connolly, had married Oscar Connolly while she was a member of the Universalist church. She signed an ante-nuptial agreement to raise any children of the marriage as Roman Catholics. After her marriage she was converted to Roman Catholicism.

Petschek Selected To Head Legal Aid

Stephen R. Petschek, 2L of Scarsdale, N.Y., was elected president of the Harvard Legal Aid Bureau at a meeting on April 5.

The group also elected John L. Moore, Jr., 2L of West Palm Beach, Fla., as vice president; Harry A. Davenport, III, 2L of Watertown, as secretary; William Herdridge, 2L of Ottawa, Canada, as treasurer; and George F. Bason, Jr., 2L of Chapel Hill, N.C., as senior director.

Robert Rosenman, 2L of Cambridge, and Monte J. Wallace, 2L of Larchmont, N.Y., were named junior directors.

The bureau will be open from June 27th to September 2nd, staffed by members of the class of 1956. Volunteers may arrange to serve for only part of the summer. The eligibility requirement is a first year average of 70 or higher. Interested students should apply at the Bureau office in Gannett House.

Then Joanne, the child involved in the case, was born. Four years after the birth of the child Mrs. Connolly won a divorce on the ground of adultery and was awarded custody of the child.

Finding herself unable to support both (See AMES on page four)

Haar, Sacks Appointed Full Professors Effective In Fall

Assistant Professors Charles M. Haar, LL.B. '48 and Albert M. Sacks LL.B. '48 will become full professors this fall, Dean Erwin N. Griswold announced Monday. Also appointed were Abram Joseph Chayes as Assistant Professor and George F. Curtis as Visiting Professor.

Professor Sacks, presently 34 years old, joined the faculty here in the fall of 1952. He received a B.B.A. degree from the College of the City of New York in 1940. After serving in the armed forces he matriculated at the Law School in February, 1946. He was a member of the *Law Review* during his second and third years, and president of Volume 61, graduating first in his class in June, 1948.

After graduation Prof. Sacks served as law clerk for Judge Augustus Hand, and then for Mr. Justice Frankfurter. Prior to his appointment to the faculty he was associated with the firm of Covington and Burling in Washington, D.C.

Professor Haar, also 34, received his A.B. degree from New York University in 1940, and an A.M. degree from the University of Wisconsin in 1941, where he concentrated in History. He entered the Law School in the fall of that year and completed his first year before being called into military service.

Returning in February, 1946 he was graduated cum laude in March, 1948. A



Charles M. Haar

member of the *Law Review* during his second and third years, he was awarded a Frederick Sheldon Travelling Fellowship which he utilized to study in England, carrying out an extensive survey of the housing and land planning laws. (See PROFESSORS on page four)

Marshall To Be Honored At Convocation Sept 22

About 650 alumni, scholars and public officials are expected to attend a conference here Sept. 22-24 in honor of the bicentennial of the birth of Chief Justice John Marshall. The number accepting invitations to the convocation is expected to go over the maximum, and a waiting list may be necessary this summer.

The general topic of the Conference is "Government Under Law." Eight papers

Third Year Elects Steadman To Post

In elections last Friday and Saturday the Class of 1955 chose John M. Steadman, of Honolulu, as its first president. Miles V. Whelan, from New York City, was elected Secretary-Treasurer of the class. Steadman and Whelan will serve until 1960.

Three committeemen were chosen for 10-year terms: Joseph A. Califano, Jr., of New York City; Champe A. Fisher, of Cambridge; and William J. Erickson, of Northfield, Minn.

Messrs. Steadman, Whelan, and Califano are members of the HARVARD LAW REVIEW. Steadman was treasurer of the organization and Whelan was a note editor.

The two officers and three committeemen will meet soon to select three other committeemen to serve for five-year terms.



Albert M. Sacks

Ford, Fulbright Exchange Plan To Give Japanese Fellowships

Three-year fellowships to Japan will be available to graduates of Harvard Law School beginning in 1956, according to Richard W. Rabinowitz, Director of the Co-operative Program with Japanese Law Schools. Michigan, Stanford, and Harvard will combine to send four students for advanced study as part of a mutual exchange sponsored by the Ford Foundation and supported by the Fulbright Commission.

