



Harvard Law School Record



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Int'l Law Program Seeks Money for New Building

Gradual but steady progress is being made on the institution of Harvard Law School's program in International Legal Studies, which was subsidized by a January, 1955 Ford Foundation grant for \$2,050,000. This grant was divided into three major areas: Eight hundred thousand dollars for the endowment of two professorships; seven hundred fifty thousand dollars to be used over a ten-year period both for research fellowships for graduate students and cooperation with other law schools and the Bar; five hundred thousand dollars will cover the cost of an addition to the present plan, provided a matching amount is raised within two years.

One chair which has been established is the Henry L. Stimson Professorship of Law. The Director of the International Legal Studies, Milton Katz, is the first incumbent. The second chair has not yet been specifically named or filled.

The research program is and has been very much under way. Much of the work is being done by different members of the faculty, and, of course, all in the area of international legal work. New programs that have just gained impetus this year incorporate such diversified fields as public utility regulation in undeveloped countries, the legal status of international canals, and study in comparative legal procedure.

Fellowships Granted

This year some 20 fellowships have been granted—all to foreign students and in varying amounts—for work in all fields, including S.J.D., LL.M., and other graduate areas.

The program for cooperation with other legal institutions is still tentative. Eventually it will be devoted to such projects as work conferences on problems of international private law and to cooperation in the training of needed instructors for other law schools.

The addition to existing building facilities—the most apparent and awaited physical change—is still very much in the planning stage, and no definite decisions have been made on location or extent. Bethuel Webster, LL.B. '25, a New York attorney, is chairman of the special program to raise matching funds.

Racial Segregation Decision by Court Weighed in Review

"The Original Understanding and the Segregation Decision" will be the leading article in the first issue of Volume 69 of the *Harvard Law Review*. The article was written by Alexander M. Bickel, a research associate in the biographies of Supreme Court justices. Mr. Bickel, an alumnus of the City College of New York, graduated from the Law School *cum laude* in 1949.

Mr. Bickel discusses in a historical sense the understanding, on the part of its drafters, of the Fourteenth Amendment's applicability toward such questions as segregation in public schools. Mr. Bickel was clerk to Mr. Justice Felix Frankfurter when the first hearing of the segregation case was held.

Also featured in the November issue will be an article by Alfred Hill, professor of law at Southern Methodist University, entitled "State Procedural Law in Federal Non-Diversity Cases." Professor Hill's article deals with the extent to which federal courts should apply state procedural laws in such cases.

The traditional review of the Supreme Court's activities for the last year will appear in the note "The Supreme Court—1954." The significant decisions of the High Court are reviewed and analyzed in this feature, to which Professor Robert Braucher of the Law School faculty has written an introduction.

Bull & Bear Hears Market Predictions

Harry D. Comer provided a far ranging analysis of the stock market at the inaugural meeting of the Bull and Bear Club in Harkness Commons last Friday.

Speaking on "The Market Outlook," Mr. Comer compared the present market with the 1929 highs on several points. Although stock prices are at an all-time high, they still may be lagging behind the growth of our economy over the last generation. He pointed out that earnings of corporations are much higher than in 1929, making securities at comparable prices sounder investments now.

Mr. Comer is a partner in the firm of Paine, Webber, Jackson and Curtis, and is a widely quoted forecaster of the market, having a wide background in research. He attributed the recent plunge in prices to the political uncertainty brought on by President Eisenhower's heart ailment.

The climate in which business has been operating had been made generally favorable by the administration, and the prospects were for five more years of the same. Then came the President's heart attack. It follows from this that the market will be closely tied to national and international political developments.

(See BULL & BEAR on page three)

Forum...



C. Dickerman Williams

Is the Fifth Amendment fulfilling its role as a bulwark of civil liberties? Or is it being misused to frustrate legitimate efforts at investigation? These and other related questions will be discussed at the first 1955-56 program of the Harvard Law School Forum on Friday night, October 21, at 8 P.M. in the New Lecture Hall.

The first speaker will be Mr. C. Dickerman Williams, noted New York attorney. Mr. Williams, former general counsel for the American Locomotive Company, served as general counsel for the Department of Commerce from 1951 to 1953. He has written an article critical of current use of the Fifth Amendment in the *Fordham Law Review*.

Dean Erwin N. Griswold will then present his point of view. An authority on the constitutional questions involved, Dean Griswold has written extensively on this

(See FORUM on page four)

Board Distributes Ames Data; Teaching Fellows Plan Trial

Facts for the first two rounds of the Ames competition will be distributed to members of 64 first-year clubs Tuesday, it was announced by Alan D. Hakes, 3L of Longmeadow, chairman of the Board of Student Advisers.

