



Harvard Law School Record



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PRICE TEN CENTS

Sutherland Heads Committee Which Prepared Bibliography On US Communist Movement

A "Bibliography of the Communist Program in the United States," prepared under a grant from the Fund for the Republic by a committee headed by Prof. Arthur E. Sutherland of the Law School, has been under fire as incomplete and slanted towards Communism. Other members of the committee are Dr. Clinton Rossiter, professor of government at Cornell University, and the Rev. Joseph M. Snee, S.J., professor of law at Georgetown University.

The critics were Prof. Philip Taft, labor economist of Brown University and a writer on labor history and communism trade unions, and James T. Farrell, novelist and chairman of the American Committee for Cultural Freedom.

The bibliography committee deserved a vote of thanks from the Communist party, according to Professor Taft. Mr. Farrell characterized the bibliography as containing attacks by Communist "hatchet-men" against anti-Communist writers without giving the latter adequate representation.

The criticism was termed "irresponsible" by Dr. Rossiter, who is in charge of the revision of the bibliography. This revision is to be done in connection with a Fund study of "Communist Influence in American Life." Dr. Rossiter stated that he wanted "to make it clear that the decision to . . . revise is not based on the irresponsible criticism of Philip Taft and James T. Farrell."

Dr. Rossiter said that he would have ignored the criticism if not for its slanderous nature. "In my opinion, I and my associates, all of whom are loyal Americans and intelligent anti-Communists, are performing a real and necessary public service in attempting to evaluate clearly and objectively the extent of Communist influence in the United States."

The board of directors of the Fund for the Republic will make the final decision

on the revision, which might be in the form of a supplement or of a new edition. The Board will act on the recommendations of Professor Sutherland's bibliography committee.

Dean Edwin N. Griswold of the Law School is also a member of the Fund for the Republic.

Prof. Sutherland (Bussey Professor of Law by appointment effective July 1, 1955, succeeding Prof. Warren A. Seavey) is noted as a Constitutional law expert. He is a co-author of the casebook, *Constitutional Law; Cases and Other Problems*.

Birthday . . .



Roscoe Pound, Dean of Harvard Law School from 1916 to 1936, celebrated his eighty-fifth birthday, Oct. 27. The library had on display a collection of Dean Pound's works translated into various languages, including Chinese. After his retirement as University Professor in 1947, Dean Pound went to China to help codify the laws of that country.

Another Record Special

★ The Amazing Coke Machine ★

The following article was written by J. Raymond Dyer, Esq., LL.B. '28, of St. Louis, Mo.

John Andrews leaned against a huge metal bulk and patted it lovingly. It bore a nameplate inscribed "Lord Coke" and in appearance was not unlike an overgrown Coca Cola dispensing machine. Only it was painted gray, not red. And it was more formidable, much more formidable. Though outwardly simple there was that about "Lord Coke" that indicated an internal complexity of wheels within wheels. The thick electric cables that ran to it confirmed that impression, as likewise did the soft grinding noise that emanated from its interior.

Presently the soft grinding noise stopped and everything was quiet. John Andrews pushed a button, one of six just under the nameplate, and immediately a voice was heard. Not John's. Lord Coke's. "For the defendant" the voice said. John smiled broadly, started the machine on another operation by pushing another button, and walked away. For this operation "Lord Coke" started off with a dull, chattering noise, as though a dozen electric typewriters had started up within its all but sound-proof interior. As indeed they had. John's brief in *Thompson v. Missouri Pacific RR* was being written.

As he left the room in which the machine was kept, and crossed the lobby to his own office, John passed the lobby entrance doorway. "Andrews, Motley, Johnson & Andrews" the gold-lettered sign on the entrance door read. "Attorneys-at-Law." John read the sign backwards through the glass door as he passed. He could read it as readily backwards as forwards. Indeed, since his father, the first-named Andrews, had died two years before, and since the retirement thereafter of both Motley and Johnson to the status of "Of counsel," the sign really should be read backwards rather than forwards. John, though the Andrews named last on the outside of the door, was the one named first on the inside.

LAW WIVES HOLD MEETING

Following their recent "Pot Luck Supper," the Law Wives got together for their second meeting of the school year yesterday evening. "The Boston Panorama" was the subject of a talk by Rita K. Fucello, the Managing Editor of *Panorama Magazine*. She appears on television in this area and talked about things current in Boston. The meeting was held in the main room of Harkness Commons.

Talks Planned By Bar Group

Tomorrow and Saturday, November 4 and 5, the New England Law Institute, Inc., will hold a legal clinic at John Hancock Hall, 180 Berkeley St., Boston. The clinic will consist of ten lecture sessions and two luncheons at which prominent men in the legal profession will deliver addresses on topics of particular interest to practicing attorneys. Third year students will be admitted free to all the sessions except the luncheons, which they may attend for a fee of \$3.00 per luncheon. The regular fee for the clinic is \$11.00 per day or \$18.00 for both days for the lectures only, or \$23.00 for the entire two days, including luncheons.

Following is the schedule of speakers: Friday, 9:00 to 10:00 a.m.: *Restitution or Unjust Enrichment*, Warren A. Seavey, Cambridge, Mass., Professor of Law Emeritus, Harvard Law School.