The exchange is part of a three phase program. The first phase is already underway, a group of Japanese professors and judges having been here during the past year doing work in specialized areas of the law where current American developments have a bearing on Japanese law.

Professors from the three American schools will travel to Japan for a year's study in the second phase of the program. They will engage in research projects with their Japanese counterparts, take part in seminars, and perhaps do some lecturing.

Phase three—the student exchange—will begin in 1956. Probably eight Japanese students will do specialized graduate work or gain their LL.B. in the United States during the program. Since most Japanese students have some familiarity with English, they will be able to integrate easily into the work at one of the three schools.

written by noted scholars and members of the bench will be presented and discussed in the course of the conference; those papers are now in the process of being printed for distribution to the invitees, and are expected to be available by the middle of May.

Present plans call for the readings to be held in the Ames Court room and Austin Hall. The Bicentennial Dinner of Sept. 24 will be in Memorial Hall. Nathan M. Pusey, president of the University, and Earl Warren, Chief Justice of the United States, will deliver the evening's addresses.

The opening address of the conference will be given by Associate Justice Felix Frankfurter, LL.B. '06, of the Supreme Court of the United States. His address will be preceded by the welcoming speech of President Pusey.

Papers to be Read

Papers on the theme "Government as Protector of the People Against the Government" will be presented by Prof. Andre Tunc of Grenoble University, and the Rev. Joseph N. Snee, S.J., Professor at Georgetown University. Sir Owen Dixon, Chief Justice of the High Court of Australia will deliver an afternoon talk on Sept. 23.

"The Meaning of Due Process of Law" is the title of a paper which will be presented and discussed by William H. Hastie, LL.B. '30, S.J.D. '33, and McGeorge Bundy. Mr. Hastie as a Judge of the Court of Appeals for the Third Circuit; Mr. Bundy is Dean of the Faculty of Arts and Sciences of the University.

Students Invited

Students of the Law School, as well as members of the conference, will be invited to hear the addresses of A. Van de S. Centlivres, Chief Justice of the Appellate Division of the Supreme Court of South Africa, and Prof. Andre Tunc, Friday evening, Sept. 23. Erwin N. Griswold, Dean of the Law School, will convene the group and give the opening remarks.

The final day of the conference will include a discussion of papers on the topic "The Value of Constitutionalism Today." Presenting the papers will be Charles Wyzanski, Jr., LL.B. '30, judge in the United States District Court, District of Massachusetts and John Lord O'Brian, Esq., Godkin lecturer for 1955.

RECORD BANQUET

Prof. Louis Harz (Government) was the main speaker at the Record's ninth annual banquet, held last night in Harkness Commons.

Toastmaster at the affair was Prof. Louis Loss. A majority of the faculty and the entire Record staff and guests attended. Shingles and keys were presented to graduating Directors of the newspaper.

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Entered as second-class matter November 19, 1946 at the post office in Boston, Massachusetts, under the Act of March 3, 1879.

By-Product

Six students, one professor and one member of the administration have combined efforts to bring forth the Grading Committee report presented last week. The Committee has recommended that no basic change in the present grading system seems feasible.

Assuming that all of the suggested alternatives were carefully considered and that the problem was adequately discussed, its conclusion must be taken at face value. Though we find faults with the existing ranking system, it does have its merits, and these, the Committee has felt, justify status quo.

Praise is due not actually for the Committee's conclusion, but rather for revealing along the way other basic problems at the Law School.

Their suggestion that the keen pressure at the School is self-generated raises to the surface perhaps the gravest point. One looks too closely to what the next one does. He forsakes any degree of self-evaluation. Excessive interest in what everyone else does leaves little room for the all-important test of: "Am I doing my best?"

The warning against participation in Ames by upperclassmen was stressed. Such attitudes do influence the first-year man. Many shun other diversion and activity. They pass up the opportunities that will mold the well-rounded lawyer. Anything that is time-consuming is immediately cast away no matter how important. Participation in Ames is perhaps the most practical experience obtainable. Misadvice by upperclassmen often brings exaggerated results.

Their suggestion that faculty members who do cause the impression that poor marks bring contempt should curb themselves is well taken. Such attitudes can only bring resentment from the majority "residue group" and a grossly unfair situation as well.