Meanwhile, competition is already underway for the second year. Thirty-one clubs from the Class of 1957 are taking part, and facts for the first upperclass arguments were distributed at the beginning of the week.

The singles competition for first-year students will take place in a series of eight rounds, each club participating in four. In the first-year program club members com-



Alan D. Hakes

pete among themselves with each student appearing in one round.

Facts for their arguments will be distributed over a three-week period ending November 7. Panels of student judges will hear the arguments between November 21 and December 12. Detailed schedules have been posted on all bulletin boards.

To help the first-year students, the Board of Student Advisers has planned and is conducting an elaborate program of mov-

ies, library tours and lectures to introduce new students to legal research.

This program started with a showing of the Board movie "Case in Point" before an overflow crowd in the James Barr Ames Court Room on October 4. Library tours, conducted by club supervisors for first-year courts who cannot participate in club tours, will take place today and tomorrow.

The program continues next week with a series of lectures by Ellis Champlin of the West Publishing Company and with a model trial conducted by the Teaching Fellows.

Mr. Champlin will speak each afternoon next week at 3:30 in Austin North. He will explain the system of reporting used in the West Company publications and will describe methods and techniques of legal research.

"These lectures are, by now, an annual feature of the Board's fall schedule," explained Chairman Hakes. "I recommend them to first-year students without reservation, and I hope they will take advantage of this opportunity to hear as many of Mr. Champlin's talks as they can."

A model trial in the Ames Courtroom next Thursday and an appeal November 16 from the decision of the trial court are being planned by the Teaching Fellows, under the direction of Assistant Professor Robert E. Keeton. In the trial next week Professors Richard H. Field and Arthur E. Sutherland will argue the hypothetical case now being studied by first-year students in their group work sessions.

Gain in Alumni Donations Recorded in Fund Report

An increase of \$100,000 in gifts to the Law School has been reported by the Harvard Law School Fund. In its Fifth Annual Report, the fund announced total receipts of \$355,289.02 for the fiscal year ended June 30, 1955.

The substantial rise in contributions is attributed to the participation of over 6,000 alumni, the report states. The amount received is greater than any sum previously collected in a Law School fund drive.

The fund was established in 1948. This year was the fifth in its Annual Giving Program, which has been increasingly successful each year.

For the first two years, the energies of the Fund were directed toward a program of capital gifts, and the great success of this initial project, which covered the Law School's part of the cost of the dormitory project, gave rise to the decision to continue the Fund on an annual basis. Since the inception of this new phase, over \$1,000,000 has been donated by alumni and friends of Harvard Law School, with the last fiscal year being the best so far.

More Endowment

The gifts have been used for many purposes, providing substantial amounts of increased endowments, particularly scholarships. The annual alumni Scholarship program has been given considerable support by the Fund. The unrestricted gifts portion of the Fund has been used in a threefold manner: (1) to cover the Law School's portion of the cost of the new dormitory project; (2) in 1953-54, to make up a very substantial deficit which would have been incurred otherwise; (3) to apply against the costs of the reconstruction in Austin and Langdell Halls, which has given the School the James Barr Ames Court Room, the Edmund M. Morgan room, offices for the teaching fellows, the Roscoe Pound Room, and adequate working space for the library.

The scholarship committee of the Fund continued its outstanding work last year, providing nearly \$82,000 for immediate distribution in scholarship aid and over \$94,000 to the scholarship endowment funds which are to be completed over a period of several years. It is interesting to note that well over 120 students now in the school are receiving scholarships through contributions to the Fund.

Some fifty-six alumni and friends became Grand Givers last year by donating



Wesley E. Bevins, Jr.

\$800 or more to the Fund. The forty-six alumni who were Grand Givers last year brought to 209 the total membership of the Scholarship Committee, which consists of all those alumni who have been Grand Givers for scholarship purposes. Life Membership in the Scholarship Committee is acquired by endowing a tuition scholarship. During the past year, the list of Life Members was tripled, and those who have begun to build endowed scholarships has substantially increased.

The class of 1921 ranked first among the classes with the highest average gift, as well as first among the classes in total amount donated, although less than half of its members participated. The class of 1908 ranked first in this category, with participation by almost 90% of its members.

Greater New York City ranks first among the individual areas having the most participants and in total amounts donated, as 1,415 participants in that area

(See FUND on page four)

Parisian Birth Won't Hinder Herter's White House Hopes

A former Dean of Harvard Law School, James M. Landis, believes that Governor Christian Herter of Massachusetts is, "unquestionably eligible" to run for the Presidency of the United States.