Friday, 10:10 to 11:00 a.m.: *Various Effects of a Divorce Decree*, Arthur L. Brown of Hale, Sanderson, Byrnes & Morton, Boston, and a Member of the Massachusetts Board of Bar Examiners.

Friday, 11:10 to 12:00 noon: *Appellate Court Brief and Oral Argument*, Hon. Raymond S. Wilkins, Boston, Associate Justice of the Massachusetts Supreme Judicial Court.

Friday, 12:00 to 2:00 p.m.: Luncheon. 1:10 p.m.: *Integration of the Bar*, Glenn R. Winters, Chicago, Editor of the *Journal of the American Judicature Society*.

Friday, 2:00 to 3:20 p.m.: *State Taxation in the New England States*, Henry F. (See LECTURES on page three)

Scott Works on Revision Of Restatement of Trusts

The first revision of the American Law Institute Restatement of Trusts, which was originally published in 1935, is now underway. Prof. Austin W. Scott, Dane Professor of Law, who teamed with Prof. Warren A. Seavey, Bussey Professor of Law Emeritus, to prepare the original Restatement, is the Reporter for the revision. Prof. Seavey is now engaged in Restatement of Agency revision.

The twenty years that have passed since the first publication have seen no major new developments in the area, according to Prof. Scott, and hence there are few outright changes to be made. Principle efforts are being directed toward the expansion of existing concepts. The 1935 Restatement was published without the benefit of the Reporter's notes. The new edition will contain these notes, giving the authorities both for and against the positions taken by the Restatement.

Prof. Scott started work on the revision about two years ago and has been meeting with the Advisors for the past year. The Reporter and the Advisors have been preparing a draft which will go first to the Council and then to an annual meeting of the American Law Institute, the body which must formally adopt the revision. Prof. Scott expects that some of the new draft will go to the A.L.I. Council in December and then to the annual meeting in May. Other changes will be submitted from time to time.

Student Bar Assn. To Hear Speakers

The Student Bar Association initiates its Speakers Series with Joseph T. Arenson, Attorney for the Public Administrator of New York County, and William T. Collins, II, senior partner in the New York firm of Perkins, Daniels, and Perkins on November 15, at 4:10 P.M. in Langdell South. The general topic for the Series this year is "The Lawyer in Politics and Public Service." Mr. Arenson will deal with the public administrator, and Mr. Collins will talk on the political aspects.

Student Bar Association President Benjamin Wolman, 3L of Baltimore, has announced (See STUDENT BAR on page four)



Austin W. Scott

Advisors who are at the Law School are Prof. Ralph J. Baker, Weld Professor of Law, Prof. A. James Casner, and Prof. Seavey. The other Advisors are Russell D. Niles, dean of the New York University School of Law, Justices John V. Spalding, LL.B. '23, and Raymond S. Wilkins, LL.B. '15, of the Supreme Judicial Court of Massachusetts, Bernard Helling, LL.B. '39, of Newark, N. J., and Daniel Tenney of the New York bar. The meetings are also attended occasionally by Harrison Tweed, LL.B. '10, of New York City, President of the American Law Institute, and Judge Herbert F. Goodrich, LL.B. '14, of the U.S. Court of Appeals, Third Circuit, and a director of the American Law Institute.

JAG Program Offers Courses

Students interested in the Judge Advocate General's Corps and the reserve course offered at the Law School under its auspices can still enroll in this year's program. The course of instruction consists of 24 meetings held once a week throughout the school year, but discontinued during vacations and designed not to conflict with examinations. The meetings are held Thursday nights from 7 to 9 p.m.

Since the first year course has already met five times, not including tonight's meeting, and the second and third year courses four times, students enrolling at this late date will be unable to miss more than three meetings throughout the year if they attend the meeting held this evening; and, if they desire to enroll in the first year course, can miss no more than two. Assistant Dean Wesley E. Bevins, Jr. is in charge of the program here. Instruction is supplied by Reserve officers who have done legal work while in the service. Two of the seven instructors are graduates of this law school.

Second or third year students who failed to enroll during their first years here may still do so; however, unless they have done "extensive" legal work in the service, they will be required to take the first year course. Enlisted reservists interested in taking the course may do so upon authorization from their commanding officer. If such authorization is given it may be possible for them to meet part of their reserve obligation and receive the compensation therefor by participating in this course.

The course itself is not a "typical Harvard Law School course" and receives no credit in the Law School. The emphasis of the J.A.G. courses is on training to do a particular job, whereas law school courses train the student more in a method of analysis.

(See JAG PROGRAM on page four)

And then, John recalled, how that turning to them had become more and more burdensome, and involved more and more turning. More and more law reports were published, more and more statutes were enacted, and more and more regulations and court rules and legal articles were written. To attempt to keep up with them all had ceased to be a pleasure and had become a chore.

(See COKE MACHINE on page three)

The Harvard Law School Record

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A Harvard 'C'

One of the most valuable services that the Law School provides its students is the Placement Department. By inviting an almost continuous flow of law firms to come to Cambridge in order to interview third-year students, it contributes to the success of future Harvard alumni by relieving them of much of the anguish and toil of knocking on doors during Christmas vacation and after graduation.