The area covered and the problem raised by the Grading Committee was tremendously broad in scope. In search for a satisfactory marking system, they have uncovered even more serious blemishes that exist.

Oil and Gas

Among the Letters to the Editor printed this week is one from Robert C. Hawley, LL.B. '49. In it Mr. Hawley points out the importance of the law on oil, gas, mining and water rights to lawyers in the Southwest. In the same he refers to the decline in percentage of students from that region, noted in the March 10 RECORD, and offers the suggestion that the offering of a course in these subjects at the Law School would be desirable.

We do not necessarily assume that the relation between the percentage decline in students from the Southwest and the lack of a course in one or more of these subjects is casually connected, or if so that this is the sole cause. We do feel, however, that it would be desirable for the administration to study the feasibility of a program of instruction in such courses, even apart from such a connection.

Such a study could determine just how important this field is, how it compares in importance with other fields in which instruction might be desirable, and on this basis whether the institution of such a program of instruction would be worthwhile.

It will be consistent with Harvard's policy of leadership in legal education to explore this possibility.

Gallery

JOHN LORD O'BRIAN

(A note on Mr. John Lord O'Brian by Milton Katz, professor of law, on the occasion of the Godkin Lectures for 1955 which will be delivered by Mr. O'Brian at 8:00 on the evenings of April 27th and April 28th at Sanders Theatre, on the subject "National Safety and Individual Freedom.")

As a lawyer and as a public servant, Mr. John Lord O'Brian may fairly be described as both the flower of the old order and a living exemplar of how vigorously and gracefully the old can become a part of the new.

He is now in his eighty-first year. Admitted to the bar in his native Buffalo, New York, in 1898, his professional career spans the period from the administration of President McKinley to the administration of President Eisenhower. It covers the century, the Spanish-American War, World War I, World War II, the war in Korea and the present period of cold war. Throughout this period, his professional career and his public career have embodied the tenacious adherence to fundamental principle, the realistic appreciation of facts and the capacity for growth and flexible adjustment which represent the law at its best.

He was a leader of the bar in Buffalo and New York State for more than forty-five years. Since 1945 he has been a senior partner of the firm of Covington & Burling in Washington, D.C. Throughout these years, his practice has centered in appellate and trial work.

His career as a public servant began as early as 1907 when he was elected a member of the Assembly of the State of New York for a two-year term. For five years thereafter, he served as a United States Attorney for the Western District of New York, and then became a delegate-at-large to the New York Constitutional Convention in 1915. During World War I, he headed the War Emergency Division in the Department of Justice. After a return to private practice for a number of years, he resumed his career of public service, as the head of the Antitrust Division of the Department of Justice during the administration of President Hoover, from 1929 to 1933.

Candidate For Senate

He had been a friend and political supporter of Theodore Roosevelt and of Charles Evans Hughes. He himself made only one direct incursion into the battleground of elective politics. In 1938, he was the Republican candidate for United States Senator from New York. During World War II, Mr. O'Brian served as the General Counsel of the War Production Board.

When the statute establishing the Tennessee Valley Authority was attacked as unconstitutional, Mr. O'Brian was retained as Special Counsel by the Tennessee Valley Authority to help defend the Act.

Mr. O'Brian's public service has covered a considerably wider range than government service. He served for sixteen years on the Board of Regents of the State of New York; for twenty-six years as a Trustee of the University of Buffalo; for six years as an Overseer of Harvard University; and for fourteen years as Chancellor of the Protestant Episcopal Diocese of Western New York. In 1945 he was President of the Harvard Alumni Association. He has been one of the leaders in the movement to reinvigorate the Harvard Divinity School.

In recent years, no one has written or spoken with greater wisdom and penetration on the problems of freedom and security. He sees the many-sided threat from the Kremlin with a realistic and steady eye, and keeps constantly in mind that freedom and justice in America can be maintained only if the nation is kept secure against her enemies. But he reminds us always that this is only half the story; that our national security depends on the maintenance of freedom and justice, which are the ultimate sources of our strength; and that, in seeking to cope with the short-term threat posed by the Kremlin, it would be the depth of folly to lose touch with the values by which we live and the tested wisdom of our tradition and experience as free men.