The question of Governor Herter's status took on significance here recently when leaders of the Republican Party suggested his name as a possible G.O.P. nominee in the 1956 elections. Governor Herter was born in Paris, France, where his father was an artist. His parents im-

mediately registered him with the U.S. Embassy as an American citizen.

Mr. Landis stated, "I am completely satisfied" that the Governor would be eligible to run. These conclusions were drawn from a study of the question made at the law school in 1940.

Dean Landis, who was Dean of the Law School from 1937 to 1946, was born in Tokyo, Japan, where his parents were American missionaries. The question of his citizenship arose in 1940 when he was suggested for nomination for a place on the Democratic ticket.

The study made at the Law School for Dean Landis was first disclosed by the *Boston Post* in a copyrighted article last week. Some general conclusions were reached after research in to the law and decisions on the question.

The Constitution in Article II, paragraph 4, states: "No person except a natural born citizen . . . shall be eligible to the office of President. . . ." The meaning of the phrase "natural born citizen" has never been brought before a judicial body, in this context, for decision or interpretation. Some legal authorities question whether or not the courts have the "right" to decide what may be a "purely political question."

(See HERTER on page four)



James M. Landis

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Seventh Amendment

Last week's disclosure that some Federal District Court judges in the Tenth Circuit allowed a microphone to be placed in a jury room, points up a problem that all lawyers should concern themselves with. The microphone provided tape recordings of the juries' deliberations in each of five civil cases for a study being made under a Ford Foundation grant to the University of Chicago Law School.

The aim of the study is to improve "the administration of the court system." The issue which must be faced is whether such a study, though it is well-intentioned, may cause serious and irreparable harm to the jury system.

Attorney General Brownell disapproves of the project because "such practices . . . obviously and inevitably stifle the discussion and free exchange of ideas between jurors." Also, he finds the project "inconsistent with the purposes of the Seventh Amendment" which requires that trial by jury be preserved.

These criticisms are valid. However, it has become increasingly apparent that the jury system does not meet all of our judicial needs in this century. Various jurisdictions have already modified the unanimity rule and in some types of cases have abolished the jury entirely. Serious proposals have been made to the effect that automobile negligence cases be heard by administrative commissions in order to clear up the inordinately long jury dockets in the courts.

It is important to understand that the basic issue here involved is not the merits of the jury system itself; rather it is the question of what means shall we take to obtain information about the effectiveness of the system. If the means chosen are such that the harm done overshadows any constructive changes, then we shall indeed have won a Pyrrhic victory. It is imperative that groups such as the one making this study carefully select their courses of activity.

There are other methods that may be used to learn much of the same information that the University of Chicago Law School group is now learning. Mock trials heard by regularly constituted juries who have no knowledge of the simulation; actual trials being heard by a mock jury specially constituted for the purpose and informed of the nature of their function; recordings of judges' instructions to juries and counsel's summations before the jury; these are all valid research techniques. Admittedly, each of them contains some element that is either not authentic or is incomplete in the information it provides. However, they do contain the common attribute of making virtually no infringement on the integrity of the present jury system; and yet they provide desirable insight into the efficiency of the system.

There is room for improvement. We simply exhort those who would study the system to consider the full implications of their actions before it is too late to rectify any wrongs that are done.

Well Placed...

The myriads of green notices currently bedecking the bulletin boards throughout Langdell and Austin Halls clearly indicate the functioning success of the Harvard Law School Placement Service. Law firm, industry and government opportunities are offered in all locales.

The third year student should be most thankful to Assistant Dean Louis A. Toepfer, who headed the Placement Service for the past six years and who has assumed other administrative duties. The RECORD adds its tribute to the Placement Service with a desire for continued success under Assistant Dean Russell H. Peck's leadership.

Gallery

Albert van de Sandt Centlivres
Chief Justice of South Africa



The Honorable Albert van de Sandt Centlivres, Chief Justice of the Appellate Division of the Supreme Court of the Union of South Africa, is a big man with rugged features and an easy-going manner. Born in 1887 of English, Dutch, German and French ancestry, he studied at the South African College School, after which he became a Rhodes Scholar to New College, Oxford, in 1906. He took his B.A. in Jurisprudence in 1909 and was called to the Bar at the Middle Temple, London, in 1910. The following year he began his successful practice as a barrister in Capetown, South Africa. In those days it was common for a South African to take his legal training in England.

