



Harvard Law School Record



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Model Appeal Is Postponed; Cox to Argue

Announcement was made today that the appeal phase of the Sixth Annual Model Trial has been postponed from the 16th to the 22nd of this month. The appeal, to be held in the James Barr Ames Courtroom, will be the culmination of a two month course of instruction for first year students by the Teaching Fellows in trial practices and procedures.

The appeal will be delivered before a tribunal with Dean Erwin N. Griswold, who will argue for the defendant-appellant, and Prof. Archibald Cox, '37, for the plaintiff-appellee. The court will consist of three judges headed by Judge Calvert Magruder, '16, Chief Justice of the US Court of Appeals, First Circuit; Dean George F. Curtis, Dean of the British Columbia (Canada) Law School and visiting professor of Law at the Law School, and Stuart C. Rand, '12, of the Boston bar.



Archibald Cox

The difficult job of sifting through nearly five hundred pages of depositions, legal opinions, memoranda of law, trial records, and pre-trial hearing orders to produce a brief was given to four third year students. The students, all of whom were Ames Competition quarter-finalists last spring, were contacted and selected by the Board of Student Advisors and Monroe H. Freedman, faculty assistant. The final decision as to which of the quarter-finalists would be selected for the job was left to Dean Griswold and Prof. Cox.

Sylvia A. Bacon, of Watertown, S. D., and Daniel F. Featherston, Jr., of Deal, N. J., were selected as counsel on the brief for the defendant-appellant with Rudd H. Truax, of Cambridge, and Frank A. Weil, of Katonah, N. Y., as counsel on the brief for the plaintiff-appellee.

The case of *Thompson v. White* has several interesting points on which to base an appeal. Several elements for review may have to deal with the laws of privacy of the individual, and the rights of a newspaper to publish stories about potential political candidates.

Chayes Sees a Victory By Democrats in 1956

Assistant Professor Abram J. Chayes has concluded "the Democrats will win in 1956 regardless of whom they nominate, and, with one exception, regardless of whom the Republicans nominate."

Professor Chayes stated his conclusion in a talk entitled "Democratic Prospects in '56" given at a coffee hour sponsored by the Harvard Law School Young Democrats at 1:30 on Monday. The coffee hour was attended by 65 law and graduate students.

Bar Applicants

Under a new rule adopted by the Supreme Judicial Court of Massachusetts, applicants for admission to the Massachusetts Bar will not be recommended for admission unless they have a residence in the state.

The new rule, denominated Rule 5, takes effect after May 1, 1956. The information was received by the Office of the Dean from the Chairman of the Massachusetts Board of Bar Examiners. Copies of the rules regulating admission to the state bar can be secured by communicating with the Board of Bar Examiners.

Prisoners Live Well in France

By JAY S. DUSHOFF

Eight convicts in a prison at Caens, France, have again demonstrated that "stone walls do not a prison make". As a matter of fact, wall, guards and other confining devices were equally superfluous. The lucky eight roamed in and out of prison at will because they were favorites of Warden Fernand Billa of the prison of Pont l'Eveque.

Details of the prisoners' peregrinations were revealed at a trial where they were charged with jailbreaking, and Billa was charged with allowing them to escape. The convicts were acquitted, but Billa was given a three year sentence.

The bizarre tale, according to the Associated Press news dispatch of October 27, has its humorous side. Not only were the gleeful eight allowed to receive guests at a nearby bistro and to take extended leaves of absence, but they occasionally granted other inmates leaves of absence, when they felt sufficiently compassionate.

Maurice Teumer was allowed to act as prison accountant and sometimes signed the payroll for prison guards. When confronted with a charge of forging the warden's name, his rejoinder was that he did so only when Billa was inebriated.