The statistics presented by Dean Peck each year never fail to impress the observer with the efficiency of the system. Its worth is likewise attested to by the persistence of firms in interviewing and hiring men through this service.

If there is to be even slight criticism with any aspect of the service, it would be forthcoming from those third-year men whose averages place them in the bottom two-thirds of the class. A survey of the notices concerning interviewing firms on the bulletin boards will reveal that, with few exceptions, these firms state that they require prospective members of their staffs to be in the upper one-third of their class. We doubt that anyone can quarrel with the ambition of an employer to hire only the best men that can be obtained. However, we think that there should be some compensation for those who are not quite the "best" in the "best" of all law schools.

While it is true that many of the firms do not adhere to their policy of hiring only the top men in the class (and this is more likely the case later in the year), it is likewise true that the stated requirement can be disillusioning to the men who are not at the top.

We do not expect the Law School to require of firms that they hire all applicants, nor do we minimize the achievements of the top men in the class. However, we think that it would be quite fitting for the Law School to encourage firms to consider men of lower averages or at least to encourage firms that are willing to hire such persons to visit us.

Considering the stature of the Harvard Law School and the reputation that its alumni have consistently achieved, we do not think that this request is too presumptuous. After all, as one professor has put it, "you may graduate with a C, but remember, it's still a Harvard C."

Red Light District

The traffic situation in the Cambridge vicinity of the Law School is forever growing worse. Only recently a Radcliffe student was run down while crossing Massachusetts Avenue between the Cambridge Common and the Law School (directly in front of Gannett House).

Certainly such an unfortunate accident could have been avoided. This dangerous intersection has never had a traffic light, though it is used continually by students from Radcliffe, Harvard, and the Law School. Each crossing has resulted in a race with an auto swooping around the turn.

The recent accident only serves to focus a need for traffic light improvement in the particular spot. But an overall view clearly indicates that this crossing is not the rare exception. The entire vicinity of Harvard Square is poorly regulated as to this aspect. Some sort of study and a great deal of planning by the City of Cambridge is sorely needed to rectify the local pedestrian-auto conflict.

Gallery

PATRICK KERWIN
Chief Justice of Canada



That Patrick Kerwin, Chief Justice of Canada, should enter the legal profession was suggested to him by his parish priest. Born in 1889 at Sarnia, Ontario, Kerwin worked for a law firm in that town for two years after high school. Next he spent three years studying law at Osgoode Hall, Ontario, a distinguished law school run by the Benchers of the Law Society of Ontario. He spent the following 21 years in general practice in Guelph, Ontario, with the firm of Guthrie & Guthrie (later Guthrie & Kerwin), where he did considerable work in the law of municipal affairs. Moreover, he served as a member of the Ontario Parole Commission and as Crown Counsel at county assizes.

23 Years on the Bench

In 1932 Kerwin left law practice to become a justice on the Supreme Court of Ontario. Three years later he was appointed an associate justice of the Supreme Court of Canada. In 1954 he became Chief Justice.

The Chief Justice and his wife, Georgina Mace Kerwin, have two sons, a daughter, and twelve grandchildren. One son and a son-in-law are lawyers. The Chief Justice plays golf and bridge. He and Mrs. Kerwin enjoy spending their summers in Prince Edward Island.

Wide Appeal Without Certiorari

The Supreme Court of Canada, Kerwin explained in the same kindly and exact manner which has made him a great judge, is a general court of appeal. There is no writ of certiorari. In all civil cases involving more than \$2000 there is appeal as a matter of right, and in smaller cases the Supreme Court sometimes grants leave to appeal.

In Canada criminal law is entirely a federal matter. The rules for appealing a case are rather complex. In general, a defendant can appeal the setting aside of an acquittal. In indictable cases there is a right of appeal on questions of law where there was dissent below. Moreover, any member of the Supreme Court may grant leave to appeal.

Letters to the Editor

Apropos of your informative article on 13 October about the presidency, Governor Herter, former Dean Landis, and the construction of the phrase "natural born citizen" in Article II, Section 1 of the United States Constitution, you may be interested in the following.

Back in 1924 our firm had a client (an American citizen and Rhode Island resident) who was about to go to China for an extended stay. His wife, who was to accompany him (she was also an American citizen), was to have a baby in a few months. Our client, being of an inquiring mind and coming of a family of whom several members had held high political office, asked us whether the popular notion that birth outside the United States automatically disqualified a person under these circumstances from the presidency was sound. After looking into the matter we told him that we thought the popular notion was entirely unsound. We wished, however, to consult an authority; and he assented. So we wrote to Professor Eugene Wambaugh under whom our law school class in constitutional law had sat three years before.

Professor Wambaugh replied:

"I have examined carefully the question in your letter of April 2, and I am sure that your opinion is correct. That is to say, if a person, through the provisions of U.S.R.S. sec. 1993 or of any other statute, is at birth a citizen of the United States, he is 'a natural born Citizen' within the meaning of the clause on eligibility to the Presidency. There is, to be sure, no case on this constitutional point; but those words in the Constitution mean what Americans in 1787 would understand them to mean, and the meaning can be gathered from earlier English statutes and other sources. I can give you a voluminous opinion, if you wish; but I imagine that any one in search of the meaning will be satisfied with the phraseology in these old sta-

Current Case

On May 23, 1955, the United States Supreme Court handed down three decisions sustaining the right of witnesses before a Congressional committee to invoke the Fifth Amendment in refusing to answer self-incriminating questions about Communist Party affiliations. Mr. Chief Justice Warren wrote the opinions of the Court. In these three cases, *Quinn v. U.S.*, 75 S. Ct. 668, *Emspak v. U.S.*, 75 S. Ct. 687, and *Bart v. U.S.*, 75 S. Ct. 712, the convictions of the petitioners for contempt of Congress were reversed. In the light of these decisions, some people might be tempted to conclude that it is high time to dispense with the privilege against compulsory self-incrimination.