Recently Published

CONGRESSIONAL INVESTIGATIONS

Robert B. Tunstall, Attorney, Norfolk, Virginia; 40 Va. L. Rev. 875 (1954).

"If the subject under scrutiny may have any possible relevancy and materiality, no matter how remote, to some possible legislation, it is within the power of Congress to investigate the matter." *U.S. v. Bryan*, 72 F. Supp. 58, 61 (DC of D.C., 1947); aff'd 167 F. 2d 241; cert. den. 334 U.S. 843 (1948). Since the Congressional power is so great and therefore susceptible of abuse, various reforms have been proposed, such as: delegations to outside agencies, the elimination of special committee, and the adoption of strict rules of procedure either by individual committees or by statute.

Current Case

(This is the second of two articles by Frank A. Olson, 2L, on the problem illustrated by the case of Peter Makarewicz.)

Last March 17 sixteen year old Peter Makarewicz was sent to Charlestown Prison to begin a term of life imprisonment for murder. In the first article the view was advanced that, regardless of the terrible nature of crimes like Peter's, prison is neither a solution to the problem of crime nor a humane way of dealing with people like Peter Makarewicz.

Excluding from this discussion such remedies as fines or imprisonment for contempt of court and the violation of certain kinds of statutes, the normal social response to crimes such as murder, rape, arson, robbery, kidnapping, burglary, larceny, embezzlement and housebreaking should be a program of rehabilitation. If such a program were adopted, the newly convicted person, regardless of his crime, would be sent to the prison for a period of one year during which he would get expert medical, dental, and psychiatric diagnosis and treatment. If found medically insane, he would be transferred to an appropriate institution, from which he would be returned to the prison upon regaining his sanity. Although it would have its wall and guards, this new kind of prison would actually be the first stage in the rehabilitation program. Here the convict would have the benefit of intensive training and personal help in such fields as ethics, religion, health, civics, athletics, vocational training, practical skills, and academic courses, at least on the primary and secondary levels. There would be no seething, long term prison population whose presence would defeat the rehabilitation program.

At the end of the year the convict would begin his individual program, which would be approved by the Rehabilitation Board composed of prominent citizens and experts appointed by the governor and senate. He would settle in a community where he could take a job or continue his schooling, either with relatives or strangers selected for the purpose, and would remain for several years under the jurisdiction of a professional counselor having a case load of thirty or less. The counselor's job would be not only to aid and supervise the convict, but also to represent the state in its dealings with the institutions, employers, and individual citizens enrolled to assist individual convicts. For procuring such private assistance to convicts the state could employ a publicity program, modest subsidies, and other appropriate means.

Revise Penal Code

What should be the role of punishment in a rehabilitation-oriented system? Murder will serve as an example. The state has a great interest in preventing political assassinations. Equally obvious is the fact that coldly calculated murders for monetary gain would be encouraged if the only consequence were to be commitment to a rehabilitation program. Therefore, first-degree murder punishable by death should be defined in terms of any murder wherein political hatred, or soberly calculated pecuniary gain for oneself or another, is the dominant motive of the whole transaction. Thus, the killings of President Lincoln and Bobby Greenlease would fall in this category. All other

murders would be second-degree. Whereas under present law a killing while the actor is in hot temper, partially intoxicated, partially insane, or motivated by unreasoning hatred and revenge, often meets the first-degree test of premeditation and deliberation, such crimes are basically the result of individual maladjustments combined with unfortunate circumstances. With respect to these crimes the policy of rehabilitation, not that of punishment or social revenge, should prevail.

The first-degree murderer should suffer the death penalty except when the jury recommends mercy, so that the Rehabilitation Board may in its discretion commit the defendant to the rehabilitation program. The death penalty should be inflicted on the second-degree murderer only if the man has already gone through the rehabilitation program after a previous conviction, and the jury recommends, and the Board concurs that the supreme penalty should be imposed under the circumstances of the new crime. In the same manner, some of the other serious felonies such as robbery and kidnapping should be divided into two degrees by appropriate criteria, for purposes of deciding between the death penalty and rehabilitation.