Parliamentary Draftsman

Centlivres saw service as a private in the South African Army in the campaign of 1915 which resulted in the successful occupation of German Southwest Africa. In 1920 he was appointed Parliamentary Draftsman, whose function is to draft public bills for private members of Parliament, scrutinize private bills, examine Government bills, and report to the houses of Parliament. An added duty of this official is to make certain that the two languages in which all bills are written express an identical meaning. In 1927 he also took on the duties of a King's Counsel.

Centlivres' judicial career began with his appointment to the Cape Provincial Division of the Supreme Court of South Africa in 1934, from which he was promoted to the Appellate Division in 1939. He became Chief Justice in 1950, the same year in which the Appellate Division became the court of last resort upon the abolition of the appeals to the Privy Council in London. However, the fact that Centlivres was serving on the high court of his country did not prevent him from doing duty as an ordinary foot policeman on the streets during World War II years.

Three Capitals

Interestingly enough, the Chief Justice explained, South Africa has three capitals: Capetown, where the Parliament sits; Pretoria, the administrative headquarters; and Bloemfontein, where the Supreme Court sits. The Union of South Africa, although established by the consent of four states, is not a federation of the American or Swiss type, but is a consolidated nation in which the states are provinces. The powers of the central government are extensive.

As the Chief Justice outlined in his address at the John Marshall Bicentennial celebration, South Africa has gone very far toward the complete abolition of the jury system in both civil and criminal trials. In many cases the facts are found by a judge sitting with two assessors. One reason for this development is the difficulty of securing impartial justice in a multi-racial country. And perhaps another reason is the strong civil law tradition of the nation despite the influence of English common law.

Roman Dutch Law

Roman Dutch law is the law of South Africa. This system of law exists today in South Africa, Southwest Africa, Southern Rhodesia, and curiously enough, in Ceylon.

The Chief Justice, in discussing Roman Dutch law, referred to an opinion by Lord Tomlin in *Pearl Assurance Co. v. Union of South Africa*, A.C. 570, 578, 579 (1934), in which the Privy Council stated: "In the first place, the questions to be resolved are questions of Roman Dutch law. That law is a virile living system of law, ever seeking, as every system must, to adapt itself consistently with its inherent basic principles to deal effectively with the increasing complexities of modern organized society."

"That those principles are capable of such adaptation cannot be doubted, and, while it would be idle to assert that the development of the Roman Dutch law in the territories now constituting the Union has not been affected appreciably by the English law, yet in their Lordships' judgment, approach should be made to any question governed by Roman Dutch law without any fetter imposed by recollections of other systems, and through the principles of Roman Dutch law alone."

Current Case

WORTHLESS TRIAL RECORD

These pungent remarks of the Oregon Supreme Court in *McAdam v. Royce*, 272 P.2d 986 (1954), serve to emphasize the importance of a good transcript in a trial. The case is a suit by a taxicab passenger for injuries sustained in a collision.

"... This is one of many cases in which both parties have used blackboard drawings to illustrate the testimony of various witnesses. The blackboard is not before this court and the record is in such unspeakable confusion that it is impossible for us to know or understand what the witnesses actually told the jury even if the blackboard were here..." (p. 988)

"... The testimony continued in similar vein—or in vain..." (p. 989)

"In view of the general confused state of the record, we think the court committed serious and prejudicial error. Other considerations lead to the same conclusion. The transcript which is certified as full, true, and accurate by two 'official reporters pro tem,' and as true and correct by the trial judge, is binding upon us, notwithstanding the fact that the appealing defendants have set forth a 'Glossary of Errata' enumerating over fifty alleged errors and setting forth the 'correct reading or believed likely correct reading' in parallel columns. We quote one paragraph of the instructions as certified:

"Subject to the instructions of the Court, you are the judges of the credibility of the witnesses and of the value effect of the evidence. Your judgment of the evidence put before you is not to be judged arbitrarily but should be judged with legal discretion of the rules given you and insubordination to the rules of evidence, with any number of witnesses which do not produce conviction in your mind as against legal presumption or other evidence which does satisfy your mind."

"We are loath to believe that the transcript correctly states what was said, but if it does not, there should be a showing to that effect."

"For the benefit of the profession we observe that there was a large amount of matter included in the abstract of record which had no place there."