Why have the Fifth Amendment at all? Why not require a person to give self-incriminating testimony if it be the truth? The argument has been made that if a man refuses to talk on grounds of self-incrimination he is either a guilty man hiding something, or else he is an innocent man telling a lie when he claims self-incrimination.

Self-Incrimination of the Innocent

Like all sophistries, the above argument contains an element of apparent cogency. But in fact there are occasions when even an innocent man can incriminate himself by what he says. Dean Griswold's example is that of a thrice convicted pickpocket who is in fact not guilty of the particular offense of pickpocketing for which he is on trial. It is likely that his prior offenses may be brought into the open if he consents to testify on his own behalf. There are other examples, too. A defendant on trial might have to admit embarrassing facts about his family or associates, which in turn would reflect unfavorably on the defendant. A defendant might be a highly emotional and nervous individual whose replies under cross-examination would make him look bad before a jury. Indeed, an innocent defendant of the highest reputation might justifiably feel that his stooping to testify at all would tend to weaken the force of the independent evidence in his favor. (By independent evidence we mean all evidence other than that obtained from the defendant's testimony or confessions.) All of these are examples of innocent men whose testimony might tend to incriminate them before the triers of fact.

The jury should be carefully instructed that the defendant's privilege of silence is a neutral thing available to the guilty and innocent alike. Indeed, the judge ought to permit the defense to explain the defendant's silence if it so desires, in which case the prosecution would have a right of rebuttal. Then the jury, if they wish, can explain the defendant's silence by the independent evidence. When the evidence is strongly against the defendant, the justifiable inference is that silence indicates guilt. When the evidence strongly favors the de-

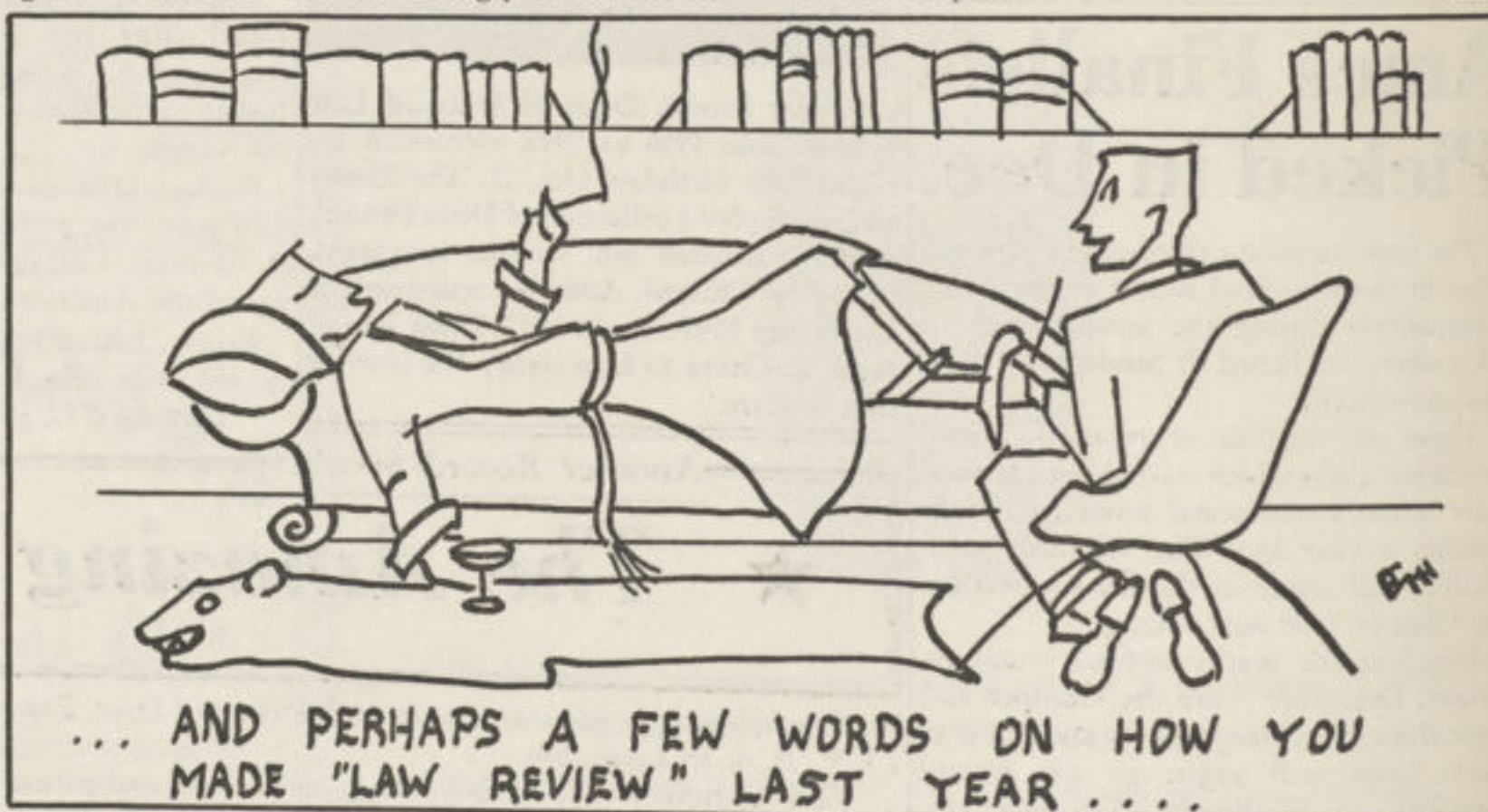
fendant, the justifiable inference from the silence is that the defendant did not need to testify in his own behalf. In a borderline case where the evidence may or may not be sufficient to convict beyond a reasonable doubt no man-made law or instructions can prevent the jury from drawing any inference they please from the silence along with the conflicting elements of evidence. The borderline case proves the value of the Fifth Amendment. The defense counsel, knowing the risks involved in putting a nervous innocent client or a lying guilty one on the stand, has every incentive to procure independent evidence. Likewise, the prosecution, knowing of defense counsel's power to present independent evidence and keep the defendant silent, must seek even a greater amount of independent evidence to gain a conviction. Thus, the greatest amount of independent evidence is made available to the jury.