Retain Death Penalty

Many persons urge that capital punishment be abolished altogether. But this would necessitate maintaining a prison for life, with all its great expense and insoluble problems. Worse still, it would give courts the easy way out: sending a great number of convicts to life imprisonment who would otherwise get rehabilitation if the courts and Board were required to make the difficult choice in each case between execution and rehabilitation. In actual practice it would seem to be a choice between the death penalty for a few or life imprisonment for a much larger number. The retention of the death penalty would enable the state to abolish long term imprisonment, spend the former prison funds on rehabilitation, and possess an added deterrent to crime in the background.

The problem of what to do with criminals is a question of public policy. Today's discharge in bankruptcy replaces yesterday's debtors' prison. Likewise, tomorrow's rehabilitation program will replace today's long term imprisonment. Prisoners will go on rioting and committing crimes until legislators and the public finally realize that the really important issue is not the death penalty, juvenile courts, or more pay for guards, but the abolition of prison itself. The true object of the state should be to help people like Peter Makarewicz, rather than to torture them with years of harsh prison conditions.

With the abolition of prison not only will punishment be eliminated as the prime consideration, but large sums of money will become available for education, doctors, counselors and other elements of a rehabilitation program. This will in turn greatly stimulate research in penology, sociology and psychology and bring many new persons of high caliber into these fields, perhaps resulting in the recognition of a new profession of licensed counselors. Only when these developments take place will there be much hope of real progress in dealing on a large scale, with crime in particular, and problems of human behavior in general.

Letters to the Editors

TO THE EDITORS:

... I am writing to you in regard to a letter to the editor from Mr. Charles Convis, 2L, which was printed in the Law School RECORD for Thursday, March 10, 1955. I read the letter with great interest. I had not been aware of the decrease in the percentage of students from this region, but I have always felt that the Law School would be wise to offer a course or courses along the line suggested by Mr. Convis.

... In my business travels throughout Colorado, Wyoming, Montana, Utah, Oklahoma and Texas, I have encountered numerous graduates of the Law School who, in most cases, are primarily practicing oil and gas or mining law. In addition to this, I hear from other classmates in this region, and find that such subjects also make up a part of their practice. Clyde Martz, LL.B. 1944 (47) now a professor at the University of Colorado Law School in Boulder, in fact, teaches a mining and oil and gas course at that school. To the best of my knowledge, none of the men to whom I have talked received specialized training in the subject at the Harvard Law School. However, all acquired a sound basic knowledge of property, contracts and other subjects closely allied with oil and gas and mining law.

Water rights is another subject which is, of course, very important to this region. Questions on these subjects are almost always asked in the Colorado and Wyoming Bar examinations. . . It, therefore, seems to me . . . that in view of the number of graduates who have distinguished themselves in all phases of these problems so important to our region, including the up and coming field of uranium law, that it might be possible to secure some such man for lectures on these subjects. It is surprising how many Harvard graduates are called upon at various schools, institutes, bar association meetings, etc., to give talks on the subjects mentioned in Mr. Convis' letter. I know such courses would have been of great value to me.

ROBERT C. HAWLEY, LL.B. '49.

TO THE EDITORS:

Your editorial "Empty Shelves" [RECORD Mar. 25] deserves congratulations from the Library.

The objective of the Library is to make as many books available to as many users as possible, without participation in that use by the Library. As many volumes as can be accommodated are put on empty shelves. Unfortunately, this arrangement does lend itself to what we might call a selfish use on the part of a few people.

The suggestion that more books could be circulated is neither impossible nor undesirable. But, would the user who now takes an open shelf book without charging it, bother to charge it if it were allowed to circulate? If a man will take his request for the loan of a book to the Reading Room Desk now, more often than not, the "does not circulate" rule will be considered flexible enough to satisfy his particular need.

The problem with which you deal is one in which the Library intentionally plays a minor role. The Library wants to have a record of all books taken from the open shelves for use outside of the Reading Room. With that, it can serve other users by telling them where the volume is and indicate when it will be available. Beyond that, it is a question of each user cooperating with every other user, and with the Library, with respect to the books on the open shelves.

Thank you for pointing up this problem. . .

EARL C. BORGESON,
LIBRARIAN

Off the Record

Gail Kelly obtained a divorce from Fred Kelly, and asked to be restored to her maiden name. I asked her what her maiden name was, and she said "Kelley." So I restored her name from "Kelly" to "Kelley."