"The judgment is reversed and a new trial ordered." (pp. 990, 991)

FIFTH AMENDMENT GAMBLER

Defendant in *Lewis v. U.S.*, 348 U.S. 419, (decided March 14, 1955), was accused of accepting wagers without paying the occupational tax required by federal law: "A special tax of \$50 per year shall be paid by each person who is liable for tax under subchapter A or who is engaged in receiving wages for or on behalf of any person so liable." 26 U.S.C. §3290. "No person shall be engaged in or carry on any trade or business mentioned in this chapter until he has paid a special tax therefor in the manner provided in this chapter." 26 U.S.C. §3271. (p.420)

The Municipal Court for the District of Columbia sustained a motion to dismiss the information on the ground that the statute violated the Fifth Amendment safeguard against self-incrimination. Both the Municipal Court of Appeals and the Circuit Court of Appeals sustained the validity of the law. On writ of

certiorari the U.S. Supreme Court also found against the petitioner defendant.

Mr. Justice Minton for the court reasoned: "If petitioner desires to engage in an unlawful business, he does so only on his own volition. The fact that he may elect to pay the tax and make the prescribed disclosures required by the Act is a matter of his choice. There is nothing compulsory about it, and, consequently, there is nothing violative of the Fifth Amendment. If he does not pay the occupational tax, proceeds to accept wagers, and is prosecuted therefor, as in this case, he cannot be compelled to testify and may claim his privilege. The only compulsion under the Act is that requiring the decision which would-be gamblers must make at the threshold..." (p.422).

But, it can be argued on the other side, the real question is the precise nature of the would-be gambler's decision at the threshold. If a would-be gambler pays the tax he is giving the government advance notice of his intention to take bets at some future time. True, it does not amount to a confession of crime. But it does, if admitted into evidence at a trial where the taking of bets is a question at issue, show intent to take those bets. For, why should a man pay the tax if he had no intent at all of taking bets? Even if not admitted at trial, the fact of payment tells the government whom to investigate. This "tax" is the equivalent of a declaration of intent to commit a federal offense, such as taking bets in the District of Columbia. Is this not self-incrimination?

The court made much of a supposed distinction between self-incrimination as to past facts which have occurred and future facts which may or may not occur, the latter not being self-incrimination. Such reasoning is like saying what a man says one day has no connection with what he actually does on the following day, that a man functions haphazardly without any intent whatever. As Mr. Justice Black put it in his dissent: "Thus in order to pay the tax, petitioner would be compelled to supply evidence useful and maybe sufficient to convict him of felonies for which he could be incarcerated for years. If this would not violate the Fifth Amendment's privilege against self-incrimination, it is hard to think of anything that would." (p.424-5).

—Olson

Recently Published

EUROPE

Robertson, A. H., Different Approaches to European Unity. 3 AM.J.Comp.L. 502-21.

EVIDENCE

Directed Verdicts—Inferences from Circumstantial Evidence. 34 NEB.L.REV. 102-12.

GOVERNMENT CONTRACTS

Contemporary Procurement Problems—A Symposium. 14 FED. B.J. 296-434.

Miller, A. S., Government Contracts and Social Control: A Preliminary Inquiry. 41 VAL.L.REV. 27-58.

Risik, P. M., Federal Government Contract Clauses and Forms. 23 GEO.WASH.L.REV. 125-50.

HEALTH

Legal Aspects of the Fluorination of Drinking Water. 23 GEO.WASH.L.REV. 343-57.



"He said he's just finished research on his first Ames case, and how are the Black Sox doing in the Series?"

Grad Students The New Faculty . . . Seek Degrees

A large number of graduate students are enrolled at the Law School this year, according to an unofficial count of the graduate population. The count revealed, however, that the number of graduates has decreased to 82, representing a decline of seven from the 89 of last year.

Typical of this year's group is a South American practicing in the international field who has come to study American corporation law and the legal problems connected with doing business abroad. Others are recent law graduates and are furthering their studies. A good percentage are teachers of law and prospective teachers; only one Harvard Law School graduate is in attendance.

Of the graduate group itself, 64 are from abroad, while the remaining 18 are citizens of this country. The group includes five women graduates from five different countries: France, The Netherlands, Turkey, Australia, and the United States.

All the foreign students pursue programs designed to fit their specific needs. Depending only on the background of the student or visiting professor, the courses chosen may be classified as "practical" or "impractical." For example, John A. King, adviser to foreign students, points out that Trusts for an individual with a civil or code law background is a very "impractical" course, in the ordinary sense of the term, but a very "practical" course for an English barrister.

Many of the graduates pursue a program leading to an LL.M. degree. All attend courses of one type or another with the run-of-the-classroom student at the Law School. Many, however, also take "Introduction to the Common Law," in which no students from this country are enrolled.

BULL AND BEAR

(Continued from page one)

Another forecast was for long-run inflation. Mr. Comer said that it would be suicide for either party to allow another depression, and that the means used to avert depressions will probably result in steadily rising prices. If such means are carefully controlled, the benefit to the public will outweigh harm to individuals.

