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Amory Speaks On Red Policy In Middle East

Soviet foreign policy began to thaw last February when the Communist leaders realized that "thermo-nuclear war is mutual suicide," according to Robert Amory, Jr. Speaking to a crowd of 200 students and faculty at the Coffee Hour Tuesday, Mr. Amory said that the new line for world Communists was to try "to stir up trouble" without the risk of world conflict.

A former professor of law at Harvard, Mr. Amory is now deputy director of the Central Intelligence Agency. In his talk, he discussed recent trends in the Middle East.

The recent sale of armaments by Czechoslovakia to Egypt wreaks havoc with the balance of power in the Middle East, Mr. Amory stated. Although the amount of arms shipped is small, the transfer of several score jet fighters will give Egypt complete air supremacy over the state of Israel.

Among the problems holding up an Arab-Israeli settlement, Mr. Amory said, are the 800,000 refugees who are living in poverty just outside the Israeli border. The question of Israel's boundaries is also in dispute, with the Arabs seeking to re-establish the UN partition line of 1947.

Discussing what could be done to assure Israel's security in view of Egypt's arms purchases, Mr. Amory pointed to the danger of guaranteeing a truce line which was the result of war, rather than a "bilateral meeting of the minds." But the United States may nonetheless be obliged to guarantee frontiers to keep peace in the Middle East, he indicated.

Mr. Amory mentioned Afghanistan as another area where Soviet pressure is being applied. On the other hand, he cited Iraq and Iran as countries sympathetic to the West.

Various tensions among the Arab states are serving to impede Arab unity, Mr. Amory said. Differences between Egypt and Syria, and the variations in standards of government in the Arab states are keeping them apart. But Mr. Amory did not endorse Arab unity as a necessary prerequisite to peace and stability in the Middle East.

Mr. Amory was in Cambridge to speak before Prof. W. Barton Leach's Defense Policy Seminar, which met Tuesday afternoon from 4 to 6 p.m.

Legislative Bureau Picks 15 Members From Second Year

Fifteen second year men have been chosen as new members of the Student Legislative Research Bureau on the basis of a draft of a statute and a personal interview.

The statute which had to be drafted by the applicants was one which would curb the use of females in television commercial for alcoholic beverages. Such a statute involves various problems; for example, how could a state desiring to bar these commercials regulate telecasts originating in another state?

The successful applicants were Fred B. Davis, 2L of E. Williston, N. Y., Seth Dubin, 2L of New York City, Herbert L. Gidansky, 2L of Lawrence, H. Donald Harris, Jr., 2L of Westport, Conn., Charles Hicken, 2L of University City, Missouri, Norman Hyman, 2L of Detroit, Grant L. Johnson, 2L of Virginia, Minn., Ruth Joseph, 2L of New York City, Harry Martin, 2L of Pittsburgh, Penna., Donald W. Randall, 2L of Cambridge, John G. Reed, 2L of Peterboro, Ontario, Lewis Rivlin, 2L of New York City, Charles G. Schulz, 2L of New York City, Richard R. Turney, 2L of Oelwein, Iowa, and Sedgwick A. Ward, 2L of Kennett Square, Penna.



Mr. Sutherland, Mr. Field and Walter W. Brudno, resident associate in law in the International Program in Taxation, who acted as the plaintiff, confer just after the jury retired at the model trial.

Model Trial Mistrial Motion Due to Record News Story

A news story appearing in the HARVARD LAW SCHOOL RECORD was used last week as the basis for a motion for mistrial by plaintiff's counsel at the opening of the first year Model Trial in the James Bar Ames Courtroom. However, the claim that the news story had prejudiced the plaintiff's case was rendered moot when the jury announced a verdict for the plaintiff.

The motion for mistrial was made by Prof. Richard H. Field, counsel for the plaintiff, in an action alleging malicious publication of a news story as violation of his client's right of privacy. Prof. Arthur E. Sutherland, attorney for the defendant, opposed him. Federal District Court Judge Francis J. W. Ford, who was presiding, denied the motion on the ground that it was "without substance."

Prof. Field argued that the article, which appeared in the edition of the RECORD published on the day of the trial, "contained material seriously detrimental to the interests of the plaintiff." He alleged that a matter was reported as fact which was in serious controversy by the plaintiff, was crucial to the proof of malicious intent by the defendant, and that the publication might have prejudiced the jury against his client.

The case revolved about the publication of a news story that the plaintiff had confessed to being a participant in germ warfare in Korea. The confession was made while he was a prisoner in a North Korean camp. The defendant, who was the editor of a small-town newspaper, had reason to suspect that the plaintiff was intending to run for public office. In a conversation with the plaintiff, the defendant suggested his withdrawal from politics or the story outlining the plaintiff's germ-warfare confession would be published "as a duty to the community." During the conversation, the plaintiff became very angry. The defendant alleged that in a brief physical altercation the plaintiff swung a camera into his face, breaking his glasses and necessitating the removal of an eye.

Later, at the hospital, the plaintiff wrote a note to the defendant agreeing to his terms: he would withdraw from seeking public office. The note, it was alleged, thereby precluded the plaintiff from publishing his news story. The defendant, however, claims that he did not read the note until it was too late to stop publication, despite the fact that the note was in his possession in enough time to prevent the complained of action.

In the RECORD story, the paragraph in question read, "While defendant was recuperating (plaintiff) wrote a letter withdrawing his candidacy and sent it to the editor's room, where it remained unopened for a disputed length of time. In the interim, the editor authorized the printing of the story and it was published."