Another prisoner, Paul DeFraine, evidently decided to start a career to which he could devote his full time when his prison term expired. Therefore, this enterprising convict opened a detective agency in a neighboring town during (See PRISONS on page three)

Frankfurter's Speech to Run In Law Review

The text of Justice Felix Frankfurter's opening address to the Marshall Bicentennial Conference will serve as the leading article for the December issue of the *Harvard Law Review*.

Justice Frankfurter's article, his first major contribution to the *Review* in several years, will appear as "John Marshall and the Judicial Function."

In his speech, delivered at the Law School in September to more than 1,000 lawyers drawn from all parts of the English-speaking world, Justice Frankfurter offered his appreciation of Marshall as man and lawyer, and discussed the proper role of the Supreme Court.

The December issue also will contain two other full-length articles and three student notes. Of the latter, one is a report on the *Review*'s "summer project"—an analysis of the operation of fair-trade programs in the Northeast.

Judicial Review

Dr. Louis L. Jaffe, Byrne Professor of Administrative Law, will write on "Judicial Review: Question of Law". Joseph Laufer, Director of the Harvard Law School-Israel Cooperative Research Program, has prepared an article on "Flexible Restraints on Testamentary Freedom—A Report on Decedent's Family Maintenance Legislation".

The note on the summer project will be the work of Carl L. Kanter, 3L of Danbury, Conn., and Stanford G. Rosenbloom, 3L of University City, Mo. Other notes will concern the "Allocation of Corporate Reorganization Between Chapters X and XI of the Bankruptcy Act" and "Effect of Supplementary Unemployment Benefits on Eligibility for State Benefits".

Both topics are of particular interest at the present time. The bankruptcy problem will be considered by the Supreme Court this term. Supplementary unemployment benefits, brought to the attention of the general public by the UAW's new contracts with General Motors and Ford, may be a subject of legislation in the near future.

Mr. Laufer's article on testamentary freedom will review the developments of family maintenance legislation in the British Commonwealth.



Felix Frankfurter

Defenders Choose Second Year Men

Thirteen members of the second year class have been appointed to the Voluntary Defenders. Selection of the thirteen from a total of 60 applicants was made on the basis of personal interviews conducted by third year members of the Defenders and the applicant's ability to derive a coherent and logical pattern from a fictional prisoner's verbatim account of a crime of which he is accused and the outlining of a course of action on his behalf. The new members are presently undergoing training in Massachusetts criminal procedure. They will take full charge of Voluntary Defenders activities next April.

The new members are: Frederic L. Atwood of Islip, N. Y., James R. Bridge-land, Jr. of Akron, Ohio, Mark Crane of Glencoe, Ill., Jay Goldberg of New York City, William B. Hoff, Jr. of Parkersburg, W. Va., Peter T. Jones of Pelham, N. Y., Charles J. Keever of Hutchinson, Kan., Benito M. Lopez of Forest Hills, N. Y., James A. Porter of Ashland, Ky., Thorburn Reid III of Portland, Ore., Edward R. Steefel of New York City, Fred C. Tausend of New York City, and Edward S. Wilkins of Jackson, Mich.

The Voluntary Defenders cooperate with the Boston Voluntary Defenders Committee in providing legal assistance to defendants in criminal cases who cannot pay counsel fees. Student counsel make daily visits to the Suffolk and Mid- (See DEFENDERS on page three)

Alumni Offer Plan for Peace To Eisenhower

Fourteen Harvard Law School alumni were among the 82 members of the Harvard College Class of 1900 asking President Eisenhower to head a non-political commission, "to study the multifarious problems leading to a durable peace."

They asked the President to serve as honorary president of the Commission, which they suggested might organize an agency on the lines of the Red Cross. The agency could bring together the now widespread efforts for a lasting peace, the Harvard group declared.

Led by Conrad Hobbs of 100 Beacon street, retired wool merchant, the group envisioned the possibility that this uniting of forces might produce "such an overwhelming demand for peace that no government would dare ignore their mandate."