Big Crowd

An overflow crowd attended the meeting, and questioning of the speaker was brisk. A booklet "Understanding the New York Stock Exchange" was distributed by Mr. Comer's firm.

Charles L. Convis 3L, president of the club, announced at the meeting that Melvin Grey, 3L of Chicago, had been appointed First Vice President to fill a vacancy. The annual investment contest conducted by the club will begin at the next meeting, which will be held on October 21.

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Abram J. Chayes (upper left), has been appointed Assistant Professor, and is currently teaching Civil Procedure and Corporations I. Richard R. Baxter (upper right) is a Lecturer in Law for 1955-56, and teaches the International Law Problems Seminar. David Westfall (lower left), a new Assistant Professor, teaches Property I and II. Norval Morris (lower right) is Ezra Ripley Thayer Teaching Fellow for 1955-56, and teaches Criminal Law this semester.

Maid Service Stays

The Law School has no intention of dropping maid service in its dormitories, according to Assistant Dean Wesley E. Bevins, Jr. The decision of the College to drop maid service will not be followed by the Law School, Dean Bevins declared.

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Root Room Lists Books

A suggested reading list of books to be found in the Elihu Root Room is now available at the library. The list will be published four times during the school year. The books listed are not strictly legal in nature, but are selected because the library feels that they will help provide a colorful setting for legal study. They are available to students for extended loan.

The first list in the series contains the biographies of the Chief Justices and the Associate Justices of the United States Supreme Court.

The library has received many requests for copies of the lists from various other law libraries interested in such a plan. Philip A. Putman, assistant librarian, is preparing the lists and supervising the service.

CONTOURA

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Time has already reduced the World Series to a memory. Sports enthusiasts who diligently attended via TV have by now completed the autumn conversion to football. They will tune in to the "Game of the Week" and check the scores of their home colleges in the Sunday paper. Some may even feel moved enough to attend a Harvard game.

The Athletic Department has announced that under the new priority system for sale of football tickets, the graduate schools will rank below the college and its alumni in order of preference. This means that ordinarily, seats on the side of the field will be obtainable, but for contests such as the Princeton game, which is heavily attended by alumni, law students will have difficulty acquiring tickets.

For those who find this system discriminatory, the University provides consolation in the form of a wide range of athletic facilities. Because the athletic program receives no financial support from the graduate schools, grad students are required to pay a fee to the Athletic Department for the use of its premises and equipment.

Participation Cards, which entitle the bearer to regular use of the facilities, can be purchased for \$15.00 a term. For those interested in only occasional exercise, there is a fifty cent charge for each use.

The squash courts at Hemenway Gymnasium are available from 1-6 p.m., Monday through Friday, and racquets may be obtained at the desk. The swimming pool in the huge Indoor Athletic Building on Dunster Street is open the year round. At present the hours scheduled for pleasure swimming are 10-11 a.m., 1-2 p.m., and 3-5:40 p.m. After November 2 the pool

will be reserved for team practice after three o'clock, and commencing December 1 it will be open Saturdays.

If it is possible to read a Property text while rowing a one-man shell, some law men may find the Charles River an ideal locale for afternoon studying. The Weld Boathouse is located just across Memorial Drive on Boylston Street. Boats are available until 6:00 P.M.

Additional facilities include the Dillon Field House and Soldiers Field. Intramural basketball teams will soon be organized by the PBH Committee, with league games to be played nightly on the Hemenway courts.

Thomas More Mixes Freely

The St. Thomas More Society, the Law School's Roman Catholic student organization, will hold a mixer Friday evening at 8 P.M. in the Harkness Meeting Room. Non-members, including men from other graduate schools of the university, are welcome.

Girls have been invited from Regis, Emmanuel and Sacred Heart Colleges, the Newman Clubs at Radcliffe and Wellesley, the Harvard School of Education and the Radcliffe Management Training Program. Refreshments will be served.

The Society's first communion breakfast of the school year will be held this Sunday, October 16. Students will attend the 9 o'clock mass at St. Paul's Church in a body, and breakfast will be served immediately thereafter in the Mallory Smith Room of Harkness Commons. The speaker will be Thomas H. Mahony, Esq., of the Boston firm of Mahony, Bryer, Coffin and Walker. Mr. Mahony is a past president of the Catholic Association for International Peace and author of many law journal articles on world organization and world peace. A charge of \$65 will be made to defray the cost of the breakfast.