Hard to Limit Privilege

Some people would limit the scope of the Fifth Amendment by allowing the judge to force the defendant to testify in appropriate cases. However, there seems to be no clear point at which compulsory testimony is justified. If the independent evidence strongly favors the prosecution, there is no real need to force the defendant to testify. But if the independent evidence is less formidable, the prosecution is greatly tempted to use inquisitorial methods to supplement its independent evidence against a defendant whether he be guilty or innocent. Inquisitorial tactics, apart from their tendency to degrade the defendant and diminish the incentive of both sides to gather independent evidence, are evil because they tend to inflame the passions of the jury either for or against the defendant without regard to the true state of the facts.

Those who fear recent decisions upholding the Fifth Amendment can take comfort in the facts of life, so to speak. The man who invokes the Amendment before a committee of Congress pays a stiff price for it. Even though he cannot be punished for contempt for invoking the privilege, he is fair game for investigations by federal and state prosecutors. Likewise, the man who chooses to remain silent at trial must go to the expense and trouble of producing a good deal of independent evidence in order to prevent conviction. If the defendant is innocent, this is all to the good. If he is guilty and is able to produce sufficient independent evidence to block conviction, the fault would seem to be with our law enforcement officials rather than with the Fifth Amendment. He who invokes the privilege already pays a high enough price without need of adding further penalties. There is nothing in the recent Supreme Court decisions which should surprise or alarm thoughtful critics of the Fifth Amendment and its scope.

—Olson



LETTERS TO THE EDITORS

THE RECORD appreciates the thoughtful and timely letter of William H. Edwards, LL.B. '21, which appears in this issue. We hope more alumni, professors, and students will be brave enough to submit letters on legal topics, as well as on editorials and other matters.

Recently Published

STATUTE OF LIMITATIONS

Thomas E. Atkinson, Prof of Law, N.Y.U.: 16 Ohio St. L. J. 157 (1955).

This is a reexamination of the procedural aspects of the statutes of limitations. Thirty years ago Prof. Atkinson summarized the then pleading and procedural aspects of the statutes. In contrast to that study, in light of the Federal Rules and the increasing trend to make adjective law serve instead of govern litigation, he reexamines the utilization of time statutes in the courts today. Summary judgments, requirements of stating timeliness of action, pretrial motions to bar on the statutes of limitations, and the flexibility of amendments to pleadings, all viewed in a new spirit to lessen the force of procedural technicalities per se, have cast the employment of the statutes of limitations in an entirely shinier new bronze.

WILLIAM H. EDWARDS, LL.B. '21

★ The Amazing Coke Machine ★

(Continued from page one)

come a burden, and then, in no time at all, became an impossibility.

To keep up with just a few, in a single field, say of taxation, for a while seemed the solution. But even that soon proved to be equally impossible for John Andrews. Not only were the 24 hours that continued to comprise each day insufficient for such undertaking. The expense became prohibitive.

That was when John stopped reading and started thinking. He sensed that the day of the law library, as he had known it, had passed. The pile was mounting too fast for human consumption. The only answer was machine consumption. Sir Edward Coke, in the flesh, had been the first oracle of the law. "Lord Coke," ex machina, would have to be invented.

John knew that aids to man's thinking had proceeded beyond the abacus, and that digital machines were in existence. Why not a machine that could give the answer to a legal question, as well as one that could give the answer to a mathematical question? Why not an analytical machine? According to Vannevar Bush, analytical machines were evolving rapidly. If one was constructed that could handle the routine of legal research, and retain in its electrical brain memory of what was fed into its mechanical maw, and then digest the information and produce the answer, the great problem that confronted lawyers, the problem of keeping up with the law, would be solved.