Hobbs said the proposal had been in final form for about a month, but had been withheld "until we felt sure that its publication could in no way disturb the President."

The Harvard 1900 group's "Open Letter to the President of the United States" follows:

"In the spirit of your repeated declaration that no stone should be left unturned in the quest for a durable peace, we wish respectfully to suggest that you appoint a commission of perhaps 20 men and women, pre-eminent in their fields, to make an exhaustive study of this vast and complex problem."

"The problem, as we see it, encompasses far more than lies within the field of the government, which is concerned, primarily, with its military, diplomatic and political aspects. It reaches into the fields of religion, racial prejudice, nationalism, economics, mass psychology and many other fields."

"We all know that heretofore the search has been fruitless; that wars have persisted with cumulative and aggravated horrors. But we cannot admit that the futility of past attempts foreshadows failure for fresh efforts. We cannot concede (See PEACE PLAN on page four)

Forum to Debate Ivy "Superiority"

Professor Henry M. Robinson of Columbia University will uphold and Professor Seymour Harris of the Department of Economics will attack the former's provocative thesis that Ivy League men are superior to students and alumni of other schools at a session of the Law School Forum in Sanders Theater on Friday evening, November 18.

Miss Felicia Lampion, noted author and wife of Law School Professor Benjamin Kaplan, will serve as moderator of the debate, according to the announcement by Forum vice-president Joseph Fisch, 3L of New York City.

Professor Robinson, a graduate of Columbia in 1923, taught there from 1924-26 and rejoined its faculty about a decade ago. Between times he served for ten years as an editor of the *Reader's Digest*. He is the author of three novels, including *The Cardinal*, a best seller in 1950.

The author who so brashly asserted "The Natural Superiority of Ivy League Men" in the current issue of *Holiday* magazine has no doubt had to justify his views to more than a few of the "barbarians." Now he will have to defend them against a Harvard professor.

Fisch also announced tentative plans for the Forum's program for the remainder of the year. Senator Richard Neuberger, Democrat of Oregon, has accepted an invitation to appear at Harvard in February to "appraise" the Eisenhower administration. (See FORUM on page four)

Braucher Seeks Republican Nomination For Seat in Massachusetts Legislature

Residents of Belmont will have the opportunity Tuesday to nominate Professor Robert Braucher for the Massachusetts House of Representatives.

Whether or not they will avail themselves of the chance to make Harvard's expert on commercial law the Republican nominee for the legislature, will be decided in what should be a close contest.



Prof. Robert Braucher, candidate for the Republican nomination for the Massachusetts House of Representatives, is shown here with his family. The children are William, 8, and Jean, 5, (standing), Roberta, 10, (seated) and Karen, 2. Karen is on the lap of her mother, Mrs. Elizabeth King Braucher.

According to James Murray Howe, 4th, LL.B. '50, who is Prof. Braucher's campaign manager, "a Braucher victory is probable although the race is hotly contested." The professor's rivals for the Republican nomination are Walter Anderson, 63, national sales manager of the Hood Rubber Company, and William Haseltine, 68.

Prof. Braucher, who is 39, stresses his youthfulness as an asset. But a possible opponent in the election is Paul Redmond, a candidate for the Democratic nomination. Mr. Redmond, a student at Boston University's School of Law, is 23 years old.

The office at stake was vacated last summer when the incumbent, a Republican, moved to Florida.

Since moving to Belmont in 1946, Prof. Braucher has been active in Belmont civic affairs. He has been chairman of the Belmont Town Planning Board and president of the Burbank School Parent-Teacher Association. Last year, Mr. Braucher was general chairman of the United Communi- (See BRAUCHER on page three)

Letters to the Editor

JURY TAPPING

TO THE EDITOR OF THE RECORD:

Your masthead editorial in the issue of October 20 entitled "Point of Order" ended with a protest against the type of question asked by members of the Senate Internal Subcommittee in questioning two professors connected with the bugging of jury rooms. This protest apparently was based upon the fact that in the course of questioning concerning the whys and wherefores of this project, these professors were asked questions relating to previous membership and associations in organizations cited either by the National Attorney General or the House Committee on Un-American Activities as communist-controlled. The opinion was editorially expressed by the RECORD that this had nothing whatever to do with the subject at hand.