Law Wives Meet

The Harvard Law Wives will hold their first meeting of the year Wednesday evening, October 19, 1955, at 8 o'clock in the main meeting room of the Harkness Commons, and plans have been made to provide an entertaining evening for all.

Professor John Maguire will speak to the women about their place in the Law School community. The subject of his talk will be "You and the Law School." Refreshments will be served at the conclusion of the meeting.

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Brownell Pleased With Work Of Law Graduate Apprentices

(A report on "The Attorney General's Honor Recruitment Program" was presented by William P. Rogers, Deputy Attorney General, and Charles E. Goodell, Jr., Program Director in the Journal of Legal Education. Following is an excerpt from the report of the program.)

"Thirty top graduates of law schools came to the Department of Justice under its Honor Recruitment Program in 1954. This year, we expect to receive closer to forty honor graduates representing thirty different law schools throughout the country.

At the time they were chosen, none of the selected 1955 group ranked below the upper third of their respective classes in law school, all but two were in the upper fifth of their classes, and all but four served on the law reviews of their schools. Although no regional quota system was applied, the large number of applications from all over the country resulted in a natural distribution of selectees, almost equally divided among the East, South, Midwest, and Far West. Selection was based on experience prior to law school, courses and grades in law school, and extra-curricular activities in such things as moot court, legal aid, and law review.

Initial Assignment

Upon application, each candidate indicated his preference with respect to the division to which he would be initially assigned in the Department. Under the 1955 program, selection was made expressly for assignment to a specific division. Thus, those applicants who wished to specialize in tax, criminal, or internal security work, for example, were guaranteed that they would not have to waste time in other divisions, while those interested in rotating from division to division at regular intervals were aware of their first assignments well in advance of reporting with the Department.

The 1954 group was welcomed to the Department by the Attorney General in October. An experimental four day orientation course was then conducted. Each of the Assistant Attorneys General and their chief lieutenants spoke to the group and outlined the functions performed by the various divisions. This orientation was

popular with the recruits and will be extended next year, with possible further application to include all attorneys coming into the Department. It is expected that experience with the Honor Program will lead the Department into many similar innovations designed to make Government service more attractive to attorneys.

Last spring, the first Honor Group was surveyed with respect to their experiences thus far in the Department and their suggestions for improvement of the Honor Program. The memoranda which they submitted have given us new insight into the Program and have, incidentally, provided the primary source material for this article.

Experience

One top Harvard graduate indicated that in his first 10 months with the Department he had been assigned the briefing of seven cases before the United States Court of Appeals, two of which he had argued himself. In addition, he had written four briefs in opposition to certiorari and one petition for certiorari. He considers his decision to come to the Department "an extremely lucky one," although he chided the Department somewhat for its failure to make the full advantages of the program known to top law students in the first year of the Program's operation. "When I accepted the offer to work here I contemplated no more than two years with the Government," he commented. "Since that time, the work has proved so interesting and the opportunities for experience so valuable that I may well stay five years, or conceivably even longer."

Although no attempt has been made as yet to appraise the Honor Program formally, several observations can be made on the basis of the comments we have received from our working personnel and the recruits themselves. The Honor Program selectees are doing excellent work. As a result, the Program itself is extremely popular within the Department. This popularity, of course, operates to the advantage of those chosen under the Program, both in terms of congenial working conditions and readiness of section chiefs to assign important responsibilities. Many

FUND

(Continued from page one)

donated \$146,534.12. This represents participation by less than half the graduates in that area. Oklahoma ranks first in this respect, having over 95% of its graduates as contributors. Overall, just under 40% of the graduates of the School participated last year. With the Sixth Year of Annual Giving now under way, it is hoped that a greater percentage of the alumni will participate.

Most of the credit for the increase belongs to the large number of alumni who have contributed much of their time and energy. Particular credit goes to the National Chairman of the Fund, S. Pearce Browning, Jr., LL.B. '25, and Kurt F. Pantzer, LL.B. '17, National Vice Chairman, both of whom retire from the Fund activities this year.

Assistant Dean Wesley E. Bevins, Jr., is the director of the fund.

of the group were given court responsibilities within their first six months in the Department. Virtually all of those interested in trial work who had not taken their own cases to trial after six months were preparing and briefing cases which they would ultimately handle in court themselves.