Outside Aid

So, at least, John Andrews reasoned. Knowing that he was completely unfitted for the job himself, he did as he had often counseled others. He went to someone who was "fitted." He went to Vannevar Bush, whose article, taken from an address delivered before the American Philosophical Society, was published in the August, 1955 *Atlantic*. It was that article which had originally prompted John to stop reading and start thinking.

"Lord Coke" was the result of John's visit to Vannevar Bush at the Carnegie Institution in Washington. Not the immediate result, of course. Vannevar Bush did not, at that first meeting, come up with the principles that underlay the operation of "Lord Coke." Indeed, all he did, after considering the matter for a while, was to refer the problem to another scientist, one who had done digital machine work for General Electric. But thereafter the two scientists consulted and corresponded, with the result that, within less than a year, John was called to the laboratory at M.I.T., where "Lord Coke," not yet named, was being constructed. The first trial run of the new "law machine" was to be held.

That first trial run was a memorable occasion. A Missouri personal injury case, *Wells v. St. Louis Public Service Co.*, was to be the guinea pig. John had tried it, for the defendant, in the Circuit Court of the City of St. Louis, and judgment for the plaintiff had been entered. Would that judgment be reversed on the appeal which was pending? That was the question. John vowed that if the machine came up with the right answer he would name it "Lord Coke" and not, as he had theretofore contemplated, "John Andrews," after his father. For John Andrews, Sr., had died just a few months before, and John was anxious to do him honor.

Great Gray Bulk

Arriving at M.I.T. John was greeted by the two scientists, and then taken into the laboratory. As yet, he had no personal feeling toward the great gray bulk he saw, and felt no inclination to pat it lovingly. That feeling did not come until later, after the law machine had been named and had demonstrated its efficiency and ability. But then, John mused, as he sat in his office, recalling that first trial run at the M.I.T. laboratory, what lawyer would not have a warm personal feeling toward a partner who was always right, who briefed cases irrefutably, who was available 24 hours a day, and who could do the day's work of hundreds of lawyers in every one of those 24 hours?

John remembered how that first trial run of "Lord Coke" was conducted. By special arrangement with Dean Erwin Griswold of the Harvard Law School, a plugged in "reader," shaped like the intake mouth of a vacuum cleaner, had for some weeks previous been busily gleaning "knowledge" from the stacks of the Harvard Law School Library. All the Missouri cases had been "read," as had been most of the law covering negligence and the humanitarian doctrine. The "reader" attachment, operated by one of the librarians over the face of the volumes while still on the shelves, functioned as did an X-ray machine, trans-

mitting the contents of the volumes, in the form of "intelligence," through the electrical circuit running from the Harvard Law School Library to the law machine set up in the M.I.T. laboratory. It but remained to feed the machine the facts of *Wells v. St. Louis Public Service Co.*

That was done by inserting the record on appeal into the slot provided and pushing the appropriate button. John remembered well the feeling of hopeful expectancy he had experienced when he first pushed that button, and awaited the voice ex machina that would either say "for the plaintiff" or "for the defendant."

For the Defendant

It had said "for the defendant," he recalled very vividly. He knew he should have won that case. But why had he failed to do so? He had puzzled his head over that considerably. Was appeal worthwhile? There were several obvious errors, but which, if any, constituted grounds for reversal? It would be a hard case to brief, and briefing would take a lot of time and even then might well prove ineffectual. And to lose cases on appeal was no way to run a law office.

The answer, if it came at all, would come in the form of the printed brief the law machine would produce after John had pushed the "Brief" button. Its rapid selectors, which could examine a thousand items a second out of its stored "memory" of the Missouri cases and the law of negligence which it had absorbed, would soon print out the text of the items selected in accordance with the complex code the two scientists had explained to him. And as they had stated, so had it transpired. Plaintiff's instruction No. 3, according to the printed brief the law machine produced within a matter of minutes, was reversible error. Nothing more. Just plaintiff's instruction No. 3. It was then that John first felt a warm glow toward his future law partner, and reached over and patted him. "Lord Coke," I shall call you," John had then and there declared. And "Lord Coke" the law machine was then and there christened, with a test tube as a font and the two scientists as Godfathers.

Correct Solutions

While "Lord Coke" went on to school, and absorbed all the rest of the "knowledge" contained in all the books of the Harvard Law School Library, John took the appeal in *Wells v. St. Louis Public Service Co.* and won it. The Missouri Supreme Court dutifully found plaintiff's instruction No. 3 reversible error. It could not have done otherwise in view of all the authority John was able to cite in favor of such finding, all supplied him by the printed brief "Lord Coke" had presented to him in response to his pushing the "Brief" button.

Then followed the shipment of "Lord Coke" to the offices of Andrews, Motley, Johnson & Andrews, in St. Louis. The machine was installed in the library room of that firm, which had been stripped of all its books, law books being no longer necessary to the operation of the law firm. Having in his electrical brain all the knowledge contained in all the law books of the Harvard Law School Library, it but remained, in order to keep "Lord Coke" up to date, to connect up a "reader" attachment at the St. Louis Law Library, and at the West Publishing Co.'s offices in St. Paul, Minnesota.