One of the prime objectives of communists in the United States is to destroy public confidence in our judicial system. This is a part of their overall plan to destroy our system of constitutional government. Nothing would contribute more to such an objective than destruction of public confidence in the jury system. The Comintern pamphlet for instruction relative to self-defense in the courts, published in 1934, and referred to in the American Bar Association "Brief on Communism: Marxism-Leninism" of 1951 at page 23 says in part:

"... The 'dignity' and 'sanctity' of the courts are a means of paralyzing the struggle of the workers against capitalist institutions. . ."

"The class struggle goes on in the courtrooms as well as it does on the picket line, in the shops, and in the mines. The worker must learn to carry into the courtroom the same determined militancy that brought him there. . ."

J. Edgar Hoover has repeatedly cautioned the American people that in recent years the Communist Party has substantially gone underground. Communist Party membership is not what it was once, but there are many individuals who follow the communist line, who while not actually members of the Communist Party, would or might work to destroy the capitalist Republic of the United States of America in a show down. When such an unheard of, drastic and ill considered step as wiring a jury room is undertaken as a part of a project within the aegis of an institution headed by Robert Hutchins, it is entirely relevant to question individuals concerned with this project about their membership in organizations whose rolls have included known communists.

Of course the mere fact of such membership or association does not make these witnesses communists *per se* and in fact they may not even be communist sympathizers and they may possibly be opposed to communism if they recognize it for the threat to peace in the world and security of the western allies that it is. But to say that such questioning indicates that pronouncements of the House Committee on Un-American Activities are "sacred cows" passes entirely beyond the pale of reasonable logic and indicates the same type of paranoiac hypersensitivity in the field of academic freedom that has created a lack of balance in approach to issues of national security in its proper relation to individual rights of privacy.

I am glad that you disapprove of wiring jury rooms. I am certain that you disapprove of com-

munist and communist activity. I wish you would make this perfectly clear in your columns because I am also an alumnus with pride in my Law School. There is a relevant connection between protracted association with communists and the choice of a procedure tending to undermine public confidence in the jury system. So long as such questioning is recognized for what it is - namely, questioning in search for facts in aid of legislation - it should not be taken by the academic world at every turn as meaning that merely because a question has been asked of a person that the witness is a subversive person or that such a conclusion is either compelled or in fact even desired. Every citizen's life and associations on issues of national security morally ought to be and legally must be, an open book.

LOUIS C. WYMAN, LL.B. '41
Attorney General, State of New Hampshire

COKE MACHINE

TO THE EDITOR OF THE RECORD:

Mr. Dyer's amusing article on "Lord Coke" in your issue for November 3 suggests a great deal of truth, both disheartening and encouraging. It is true that the mass of material which lawyers must handle has grown beyond the scope of normal human intellectual power, unless some sort of automation can be introduced. But it is also true that long steps have been taken toward solution of the engineering problems of such automation.

How striking these steps can be is revealed by the report, dated December 22, 1954, to the Secretary of Commerce by the Advisory Committee on Application of Machines to Patent Office Operations (under the chairmanship of Dr. Vannevar Bush). But the legal profession has a huge investment, both financial and in terms of intellectual habit, in its present inadequate research apparatus. Hence it is apparently more reluctant to change with the times than are other professions and the men in charge of big business. Attempts to interest the American Law Institute in automation of legal research have utterly failed.

At the Conference on the Practical Utilization of Recorded Knowledge sponsored by the School of Library Science of Western Reserve University for January 16-18, 1956, business, government, research management, science, medicine, librarians, information specialists, and educators will probably be more enthusiastically represented than lawyers, although our profession will have a spokesman. This conference will consider, among other matters, the possibilities of machines scarcely less amazing than "Lord Coke".