The trial, presented before a capacity audience of 500 first-year men, took five-and-one-half hours to complete despite the fact that a considerable amount of material was stipulated and many areas of

(See MODEL TRIAL on page four)

Use of Fifth Amendment Subject of Forum Debate

By WILLIAM HUTCHINSON

"If we yield everything to security, we will have nothing left," Dean Erwin N. Griswold told the Harvard Law School Forum last Friday. The dean referred to controversy over use of the Fifth Amendment as part of the broader problem of "the relation between liberty and security."

Securities Analysts Recommended For Amateur Investors

"Investment Counseling" was discussed by William W. Wolbach at the Bull and Bear Club meeting last Friday. Mr. Wolbach is vice president in charge of investment analysis for the Boston Safe Deposit and Trust Co.

The amateur investor cannot compete with the man who spends all his time analyzing securities, Mr. Wolbach said. To illustrate, he outlined the approach and techniques followed by professional analysts in gaining the investment picture of an industry. The analyst begins with the financial reports and brochures of the large companies in the industry, proceeds to personal interviews with company officials, makes field trips to inspect plant and equipment, and consults with leaders in business, brokerage houses, finance and government. After the initial research job is complete, he keeps up to date by frequent renewal of contracts.

Mr. Wolbach recommended professional management for all securities portfolios of \$100,000 and upward. The accumulated knowledge and experience of the professionals is worth the cost, he said, and no attorney should consider himself competent to undertake sole management of such a fund.

At the meeting, the club opened its annual investment contest, which will run until March, 1956.

Each participant is given a hypothetical \$50,000 with which to buy and sell securities. Transactions are made only at meetings. The object of the contest is to make the most money (i.e., show appreciation in capital gains) during the six month period.

Last year's winner, William D. Gaillard III, 3L of Scarsdale, N.Y., showed an 80 per cent gain in the value of his stock during the contest period. Prizes include a subscription to the *Wall Street Journal*, *Fortune* magazine, and Graham and Dodd's text on security analysis.

This year, the contest has been expanded to include a new feature: prediction of the prices of selected stocks at a date in March 1956. Prizes will also be awarded.

Leach's Seminar to Hear Montgomery Talk on Nov. 15th

Field Marshal the Viscount Montgomery of Alamein, the Deputy Supreme Commander Allied Powers Europe, will address the Defense Policy Seminar, Tuesday, November 15, from 3 to 5 p.m.

The famed commander of the British Eighth Army in Africa and the British 21st Army Group in Europe during World War II will discuss organization and forces for modern war in a two-hour session with the graduate group, Professor W. Barton Leach, director of the program, announced.

During the first hour of the session, Lord Montgomery will give a formal lecture. During the second hour, a student-faculty panel headed by Professor Leach and Colonel Trevor N. Dupuy, head of the Harvard Army R.O.T.C. unit, will present questions to the Field Marshal.

Students in the course serving on the panel include John E. Kennedy, 3L of Wellesley, and Gordon H. S. Scott, 3L of Pleasant Ridge, Mich.

The Montgomery session follows the general pattern of the seminar in which leading figures from government, business, law, military, and the academic worlds discuss (See MONTGOMERY on page three)

Placement Office Acts as Intermediary In Arranging Interviews for Seniors

Fall is many things to many people. To the third year law student, it is the frantic season. On top of his work load, and thesis, he has to worry about next year's job and



Russell H. Peck

some sort of profitable utilization of his long awaited law diploma. This is a well understood problem at the law school and to help alleviate it, a placement office is in existence. Its activities are in charge of Assistant Dean Russell H. Peck, LL.B. '50, who though in his first year as director, has worked in the Placement office for several seasons.

Placement at Harvard Law is many things, but it is not the direct putting of students into specific jobs. Rather it fulfills the function of the go-between, bringing together student and firm. Placement thus serves a dual function, in giving the graduate a big hand over the hurdle of employment, and by making it possible for law firms to get that Harvard Law man that we all so fervently hope that they want.

Probably the best way to understand the intent and accomplishments of a placement office is to describe its work step by step (See PLACEMENT on page three)



Erwin N. Griswold

explored. He stated, "He was concerned that there are so many people who jump readily to conclusions," and said that it had been his experience that such people are generally wrong.

In challenging the faction which brands every person who invokes the amendment's privilege against self-incrimination, Dean Griswold pointed out that there are people who, on demand, simply won't tell certain facts concerning themselves. He went on to say that "he was inclined to think they were mistaken" and would not generally advise the assertion of the privilege, but we must recognize that there are some people who take this attitude and to say that all such are either criminals or liars is simply contrary to fact. "The more unbalanced the tribunal becomes the more people will take this attitude and the weaker the inference [that the person claiming the privilege is guilty] becomes."

The Dean made particular reference to the "high handed practices" of Congress (See FORUM on page three)

Law Husbands Dragged To Wives' Potluck Meal

Law Wives and their husbands will have a "Pot Luck Supper" on Saturday evening, October 29, 1955 at 6:30 p.m., in the large meeting room of the Harkness Commons. Each wife will bring along her favorite dish (food that is), which can be anything from salads to desserts. Coffee and cider will be provided. Following the supper everyone will "Join hands and gather round" for an evening of Square Dancing. A caller has been engaged and an orchestra will be on hand.