That done, Jim Motley and Harry Johnson both retired to play golf, leaving John Andrews and "Lord Coke" in complete charge of the office. Nothing could go wrong so long as "Lord Coke" continued infallible. And that, apparently, was assured. He might wear out, in which event he would have to be replaced, but he would not go wrong. At least in the three hundred odd cases he had "handled" since that first trial run, he had not gone wrong once.

Thus, the day of the real "law factory" was actually begun. Needless to say Andrews, Motley, Johnson & Andrews, with the help of "Lord Coke," enjoyed a rapidly increasing law practice. With the "Opinion" attachment, operated by the "Opinion" button, it was only necessary to speak into a Dictaphone mouthpiece, connected by a flexible tube running into one side of "Lord Coke," to receive, within moments thereafter, an oral opinion in response to the problem presented.

The "Instruction" button, also, greatly simplified another phase of the firm's practice by providing the solution of that formerly rather baffling problem, the formulation of jury instructions. All in all, John Andrews had every reason to be pleased with himself for having, that memorable day he read Vannevar Bush's article in the August, 1955 *Atlantic*, started thinking how best to be able to stop reading law, in order to concentrate on practicing it.

LECTURES

(Continued from page one)

Long, Topsfield, Mass., former Massachusetts Commissioner of Corporations and Taxation.

Friday, 3:35 to 4:45 p.m.: *Labor Law*, Theophil C. Kammholz, Washington, general counsel of the National Labor Relations Board.

Saturday, 9:00 to 10:00 a.m.: *Causation*, Roscoe Pound, Cambridge, Mass., Dean Emeritus, Harvard Law School, recent Editor-in-Chief of the NACCA Law Journal.

Saturday, 10:10 to 11:00 a.m.: *Lawyer-Client Relationship*, Walter Powers of Sherburne, Powers & Needham, Boston, Chairman of the Massachusetts Board of Bar Examiners and a former president of the Boston Bar Association.

Saturday, 11:10 to 12:00 noon: *Current Problems of Jurisdiction and Venue in the Federal District Courts*, Henry M. Hart, Jr., Cambridge, Mass., Professor of Law, Harvard Law School.

Saturday, 12:00 to 2:00 p.m.: Luncheon. 1:00 p.m.: *The Public Relations of the Bar*, Richard P. Tinkham, Hammond, Ind., a member of the Board of Governors of the American Bar Association, Chairman of the ABA Committee on Public Relations.

Saturday, 2:00 to 3:20 p.m.: *Lawyers, Dollars and Workmen's Compensation*, Samuel B. Horowitz of Horowitz, Petkun & Rothschild, Boston, Executive Editor of the NACCA Law Journal, and author of "Horowitz on Workmen's Compensation." Saturday, 3:35 to 4:45 p.m.: *Medical Proof*, Isidore Halpern, Brooklyn lecturer for the Practising Law Institute, and author of "Attorney's Guide to Medical Terms."

The New England Law Institute is a non-profit Massachusetts corporation formed for the purpose of providing "a permanent organization devoted to the continuing or post-admission education of the lawyers of New England."

—Friedman

Alumni Notes

LL.B. '51—Joseph R. Zepf is now associated with the law firm of Guernsey, Butts and Walsh, Poughkeepsie, New York, in the general practice of law. He served as an attorney on the General Legal Staff of the Metropolitan Life Insurance Company. In 1955 he received an LL.M. (Taxation) from New York University. LL.B. '52—Murray Weinstein '52 and Maurice Chayt '52 have announced that they are engaged in the practice of law under the firm name of Weinstein and Chayt at 66 Court Street, Brooklyn 1, New York.

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Work on 'Studies in Agency' Casebook Completed by Professors Seavey, Hall

Vice Dean Livingston Hall and Professor Warren A. Seavey reported completion this week of work on the page proofs of their new agency casebook and said the volume would be off the press and ready for use by first-year students when they take up the subject in January.

Like its predecessor at the Harvard Law School, the new casebook will carry the title "Studies in Agency" and the imprint of the West Publishing Company of St. Paul, Minn. But, in its 600-odd pages, the revised casebook will include many new features.

For one thing, the authors have added pictures of many of the documents and writings described and discussed in the cases. They also have cut many cases and substituted a more extensive textual commentary.

"This latter change is not entirely to our liking," Prof. Seavey explained recently, "but the agency course meets only twice a week for five months, and it is the only way we can encompass such a broad area in so short a time."

"Some of the most important topics in

STUDENT BAR

(Continued from page one)

nounced a varied program for the organization's 176 members. In addition to the several major speakers, lawyers from Cambridge and neighboring cities will speak on specific phases of the legal profession at luncheons in the Mallory Smith Room. The Luncheon Speakers Series began October 13 with Grant M. Palmer, Jr., official reporter for the Supreme Judicial Court of Massachusetts, who spoke on "The Town Counsel." The next speaker in this series is scheduled for November 22.

Governor Theodore R. McKeldin of Maryland will be the featured speaker on December 14. Other speakers in the following months will be announced later.

Reference Service

Other activities well under way are the Lawyers Reference Service, involving 25 to 30 upperclassmen, and tours of the state and federal courts in the vicinity. The court tours are periodically announced on the Student Bar Association bulletin board in the Langdell South hallway. The enthusiastic reception of these tours has caused a need for more second and third year tour leaders. Those students interested in either attending or leading a tour should contact the secretary of the association, Sidney A. Stutz, 2L of Urbana, Ill.