JOHN M. MAGUIRE, LL.B. '11
Royall Professor, Harvard Law School

Off the Record

"You know," Professor Scott told his Trusts class, "I like to give characters simple names on examinations. Just call them A, B and C, none of this Adams or Peters stuff."

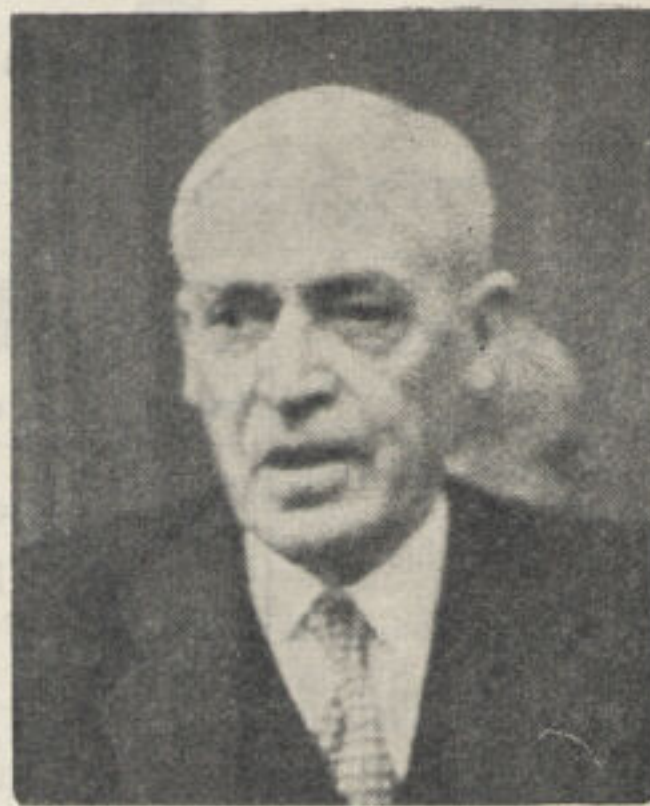
"But the worst thing of all is when teachers give their characters funny names, and expect the students to laugh at them during the exam. Humor is all right, I suppose, but not at funerals."



A CASUAL REFERENCE TO YOUR BRIEF IN AN AMES ARGUMENT

Gallery

SIR OWEN DIXON
Chief Justice of Australia



It would indeed be hard to find anywhere in the world a judicial statesman with a more extensive public career and a greater breadth of experience than Sir Owen Dixon, Chief Justice of Australia.

Born in 1886, Dixon took his A.B. in Classical Philology at Melbourne in 1906, his M.A. in 1908, and his law degree shortly thereafter. Admitted to the bar in 1910, he practised as a barrister until 1929. Although Dixon's practice ranged over the whole area of civil litigation, constitutional subjects became a specialty with him.

Sir Owen's judicial career began with a few months' service as acting judge of the Supreme Court of Victoria in 1926. On February 4, 1929, he became an associate justice of the High Court of Australia, a position which the Australians term a *puisne* judge (pronounced "puny"). In 1952 he was promoted from *puisne* judge to the office of Chief Justice for a life tenure. Since January 1951 he has also been a member of the Privy Council in England.

Australian Constitution

The Australian Constitution, the Chief Justice explained, resembles the American Constitution of 1787. Australia has no Bill of Rights or Fourteenth Amendment. The Constitution combines the English parliamentary government with the American federal system. The High Court of Australia has a broader jurisdiction than does the American Supreme Court, inasmuch as its appellate jurisdiction extends to all federal and state matters. Thus, in a sense the High Court is really the supreme court of each of the states as well as of the union.