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Light Not Heat

The debate last week between Dean Erwin Griswold and attorney C. Dickerman Williams at the Law School Forum deserves to be noted for one thing in particular: the narrowness of the area of genuine disagreement. Mr. Griswold took the position that it is "dead wrong" for the public, a court, or a congressional committee to infer guilt from silence when a man refuses to answer a question on the grounds of possible self-incrimination. Mr. Williams, on the other hand, cited court decisions which permitted a jury to draw an unfavorable inference from silence. Mr. Griswold would let a banker fire his teller for refusal to explain a money shortage. Mr. Williams would not limit a man's right to invoke the Fifth Amendment in a courtroom or committee hearing room. The real difference lies in what inference should be drawn from silence.

Both the Dean and Mr. Williams are to be commended for the clarity, courage and moderation with which they advocated their respective positions. It is high time that we had more light and less heat shed on the Fifth Amendment.

What to Print

The mistrial motion at the Model Trial which was based on a news story published in the RECORD points up an unfortunate situation in this country concerning journalism and the law.

The RECORD story, unlike many trial stories in commercial newspapers, was not published with intent to inflame the sentiments of the jury, or to make conditions for a fair trial unavailable. However, every day, we see news-stories concerning cases presently in litigation which are biased towards the plaintiff or defendant.

In England and Commonwealth nations, the ability of a newspaper to print stories concerning cases in court is extremely limited by the papers themselves. The Editors cooperate, for they regard the policy as fostering the democratic ideal of a fair trial.

It is difficult, if not impossible, to cut off jurors or prospective jurors from newsstories which may prejudice them. Yet, in this country, because of the jealously guarded constitutional right of a newspaper to freedom of the press, few—if any—attempts have been made to limit the reporting of cases at the bar.

This grave problem is considered intermittently, when a sensational case which catches the public fancy symbolizes the problem, and then drops from view. It deserves more profound treatment.

If self-control on the part of the newspapers is the solution, as in England, then perhaps the gravity of the situation should be presented forcefully to the newspaper publishers. Perhaps the Harvard Law School, or the American Bar Association, should sponsor a conference for newspaper publishers, at which time a code for the profession could be formulated. Something definite should be done, for it is the function of newspapers to inform, and not to judge.

Gallery

EARL WARREN

Chief Justice of the United States



More than thirty years in public office as a prosecuting attorney, state administrator, popular political candidate and finally as Chief Justice have hardly dented the physical vitality exhibited by Earl Warren's healthy frame. His rise in public office is a classic example of what intelligent persistence and integrity can achieve.

Born in Los Angeles on March 19, 1891 of Scandinavian parents, Warren grew up in Bakersfield, California, where his father worked as a railroad mechanic. After working his way through the University of California's undergraduate and law schools, he served as a clerk in a San Francisco law firm until 1917, when he was drafted into the army. After his discharge, Warren began a career in public affairs in which he became widely known for his opposition to graft, favoritism and narrow partisanship and for his advocacy of social security benefits and the advancement of public works, education and civil rights. He was Deputy City Attorney of Oakland, 1919-20; Deputy District Attorney of Alameda County, 1920-23; Chief Deputy, 1923-25; District Attorney, 1925-39; Attorney General of California, 1939-43; and Governor of the State from 1943 to 1953.

John Marshall Chairman

Warren is Chairman of the John Marshall Bicentennial Commission created by Congress in 1954. He praised the Marshall Bicentennial conference recently held at Harvard as a necessary and desirable recurrence to the fundamental principles of constitutional government.

Since October 5, 1953, when Chief Justice Warren took his place on the Supreme Court there have been 144 cases with opinions other than per curiam decisions and writs of certiorari. Warren has written 21 opinions for the Court, 1 concurring opinion, 4 dissenting opinions, and has 7 times concurred in dissents of other justices. Warren's 21 holdings touch upon a variety of subjects: 4 criminal law, 3 school segregation, 3 antitrust law, 3 the Fifth Amendment, 2 taxation, and 1 each, workman's compensation, Loyalty Board, minimum wage, administrative law, deportation, and a state direct action statute. Perhaps the most notable of the Chief Justice's 4 dissenting opinions to date is *Clothing Workers v. Richman Brothers*, 348 U.S. 511, 521 (1955), in which he (joined by Justices Black and Douglas) opposes Justice Frankfurter's holding that a corporation engaged in interstate commerce can, without applying to the National Labor Relations Board, sue in a state court to prevent peaceful picketing and that the union cannot get a federal injunction against the state court proceedings.

Upheld Fifth Amendment

On May 23, 1955, the Supreme Court ordered the acquittal of a defendant convicted of contempt of Congress for invoking the Fifth Amendment before an investigating committee of that body. Chief Justice Warren, citing Dean Griswold's work, *The Fifth Amendment Today*, held: "The privilege against self-incrimination is a right that was hard-earned by our forefathers. The reasons for its inclusion in the Constitution—and the necessities for its preservation—are to be found in the lessons of history. . . . Coequality with our other constitutional guarantees, the Self-Incrimination Clause 'must be accorded liberal construction in favor of the right it was intended to secure.' Such liberal construction is particularly warranted in a prosecution of a witness for a refusal to answer, since the respect normally accorded the privilege is then buttressed by the presumption of innocence accorded a defendant in a criminal trial. To apply the privilege narrowly or begrudgingly—to treat it as an historical relic, at most to be tolerated—is to ignore its development and purpose." *Quinn v. U.S.*, 349 U.S. 155, 161, 162 (1955).