Persons who wish to visit the courts on their own will find current information as to which judges are sitting, and on what type of case, posted in the "Court Reporter" on the Student Bar Association bulletin board.

The Harvard Student Bar Association is affiliated with the American Law Student Association, which is sponsored by the American Bar Association.

KIRKLAND ALUMNI

There will be party for all Kirkland Alumni and their guests between 4:30 and 6:00 p.m. Saturday, November 5, 1955 in Kirkland Junior Common Room.



Livingston Hall

the agency curriculum come late in the year, and we must plan a book which will cover them before the end of the classes."

In the last few years, using the present edition of the case book, instructors in agency have prepared and used multilithed notes to achieve this same result. The new casebook will eliminate the need for this procedure.

Professor Seavey, Bussey Professor of Law, Emeritus, and a foremost authority on the law of torts, also has begun work on a revision of his torts case book. He is working in conjunction with Assistant Professor Robert E. Keeton and the latter's older brother, Page. The three scholars expect to have the new book ready for use by the fall of 1957.

—Schumacher

JAG PROGRAM

(Continued from page one)

Designed primarily to keep reservists in touch, the course may nevertheless be of value to civilians who expect to enter the armed services at some future time. Although very few commissions in the J.A.G. itself are given each year, successful completion of the course would quite probably be of some value to a civilian applying for a direct commission in any field.

Men desiring to enter the J.A.G. as career officers may be in a somewhat more favorable position since the desire of the service to secure people seriously interested in making a career in this field enables the army to consider their applications more favorably. Only persons seriously interested in the program should apply for this commission. The Navy is presently restricting acceptance to men interested in career service.

If accepted under this program, the applicant will receive a commission as a first lieutenant, which under the present pay scale gives him a basic pay of \$259.36 with no prior service. In addition to the base pay he receives a quarters allowance of \$94.20 with dependents or \$77.10 without dependents, and a \$44.78 subsistence allowance with pay raises at two year intervals up to 18 years. The quarters and subsistence allowances are tax free under existing law. At the end of twenty years the officer, if he chooses to retire, receives a pension of one-half the base pay of the highest rank attained. The base will follow changes in the pay scale. If the officer chooses to retire at the end of thirty years the pension will be three-quarters of the base pay.

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Don't Purchase a Rattletrap! No Parking Solution in Sight

Non-resident students who find it necessary to commute by automobile have discovered that the parking problem is just as acute as ever. Although the difficulty of the commuting student has been given special attention this year, it is a long way from being solved.

Those students who commute have probably noticed that their official Harvard University sticker is black, in contrast to the red sticker which is issued to residents. This innovation has been made in order to alleviate, in some measure at least, the parking difficulties of the non-resident, it was learned this week from Charles C. Pyne, Assistant to the Administrative Vice-President. Mr. Pyne is the official "Worrier about Parking Problems" at Harvard.

Limited Areas

The new plan forbids resident students to park in certain areas during the day, and the different colored stickers provide a means of enforcement. These areas are the parking lot next to the cyclotron, Divinity Avenue, and the area immediately in front of and behind Austin Hall. Parking in these locations is limited to non-resident graduate students, of which there are some 1200, all of whom, fortunately, do not use their cars. Yet this provides only a total of 225 spaces and many commuters are forced to park in the city streets, which are, for the most part, either metered or limited to one or two hours. This places a rather severe restriction on a student who has two or three consecutive classes.

The resident problem, on the other hand, has been pretty well solved. Some 405 such graduate students have cars and 320 overnight parking spaces adequately cover this contingent, when it is considered that some wish to keep their cars inside and have made garage arrangements.

The parking problem is aggravated a little more each year, as the student body grows and the proportion of students who have cars increases, while the space available for parking remains, at best, static. Plans are going ahead to enlarge the parking area at the Business School, but this affords little help to the law student, it being one mile from there to Langdell Hall.

As Mr. Pyne points out there just is no more space available for parking in the vicinity of the Law School, and no hope for any new areas to be opened in the future. On the contrary, should the University elect to erect a new building, the parking lots are almost the only empty spaces left in Cambridge.

—Condon

Law School Democrats Increase in Membership

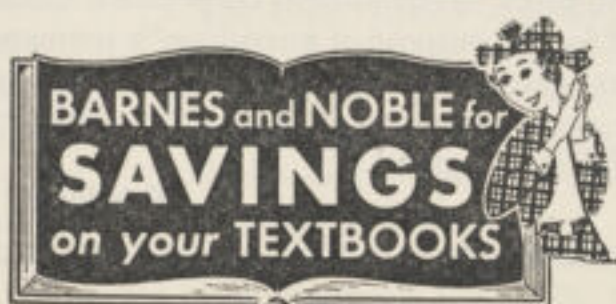
Ralph Pagter, 2L of Washington, D. C., President of the Law School Democratic Club, reports a large increase in membership this year.

Now over ninety members strong, the Club anticipates a full program for the year, including speakers of congressional and gubernatorial rank. A coffee hour will be announced soon. Spring plans call for a mock convention to be held jointly with the Harvard Young Democrats.

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