JUDGE EARL R. HOOVER LL.B. '29.

Law School Portrait Collection Conveys Awesome Tradition

By Berton Subrin

Prominent on the front wall of Langdell North-Middle hangs the likeness of John Prilpot Curran, Master of the Rolls, who from this vantage point has for decades watched first-year law students arguing their Ames cases. Himself so timid in his first case that he was speechless and dropped his brief, Curran overcame his "early diffidence, stuttering articulation, harsh, shrill voice, small, slim body, and awkward, boyish manner" to become one of the most popular advocates of his day.

Actually, the lives of those portrayed in the Law School's painting collection are colorful and varied—but not always above reproach. Of John Toler, hanging but several pictures to the right of Curran, it has been written that he "showed gross partiality, buffoonery, and scanty legal knowledge on the bench." And Sir Humphrey Winch, another Irish justice, succumbed to superstition and at the summer assizes sentenced nine women to death as witches, on the evidence of a boy who pretended that he had been tormented by them.

These obscure pieces of legal history have been painstakingly collected by Assistant Librarian Philip A. Putnam's staff at Langdell, and assembled rather informally in a paper-bound notebook which is con-



stantly being revised as new pictures are added, and new facts uncovered. The notebook is typical of the close care taken of the pictures, and the personal attention given their selection and display.

Begin By Dean Pound

The idea of collecting pictures for the Law School was conceived in 1916 by Dean Pound. His predecessor as Story Professor, Jeremiah Smith, was uncertain how to spend a legacy left him by a friend, and consulted Dean Pound, who quickly called his attention to a sale of paintings from a private gallery. Smith readily gave Pound his permission to buy a painting for the

Law School, and the money left over from the legacy served as the start of a fund to buy other portraits.

Since school resources were not available for such an unusual purpose, Dean Pound had to scrape up dollars where he could, even resorting on one occasion to borrowing from his mother-in-law—who, when she later saw the portraits purchased, decided to make an outright gift of them. President Lowell was naturally a little dubious at first about the entire undertaking, but eventually became so enthusiastic that he contributed some money of his own.

Not all the paintings and drawings owned by the Law School stem from this fund. The paintings in the Reading Room at Langdell are gifts of the alumni through the Law School Association, and except for two of Marshall and Webster, are portraits of present and former faculty members. Most of the pictures obtained through the fund started by Dean Pound are hanging in the four classrooms in Langdell, in the Roscoe Pound Room, and in the recently-completed James Barr Ames Court Room.

Chancery Judges

Langdell South-Middle houses many portraits of chancery judges, among them five by Godfrey Kneller, who founded and directed the first Painters' Academy in London. In the James Barr Ames Court Room is a large painting of Sir William Murray, who ranks among the greatest of England's judges; in thirty-two years as Chief Justice of King's Bench (1756-1788), he was reversed on appeal only twice.

Neatly framed by two pilasters in the Roscoe Pound Room is a large portrait of Sir Matthew Hale, Lord Chief Justice of King's Bench from 1671 until 1676. Hale's earlier days as a judge were spent on the Court of Common Pleas, where his opposition to Cromwell's rule was so vigorous that he refused to try any offenses against the State, claiming not to recognize its authority.

Hale's portrait was done by an English follower of Van Dyck, Sir Peter Lely, whose reputation rests largely on his technical ability as a colorist and draftsman.

In many cases, the artists are as well-known as their subjects. In Dean Griswold's office is an excellent portrait of Lord Mansfield, by the famous painter of eighteenth-century England, Sir Joshua Reynolds, and scattered throughout the collection in the classrooms and the courtroom are works by George Romney, John Trumbull and Sir Thomas Lawrence. The Feke painting of the Royall Family, over the Receptionist's Desk in Langdell, goes on exhibition frequently, and is listed in many



catalogues and texts as an outstanding example of American Colonial painting.

Nonetheless, the immediate impression conveyed by the paintings is their imposing and almost awesome appearance. Few graduates of the Law School will forget having been surrounded each morning by the stern and formal countenances of old English judges with their varicolored robes.