In *Hernandez v. Texas*, 347 U.S. 475 (1954), the Court reversed the murder conviction of a defendant of Mexican descent in a county where not one single person of Mexican descent had been called

to jury duty in 25 years although a significant number of qualified citizens of that ancestry resided in the county. The Chief Justice said in his opinion: "Throughout our history differences in race and color have defined easily identifiable groups which have at times required the aid of the courts in securing equal treatment under the laws. But community prejudices are not static, and from time to time other differences from the community norm may define other groups which need the same protection. Whether such a group exists within a community is a question of fact (p. 478). . . . Circumstances or chance may well dictate that no persons in a certain class will serve on a particular jury or during some particular period. But it taxes our credulity to say that mere chance resulted in there being no members of this class among the over six thousand jurors called in the past 25 years. The result bespeaks discrimination, whether or not it was a conscious decision on the part of any individual jury commissioner. The judgment of conviction must be reversed." (p. 482).

Wrote Segregation Decision

A century from now the writers of history may well point to *Brown v. Board of Education*, 347 U.S. 493 (1954), as Chief Justice Warren's most significant opinion. Citing a wealth of qualified scientific and sociological opinion in footnote 11, he led the Court in coming to grips with the problem of racial segregation in schools in a vigorous and realistic fashion unincumbered with superficial distinctions and outworn precedents: "In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. . . . Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that

any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. (p. 492-3). . . . We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal (p. 495)."

The *Brown* cases themselves were kept on the docket for argument as to the exact method of racial integration in the schools. In the second *Brown* opinion, 349 U.S. 294, 300 (1955), Warren, remanding the causes to the district courts, said: "While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems."

Role in History

Judging from his opinions to date, perhaps it is not too early to hazard a guess as to Chief Justice Warren's probable role in constitutional history. Although men may disagree as to whether he is a liberal conservative or a conservative liberal, few will doubt that he is a leader in the struggle for human rights. Moreover, in an age when the massive power of omnipotent states and universal ideologies presses hard against the individual's right to live in dignity and be let alone, the influence of the clear voice of a Chief Justice and his Court seeking to actualize the guarantees of the Bill of Rights and Fourteenth Amendment should not be underestimated.

—Olson and Nader

Recently Published

SUPREME COURT

Harold H. Burton, Associate Justice, Supreme Court of the United States; 24 Fordham L.R. 169 (1955).

An enlightening and informative sketch of the Supreme Court. Justice Burton describes the Court's function and composition in the present day with an eye towards the historical background of its size and activities. Continuity is discussed in detail, from the continuity of service of officers and employees (There have been but 11 clerks of the Court) to the continuity of the American Bar in its assisting the Court in solving "greatest problems." When Chief Justice Taft took office in 1921 the Court was two years behind in its docket. When he retired in 1930, and ever since, the Court has been current with its docket. Such facts, and others concerning the manner in which cases to be reviewed are chosen (by a substantial minority), comprise a lucid article intended to rid some readers of invalid preconceptions they may hold concerning this highest tribunal.

STANDARDIZED INSTRUCTIONS

Warren L. White, Judge, 23d Judicial Circuit, Missouri; 23 U. of Kan. City L. R. 179 (1955).

Instructions to juries which require the facts to be hypothesized cannot be used in other instances of identical nature. Mr. White urges that instructions which have been approved by an appellate court as correct declarations of law be standardized and

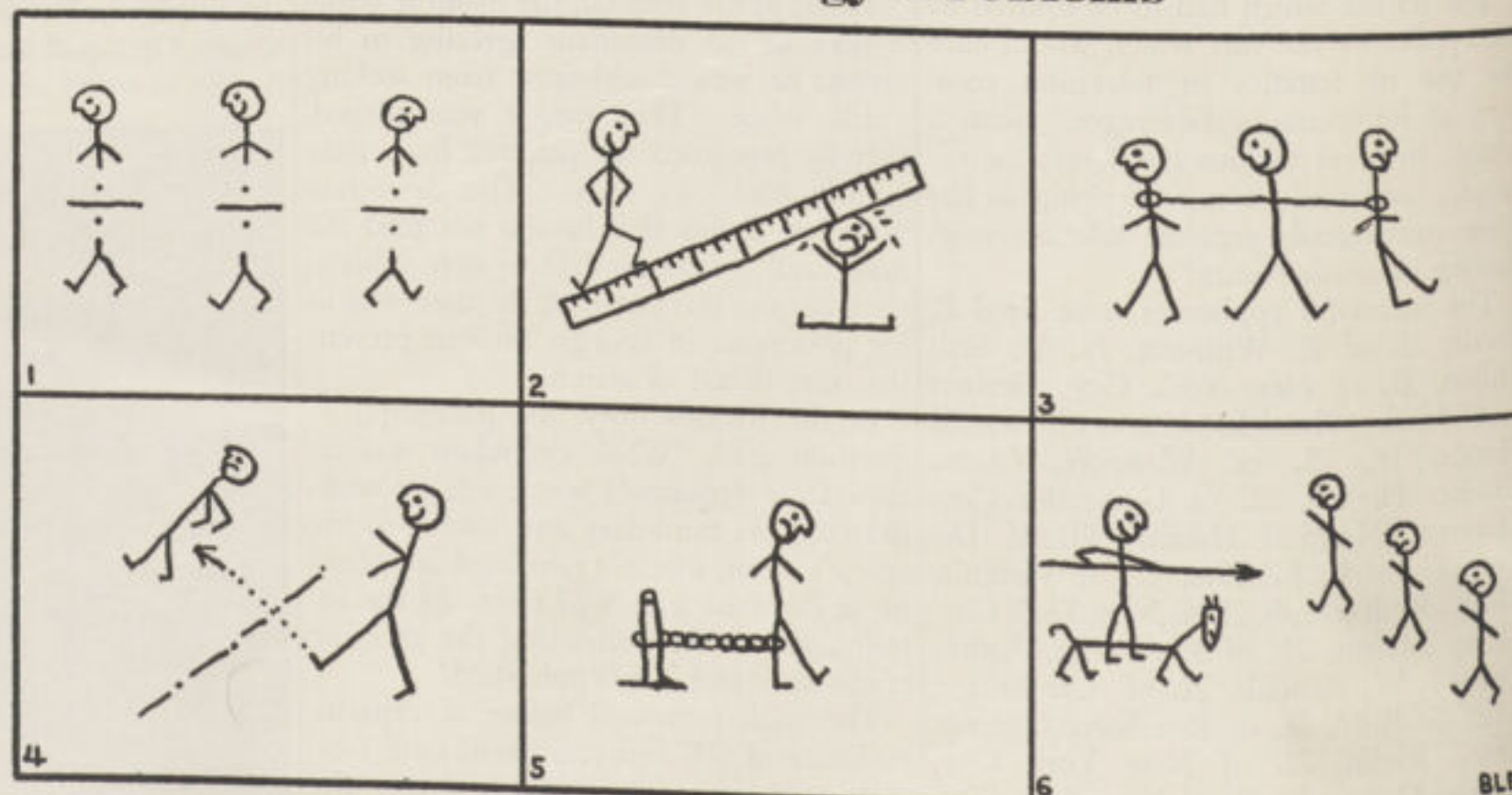
utilized in all infractions of the same principle of law. Driving on the wrong side of the white line, he declares, is driving on the wrong side of the white line, and the law involved is simple. Standardized instructions, the California system, would be short and simplified enough to be understood by any jury, would save time in preparation of instructions, would eliminate a large percentage of reversals, and would remove much feeling concerning the 'mumbo-jumbo' of our court procedure.