Successful Venture

The Department of Justice has obviously profited immensely from the influx of youth and talent which the Honor Program represents. We are now in the process of planning new features which we believe will improve the Program. A placement service will be set up for those who decide to go into private practice after a few years in Government. Next year's orientation program will include presentations by officials from other agencies of Government outside the Department of Justice. A loan program to United States Attorneys may provide future recruits with two or three months of trial experience in the field. Early promotions will issue to those who perform adequately in their work—a designation which we confidently expect will apply to all of the Honor Recruits. Perhaps most importantly, the Honor Program will be subjected to constant reexamination in order that it may effectively fulfill its role of making Government service attractive to the best products of our nation's law schools.

Young Dems Elect Pagter, Kesselman

The Law School Young Democrats met last Friday in the Wheeler Room for the annual election of club officers.

Ralph G. Pagter, 2L of Washington, D.C. was chosen president of the group and Theodore L. Kesselman, 2L of Youngstown, Ohio, was named vice-president. The new recording secretary is Martin Ozer, 2L of Edgemere, N.Y., while the custodian of club funds will be Robert C. Effros, 2L of Great Neck, N.Y.

Brice M. Clagett, 1L of Ambler, Pa., became the first member of his class to gain an office in a student organization when he was elected Corresponding Secretary of the club. A six-man executive board was also chosen.

The new officers promise a "varied program of speakers and activities," designed to stimulate the interest of members.

New Members, Projects At Legislative Research

The Legislative Research Bureau officially renewed its activities for the coming year with a meeting of the full membership.

Difficulty in securing initial projects confronted the lawmakers as their most severe initial problem. Accordingly, the draftsmen discussed steps for attracting fresh problems on which they could work. Towards this end, members of the group canvassed the faculty this week with the hope of turning up groups who want a law written.

Several projects begun last year were not wholly completed and plans were made to do so with dispatch.

The group met to describe the work of the Bureau to prospective candidates for membership. A panel of three men, John Maxwell, 3L of Fayetteville, N.Y., Robert Wilson, 3L of Cambridge, and William Gaillard, 3L of Scarsdale, N.Y., interviewed applicants for membership.

Rudolph Kass, 3L of Cedarhurst, N.Y., was appointed treasurer of the Bureau to succeed Stanhope Brown, 3L of Cincinnati, Ohio, who was elected to the *Law Review*.

FORUM

(Continued from page one)

subject, including a book entitled *The Fifth Amendment Today*. During the past few months, he has written for the Fund for the Republic. His first article generated an exchange of views with Mr. Williams, a portion of which appeared in *Time* magazine.

The moderator for this program will be Professor Samuel Beer, Chairman of the Government Department of Harvard University.

Tickets are 70 cents each and may be obtained at the door, or at the Forum Office, 23 Everett Street.

HERTER

(Continued from page one)

The study stated as a conclusion that, "Any idea that only persons born within the continental limits of the United States are 'natural born citizens' is completely false and without any legal foundation."

Dean Landis stated that there were two ways of achieving the status of "natural born citizen." The first was under the doctrine of *Jus Soli*: being born in the country of claimed citizenship. The second was accomplished under the doctrine of *Jus Naturalae* achieving citizenship. This doctrine holds that a child born in a country of which its parents are not citizens, is immediately naturalized as a citizen of his parents' country, if proper steps are taken. The doctrine, Dr. Landis pointed out, was the one which the British used in the War of 1812 as a basis of impressing American seamen who were of English parents. These two methods of naturalization are also recognized in Moore's *International Law*.

The conclusion reached by the Harvard study, if upheld in the courts, would have considerable political significance. Many national Republican leaders believe that Governor Herter would be very highly considered if he could legally accept the nomination. The race may be narrowed down to the Governor and Vice-President Richard M. Nixon. These leaders feel that if Nixon should be nominated for President, there is a strong possibility that he may want the Governor as his running mate.

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REVIEW HIGHLIGHTS IN THE FIRST ISSUE

SUPREME COURT NOTE:

The first issue will contain the comprehensive discussion of leading cases of the last term, which has become a *Review* feature in recent years. This Note has proved to be a great aid in review for a large number of courses.

ARTICLES:

Each issue contains around 100 pages of articles, written by leading practitioners and professors and covering all phases of the law. Some of the articles are technical, some deal with broad and basic issues of law and government. The first issue contains an historical analysis of the congressional debates preceding the adoption of the fourteenth amendment, and a discussion of the relevance of these matters to the Supreme Court decision in the *Segregation Cases*. Another article will prove of great value to students of Civil Procedure, Conflicts, and Federal Courts—it deals with the place of state law in "federal question" cases.

FUTURE ISSUES:

Frankfurter on "Government Under Law"; Jaffe on "Question of Law and Question of Fact"; Cox on the *Westinghouse* case; Alpheus Thomas Mason on Chief Justice Stone.