Perhaps only a handful of those who view the portraits will ever attain the same passionate interest in the law that prompted Sir John Maynard, whose portrait hangs in the Roscoe Pound Room, to leave a will purposely worded so as to cause litigation, in order that sundry questions, which had been moot points in his lifetime, might be settled for the benefit of posterity. Short of this, however, the portraits are successful in creating an atmosphere of history and long and learned tradition.

Japanese Scholar Visits Law School

Visiting Harvard Law School during April has been Judge Jiro Matsuda, Director of the Judicial Research and Training Institute in Tokyo. He has been in the United States studying American methods of legal education.

Graduating from Tokyo University in 1925, Judge Matsuda immediately entered the judiciary. He was selected as a Tokyo District judge in 1927. In 1930-1931 he did research in corporation law at the University of Berlin and while returning to Japan, traveled widely in Europe and the United States, including a visit to Cambridge.

Resuming his position in the judiciary on his return, Judge Matsuda held a number of increasingly important posts both on the bench and in research section of the Ministry of Justice.

In 1952 he became Director of the Judicial Research and Training Institute. Formed after the war in an effort to eliminate the disparities in both training and status between the judiciary and public prosecutors and the private lawyers, the Institute now provides two years of practical instruction for all students entering any of the three branches of the legal profession. Graduation from the Institute is required. Students are paid a stipend by the government while in attendance.

Research is the other function of the Institute. Numerous problems are intensively studied each year. Also, judges from throughout Japan keep up to date on modern legal developments by periodic attendance at Institute seminars.

Jackson Eulogized By Freund Before Supreme Court Bar

Professor Paul A. Freund, in a eulogy to the late Justice Robert H. Jackson, characterized him as "a judge who was above all a stout hearted and ebullient lover of life." Speaking before a meeting of the bar of the Supreme Court of the United States held April 4 in memory of Justice Jackson, Prof. Freund likened the Justice's thoughts to the proverbial rules of law, "you can put them in a nutshell, but surely one cannot keep them there."

Referring to Jackson's constitutional philosophy the professor found its most striking facet in his sense of the economic and political unity of the United States, their together-ness. Illustrating this, Prof. Freund pointed to Justice Jackson's views on the federal power in the field of trade and commerce. "No Justice in the modern era has been more alert than he to find and strike down impediments to trade."

Nevertheless, he pointed out, even more basic to our federalism in Jackson's thoughts were personal rights. This was shown in his insistence that a state was powerless to keep paupers from entering its borders, and that the commercial law could not be relied on to denature human rights.

At the same time, and parallel to this conviction of our economic and political unity ran the theme of discretion in "the realm of the spirit." This concept is best seen in his decisions on the Bill of Rights. Prof. Freund referred particularly to Jackson's opinion in the flag-salute case.

But Jackson was quick to condemn any



Paul A. Freund

attempt at abusive exercise of these privileges. "Civil government cannot let any group ride roughshod over others simply because their consciences will tell them to do so."

"Tradition spoke through Justice Jackson with his own strong and distinctive accent, but recognizable still as the authentic American voice, and so when he speaks the deepest part of us vibrates to his chord."

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Grotius Collection Now On Display In Treasure Room

Over 30 editions of Hugo Grotius' *De Jure Belli ac Pacis* were recently on exhibition in the Treasure Room, Langdell North.

Included in the collection of Grotius' "Law of War and Peace" are two copies of the first edition of 1625 known as copies "A" and "B." The Treasure Room is the only library in the world which contains both the "A" and "B" copies of the first edition. The Palace in the Hague is said to contain a comparable, but not identical collection; each library lacks two editions of the work that the other has.

Other editions on display encompass a selection dating from the second edition of 1626 to a modern Latin edition published in 1939. Though the original work was written in Latin, it has been translated into many languages, including Dutch, English, German, French, and Spanish. The only known copy of the Italian translation of 1777 of the work is also displayed.

Essentially a treatise on the law of war, Grotius' work also treats of "justness" in the actual conduct of war, and other matters of private law, all treated in a speculative manner from the viewpoint of the "law of nature." Other points of municipal public law are included.

The permanent housing of the Grotius collection is also in the Treasure Room. Under the watchful senses of a modern Hydrothermograph, the room also houses a unique collection of other famous works prior to 1501, and a collection of English editions of various books from 1601.