SOLICITOR GENERAL

Simon E. Sobeloff, Solicitor General of the United States; 34 Ore. L. R. 145 (1955).

The Solicitor General is an advocate, not a neutral; his aim is to establish justice for his client. In contrast to other advocates, though, he must keep in mind the entire law business of the United States and not just the program of a single agency. On the one side, Mr. Sobeloff claims, there is the tearful importuning of government agencies desiring that their lost cases be reviewed, and on the other is the Supreme Court's selective process of acceptance or rejection of cases for review. Along the way there are matters such as the lower courts' deference to separation of powers in declining to interfere with administrative malfunctionings. The Solicitor General has described his problems, his decisions on certioraris and on appeals in detail that "people generally, even lawyers" might be freed from some of the vagueness surrounding the functions of his office.

Legal Terminology Problems



1. Divided Court. 2. Rule Absolute. 3. Motion Denied. 4. Action of Ejectment. 5. Motion Denied. 6. Charging the Jury.

Active Alumni Group Grows, Aids Students

Most students would probably define an Alumni Association as existing basically for the benefit of alumni; however, many of the activities of the Harvard Law School Association, our alumni group, directly benefit the students. For example, the Association contributed \$7,500 last year to the Law School to help finance the new lighting in the South end of Langdell Library. And the various portraits of leading legal figures that adorn the walls of the various buildings have been contributed or commissioned by the Alumni over the past years. Add to this \$11,000 in scholarship aid last year, and one begins to realize the extent of the Association's aid.

The Association was founded in 1886, and has grown steadily in strength and scope. Last year it had some 7,000 members, who paid almost \$40,000 in dues. This sum is exclusive of the Annual Giving program, which is administered as a separate entity.

Governed by an executive council of twenty which meets yearly and a committee of five, the Association attempts to be fully representative of all groups in the Alumni: thus the committee is composed of one representative from each of the classes graduated 10, 20, and 30 years ago, the Association president, and an alumnus appointed by the Dean of the Law School.

Much alumni activity centers around the twenty-three local chapters, which are situated all over the United States and overseas. New locals are continually being formed, and this past year saw chapters spring up in Florida, Georgia, and Maryland.

Individual alumni dues are \$6 yearly, except for graduates out of school less than five years. These younger alumni are given a half rate. This year's membership drive is well under way, and Dean Bevins' office has sent out 21,000 letters, with 3000 affirmative replies already received.

Local chapters receive a rebate of \$1 of every \$6 of their member's dues paid to the Association. The national office also helps in the organization and planning wherever possible.

Outside of the scholarships, portraits and special donations mentioned above, the Association plans things such as "get-together" dinners at American Bar Association conventions, and in general, makes an effort to maintain a cohesive force of Harvard Law graduates, and to channel and encourage their activities in behalf of the Law School.

Funds of the association are also used to defray a large part of the cost of the Quinquennial Catalogue (which is sent to Association members without charge every five years) and to distribute copies of the HARVARD LAW SCHOOL RECORD to active members who request it. The Quinquennial, last published in 1953, lists all Harvard Law men alphabetically, chronologically, and geographically.

Association activities on campus center around Harrison S. Dimmitt, Secretary of the Law School, and Assistant Dean Wesley E. Bevins, Jr., who supervises the mailing and clerical work of the Association office.

With its combination of services to the alumni and substantial contributions to the school's physical plant, the Alumni Association has moved into a position of vitality and prominence in Law School affairs.

FORUM

(Continued from page one)

sional investigating committees, comparing them to proceedings in countries of the British Commonwealth which are conducted with a similar purpose where the accused has substantially more protection than he has here under the present Congressional procedure in conducting investigations.

Asking us to avoid dogmatism, not only on this subject but generally, Dean Griswold concluded with a plea for emphasis on the ethical content of the Constitution, reminding the audience that these problems are essentially moral problems, and that the Bill of Rights sounds an effective moral standard.

Mr. Williams largely confined his speech on the subject to the narrower issue of the self incrimination clause, "No man shall be required to give testimony against himself in any criminal proceeding."

Reviewing the history of the privilege, he began by pointing out that the parties litigant were not originally competent to testify at common law in civil cases, but that criminal proceeding allowed the introduction of the minutes taken during the investigating procedure. As a result of the torture often practiced in such investigations, particularly those under the



C. Dickerman Williams

jurisdiction of the Star Chamber and specifically *Lilburn's Case*, the privilege was first recognized in the reign of William and Mary and the criminal defendant was made incompetent to testify.

According to Mr. Williams the privilege was seldom mentioned in American declaration of rights, and Wigmore, the great authority on the law of evidence finds it "singular" that the privilege got into the Bill of Rights.

Mr. Williams remarked that such eminent legal philosophers as Jeremy Bentham thought the privilege illogical in its original form since it did not permit the accused to testify to a situation in which he might be expected to have the most accurate information, and during the trust-busting era of Theodore Roosevelt it was attacked by liberals who were in opposition to big business as not applicable to conspiracy. Municipal reforms also ran into difficulty because of the use of the privilege by local racketeers.

Despite such attacks Mr. Williams said the privilege has "consistently won out in the forum of public opinion."

The original privilege has since been greatly modified by the removal of the situation in the states is varied with some defendant's incapacity to testify on his own behalf. Since the removal of the requiring an instruction to the jury that no adverse inference can be drawn from defendant's failure to testify; others permitting the judge to comment on this failure to testify and still others simply considering the failure one more evidentiary fact to be given such weight by the jury as it sees fit.

Mr. Williams stated that he favored the retention of the privilege, but did not see how anyone could expect no inference to (See FORUM on page four)

Zoning Decision is Announced On Case Utilized by Seminar

The Supreme Court of Massachusetts last month surprisingly reversed a decision of the State's Superior Court. It held that an amendment to the Gloucester Zoning Ordinance, which enlarged the definition of a single residence district to include motels, was legal, and not void as declared by the lower Court. This decision, while of interest to the entire local legal fraternity, is of particular import to the Law School, which, during the previous semester, employed this case as a foundation for others used in both a Trial Court Seminar class as well as in the Ames Competition.

The facts of the case involve a couple, residents of Bass Rocks, a high grade dwelling area, who applied to the city's Board of Appeals, under an amendment to the Gloucester Zoning Ordinance, for special permission to erect a motel in Bass Rocks. Such a permit was granted by the Board over the objections of several of the town's inhabitants, who maintained that the presence of a motel would radically alter its residential character, and would prevent the area from being developed as a high class residential district.

The case was appealed to the Superior Court in Equity. Judge Peece, who heard the facts, found that the amended ordinance in the local zoning law was invalid; that the permit granted was invalid, and annulled the decision of the board. From this decision, the Board appealed to the Supreme Court, which, as mentioned, recently reversed the decision of the lower court.

Vague Standards

The case in point, *Burnam and others v. Board of Appeals of Gloucester*, is a fine example of the myriad anomalies that may arise in regard to zoning law. Doubtless, the Board realized the possibilities of locating tourist accommodations in an area such as Bass Rocks. However, before permitting construction to begin, it is manifest that any disadvantages to which such a move would subject the Bass Rocks residents must be minimized. The standards for the erection of such a structure provided by the amendment to the Zoning ordinance were so vague as to leave entirely to the judgment of the Board the effect a motel would have on the community. It was a difficult decision for the Board to reach in permitting the construction, as indeed the reversal of the Board's

Chancery Club Provide Diversion for Members

The Chancery Club, still holding forth at 1557 Massachusetts Avenue, has launched its thirtieth year of furnishing selected law students with social diversion.

The rather forbidding facade of its present home is in no way symbolic of decadence. Since World War II the club has been growing, and a remarkable variety of activity is now available to members: faculty cocktail parties, dances, mixers, bridge and squash competition, blended with the ready conviviality of the basement bar.

Boston society has twice hailed the receptions staged by the Yachting Society, a group devoted to inventing diversions which a yachtman might cherish when forced off the sea. Two years ago President and Mrs. Pusey were honored and last year's guest was Archibald Macleish.

In view of the relatively small amount of time which law students are able to spare for their social life, Chancery's cohesiveness and diversity of undertaking is a source of pride for its membership.

—Weissberg

Dormitory Council Ball Relaxes Weary Students

Over three hundred Law School and Graduate School students danced to the music of Bob Norris and his orchestra on Saturday evening, October 22nd. The occasion was a Dormitory Council dance, one of many to be held this year in the Harkness Commons main meeting room. Students and their guests were entertained during intermission by the Dunster Dunces, ever popular with the Harvard community.

DAILY SPECIALS

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PLACEMENT

(Continued from page one)

step. Early this fall Dean Peck contacted law firms all over the country that had in some way expressed an interest in interviewing prospective Harvard Law graduates. Those firms currently interested chose dates for their interviewers to appear at Harvard and also sent a description of their firm and of the general type of prospective graduate that they are looking for.