The Treasure Room is open from 9 a.m. to 5 p.m. each weekday, and from 9 a.m. to noon on Saturdays.

Luncheon Planned After Graduation

A buffet luncheon for members of the graduating class of 1955, their families and the Law School faculty, will be held on June 16 in front of Langdell Hall.

The luncheon will follow Commencement exercises in Harvard Yard. At the affair, Dean Erwin N. Griswold will informally present diplomas to the class members present. The occasion will provide an opportunity for the graduates to introduce their families to the Dean and Mrs. Griswold, and to the members of the Faculty.

Tickets to the luncheon will be sold at the receptionist's desk in Langdell Hall. The price will be ninety-five cents.



Left to right, standing: Daniel A. Jenks, Jr., Edwin S. Shapiro, Paul R. Puerner, Bertrand M. Louchner, Kenneth J. Kircher. Seated: Marvin A. Sachs, Irwin Kimmelman, Leslie M. Geller.

Jaffe Club Defeats Baker-Smith Club On Adoption Case In Ames Argument

(Continued from page one)

Joanne and herself, she asked her foster-brother and his wife, Mrs. and Mrs. Ingersoll, to take care of the child, which they agreed to do. After two years the Ingersolls (who were not Catholics) decided to adopt Joanne. Her mother consented, adoption proceedings were begun, and a guardian ad litem was appointed for the child.

He returned an unfavorable report on the basis of the Ames statute requiring that "In making orders for adoption, the judge when practicable must give custody only to persons of the same religious faith as that of the child." The guardian noted that 20 or more Roman Catholic couples in the Ingersolls' community were willing to adopt a child like Joanne. The probate judge denied the Ingersolls' petition for adoption on the basis of the ante-nuptial agreement signed by Mrs. Connally.

Of counsel: John B. Hook of Los Angeles; William N. Jenks, from San Diego, Calif.; Curtis M. Karplus, of New York City; Andreas F. Lowenfeld, also of New York City; Richard M. Sandler, of Verona, N.J.; and L. John Wood, of Indianapolis, Ind.

Of counsel on the brief for the Baker-Smith Equity Club were Leslie M. Geller, Paterson, N.J.; Daniel A. Jenks, Jr., of Holyoke; Kenneth J. Kircher, of Union City, N.J.; Bertrand M. Louchner, New Rochelle, N.Y.; Paul R. Puerner, of Wauwatosa, Wis.; and Edwin S. Shapiro, of New York City.

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FELLOWSHIPS

(Continued from page one)

with the present close relationship between the United States and Japan. It is also designed to aid in the assimilation of Anglo-American common law concepts introduced in the post-war period within the civil law structure of Japan.

The aim, according to Mr. Rabinowitz, is not to develop esoteric Asiatic studies, but to develop practical tools to solve problems in private law, business, and government.

A civil law country whose law was primarily based on the German Code, Japan adopted American law in several fields following the war. Corporate law, civil procedure, administrative law, evidence, constitutional law, and others all bear the imprint of this change. Since Japanese legal scholarship and theory have traditionally been oriented toward continental law, there has been a natural difficulty in rationalizing the new concepts with the old system. The aim of the visiting Japanese has been to gain a better understanding and background in Anglo-American law.

Defenders . . .

Thomas R. Remington, 2L of Rochester, N.Y., has been elected president of the Harvard Voluntary Defenders for the 1955-56 academic year. The group also elected Hamilton F. Potter, Jr., 2L of Smithtown, N.Y. as secretary and Arthur Mudge, 2L of Hebron, N.H. as Treasurer.

The Defenders admitted a new member to their organization last month. He is Rudd H. Truax, 2L of Cambridge, replacing Frank E. Schwelb, 2L of New York City, who was drafted.

PROFESSORS

(Continued from page one)

While there he obtained a position in the Ministry of Town and Country Planning. He is the author of a book based on this study, *Land Planning Law in a Free Society*.

Before returning to the Law School as a member of the faculty Prof. Haar worked on the legal staff of the Sheraton Hotel Company, where he was engaged in work involving real estate transactions, zoning law, title examination and other aspects of conveyancing and mortgages.

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