With this information in hand, Dean Peck's office began to notify seniors of the opportunities available to them, and these efforts are familiar to all students in the form of the ever-present green interview notices so prominent on the bulletin boards.

Third year students have been asked to come to the placement office, register, and sign up for interviews with firms that especially interest them. Students with special questions usually try to formulate their objectives through a preliminary discussion with Dean Peck. Cases may arise when an interviewer has time to see only a limited number of students, and in such a case those to be interviewed are chosen by lot on the overall basis of attempting to equalize the number of interview opportunities.

No Immediate Hiring

Two points must be emphasized on the interviews themselves. Firstly, many firms send their interviewers to several top law schools, so that a Harvard man who makes a favorable impression may yet have to compete with a counterpart at (strictly for hypothetical illustration) Yale. And further, firms hire almost no one on first impression. Therefore those applicants who rank highest with the interviewer will yet have to run the gauntlet of the home office. And indeed, few students care to work for a firm sight unseen.

The placement office as an institution has been primarily a post World War II innovation in the law school. First under Dean Toepfer and now Dean Peck it has expanded its activities so rapidly that last year 136 firms interviewed 434 third year students in regard to 615 jobs. Only a few students, for one reason or another, did not bother with placement interviews.

Incidentally, it should be noted that the placement office arranges for interviews for many students who face military obligations immediately after graduation, and many firms consider this no deterrent in so far as getting acquainted is concerned. The placement office also provides information to graduates just out of the service and even serves as a clearing house for information for experienced graduates who might want to change jobs.

The importance of the placement office cannot be minimized. To the student its activities afford a chance to get a job, and it saves the third year student the trouble of running from firm to firm. Now, on the student's own time, he can see the best firms in the country right here in Cambridge.

In the last instance, "people place themselves." The only thing the office guarantees is a chance at a job. As things now stand almost everyone, be he *Review* or anchor, does get a job. And recent trends have been toward a need for more lawyers and consequent expansion of opportunities.

—Barkin

MONTGOMERY

(Continued from page one)

cuss with the group problems of national defense.

A limited number of tickets are available for faculty members and students who are interested in attending, Prof. Leach added. Application should be made to Robert W. Berry at 2 Divinity Avenue.

The Field Marshal will address the Boston branch of the English-Speaking Union at a dinner in the evening.

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Take Notice, Bicycle Owners, Vehicle Registration Required

The Cambridge bicycle registration requirement is a law of which bike-riding law students should take prompt notice. The requirement is embodied in chapter 710 of the Massachusetts Acts of 1941, entitled "An Act Relative to the Registration and Operation of Certain Bicycles," which is applicable to any city which accepts it by vote of its city council. Cambridge has accepted the law. Under the Act no resident (and this means "resident" as opposed to "domiciliary") may operate a bicycle within the city unless the bicycle is registered with the police department and has its registration plates attached.

One may register his bike by tendering his name, address, age, description of the bicycle, and 25 cents to the local police department. In return he gets a certificate showing his name, address, a description of the machine, and a registration number, and a plate, to be attached to the bicycle, bearing the registration number and the name of the issuing city. The certificate is good as long as the registrant owns the bicycle on which it is issued. When he sells the bike, he must remove the plate and surrender it to the police department; or he may, upon application but without the payment of any additional fee, have the plate assigned to another bicycle owned by him.

The Act also provides that every bicycle dealer shall make a report to the police department of every transaction, giving a description of the bicycle and the name and address of the person from whom purchased or to whom sold. This Act, ex-

Foreign Professors Visit Harvard Law

Among distinguished scholars visiting the Law School recently was His Excellency Manlio Brosio, the Italian Ambassador to the United States. His Excellency visited the school on October 20. While here he spoke with several members of the faculty, attended a class and inspected the library and Harkness Commons.

Three other scholars from abroad are presently visiting here. They will remain for several months.

Eugene La Brie, Professor of Law at the University of Toronto, is working here on a Carnegie Grant. His major interest is in the field of Corporations.

Also here on a Carnegie Grant is Edward I. Sykes, Senior Lecturer in Law, University of Queensland, Brisbane, Australia. He is applying his time spent here to the study of Labor Law and equity.

Working in the International Law area with particular reference to problems relating to the continental shelf and control of fisheries is Zengo Ohira, Professor of Law, Hitotsubashi University, Tokyo. Professor Ohira is here on a Japanese University of Education Grant.

cept for the lack of title registration requirement, appears more like an automobile registration law than one for bicycles. Quare: What are a Harvard student's chances, with Cambridge Police Department cooperation, of recovering a stolen bike?

Further provisions of the statute are that bicycle owners must have a red reflector of at least two inches' diameter mounted on the rear of the bicycle; they must conform to traffic rules and regulations "so far as they are obviously and reasonably applicable for their own safety"; a bike is not to be ridden at one time by more than the number of people for which it is designed; and a rider must not hitch a tow on any other vehicle.

Violation of any provision of the Act is punishable by a fine of one dollar and possibly in addition the suspension of one's registration certificate.

Students under twenty-one years of age might take note of the fact that in the case of a violation by a minor the police, instead of prosecuting him, may, with the consent of his parent or guardian, impound his vehicle for not more than fifteen days. Violation of any of the registration provisions of the Act shall not, however, affect any civil right or liberty, according to the statute.

In brief, anyone who has not enough complications in his life might consider buying a bicycle.

—Friedman

MODEL TRIAL

(Continued from page one)

controversy were delimited. The trial was the culmination of four weeks of preparation by first year students on many of the legal and procedural aspects of the case.

Held before a jury, the trial was considerably brightened by the actions of Judge Francis J. W. Ford. The judge kept a tight rein on the counsel. The frequent procedural motions were made out of the hearing of the jury, and matters which might inflame the sentiments of the jury were immediately and firmly disallowed by Judge Ford. The view of many observers at the trial was that the Justice's charge was a clear and fair declaration of the jury's function in the trial, the law and theories involved, and the bases of recovery open to the litigants.

The jury, after deliberating for the evening and the next morning, brought back a verdict for the plaintiff on both counts in the sum of \$100-\$1,000. Counsel for the defendant stated that an appeal would be taken.

—Chazen

Trial Time

All arguments in the qualifying Round of the Ames Competition will take place at 7:30 on the nights that they are assigned.

FORUM

(Continued from page three)

be drawn from a failure to testify "on grounds it might incriminate me." He admitted that the strength of this inference was dependent on the circumstances of the particular case, but contended it was simply contrary to all we know about human judgment to rule out entirely some inference of guilt.

The formal speeches given by the participants were followed by a panel discussion of the issues with Professor Samuel Beer, the chairman of the Harvard Government Department, acting as moderator. In the course of this discussion the Dean and Mr. Williams were able to find a very broad area of general agreement on the application and values of the privilege, although the former consistently expressed his concern over the tendency to proceed immediately from the inference occasioned by the assertion of the privilege to the conclusion of guilt.

The forum was concluded by opening the panel to a series of questions from the floor. In the course of this questioning Dean Griswold remarked that the Communist party has sometime in the past few decades lost its status as a "political" party because of its foreign domination. In this connection he compared the organization to Mafia. At the same time he insisted that there were people who had been members of the party when they thought it was a political party and when it might have been. In the body of his formal speech the Dena had stated, "I have substantial reservations about anyone who was at any time a Communist in this country." He went on to explain that these reservations related to the judgment of such a person and did not in any way imply that he was guilty of "subversion" or conspiracy.

And, he added, it should be clear from his stand on the Fifth Amendment that his 'reservations,' personal or otherwise, were 'reserved' for people who were Communists, not those who just weren't telling.

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Young Republicans to Publish Free Newspaper for Harvard

The Harvard Young Republican Club has announced plans to publish a newspaper for distribution to all Harvard University students free of charge. The paper will also be sold in Cambridge at five cents per copy. The publication is to be entitled the *Times Republican*.

The announcement was made at the organizational meeting of the Young Republicans on Tuesday, Oct. 18. The first issue of the newspaper will appear Thursday, Nov. 3.

The idea for the paper was conceived over the summer months and plans for

the first issue were matured during that time by an editorial staff made up of members of the Young Republican organization.

In announcing plans for the publication the editors stated it would contain unbiased reporting of national and local news of political import together with an editorial viewpoint reflecting the philosophy of the Republican Party. In addition the paper will contain articles contributed by nationally prominent Republican leaders. Among the present list of contributors is Vice President Richard M. Nixon.

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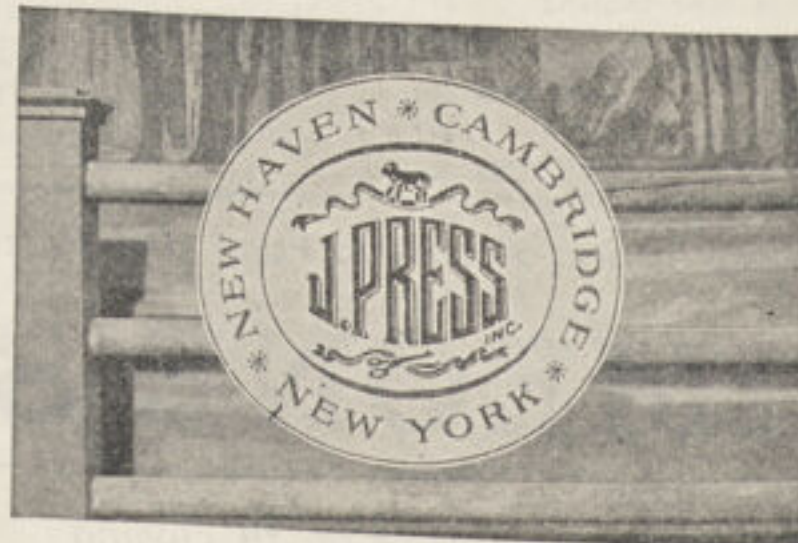
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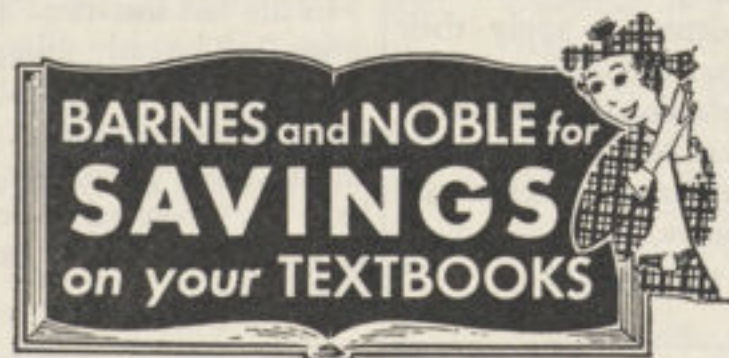


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