The High Court, consisting of a Chief Justice and six associates, sits in the various state capitals in circuit and reaches the more distant ones only once a year. Australian law and equity are fused, following the English Judicature Act of 1875; but the important state of New South Wales still adheres to common law pleading. "There is a good deal of efficiency to common law pleading yet," the Chief Justice observed.

Minister to U.S.A.

For a man who protests, "I have nothing to do with politics," Sir Owen has had a notable career in non-judicial public office. With the outbreak of the war in 1939 he became Chairman of the Central Wool Committee, a body which checked the flow of contraband wool to the enemy. Later he was made a member of the Allied Shipping Control Council for the Southwest Pacific. From May 1942 to October 1944 he was Australia's Minister to the United States. From April to August, 1950, he served as UN representative in the Kashmir Dispute.

Sir Owen and Lady Dixon are the parents of two sons and two daughters. Lady Dixon has done extensive work in the children's hospital in Melbourne. In 1942 she christened the United States heavy cruiser *Canberra*, named after the Australian capital. Recently Yale University awarded Sir Owen the Henry Elias Howland Prize for art, literature, and the science of government. In 1953 the Chief Justice received the coveted Grand Cross of St. Michael and St. George.

Recently Published

PRESS AND FAIR TRIAL

Edwin M. Ottenbourg, attorney, New York City, "Fair Trial and Free Press: a New Look in 1954," 40 Amer. Bar Assoc. J. 838 and 913.

In a democracy to deprive a man of a fair trial is a dangerous thing. Similarly, to sway a court and jury by publishing certain matters is an evil. There is talk of legislative action to curb publication of matters concerning trials, but such a law should be avoided if at all possible. It is for the courts to impose on prosecuting and defense counsel alike a strict obligation not to give out proof or names of witnesses in advance, nor to release documents, copies of exhibits, confessions or the like until they have been admitted in evidence by the court.

Current Case

How far can the United States Supreme Court go in the protection of defendants' constitutional rights raised for the first time after the affirmance of a conviction? This interesting question was tackled in *Williams v. Georgia*, 349 U.S. 375 (June 6, 1955).

Petitioner Williams was a Negro convicted by an all-white jury for murdering a white man and was sentenced to death. In the one day trial 23 witnesses appeared against the defendant, whose only defense was an unsworn statement of innocence and a disavowal of a confession he had signed while "afraid."

Williams argued to the U.S. Supreme Court that the selection of jurors was invalid under the 14th Amendment because the names of white and colored persons were on different colored tickets. Defendant first raised the point on a statutory extraordinary motion for a new trial after the state supreme court had affirmed the conviction on other grounds. Williams and his counsel signed affidavits stating they were not aware of these facts at the time of trial. The Georgia courts turned down William's extraordinary motion on the grounds that he had not exercised due diligence in failing to challenge the array of jurors at the outset of the trial. Moreover, he and his counsel should have had knowledge of the selection method.

Georgia Concedes

Petitioner relied on *Avery v. Georgia*, 345 U.S. 559 (1953), in which a rape conviction had been reversed for the use of colored tickets in the jury selection. Moreover, the State of Georgia in oral argument before the United States Supreme Court admitted that Williams had been deprived of his constitutional rights. Avery had challenged the array; Williams had not. Thus, the question boiled down to whether Williams should be denied a new trial for his failure to note how the jurors were selected and then challenge the whole panel. As Justice Frankfurter put it in his majority opinion, "The question now before us, in view of the State's concession, is whether the ruling of the Georgia Supreme Court rests upon an adequate nonfederal ground, so that this court is without jurisdiction to review the Georgia court." p. 382. He concluded it did not, and remanded the case to Georgia for reconsideration.

Frankfurter, while admitting that a state rule of procedure which forbids tardy raising of federal questions is valid, took the view that Georgia law did not choke off the defendant's remedy here. And "where a State allows questions of this sort to be raised at a late stage and determined by its courts as a matter of discretion, we are not concluded from assuming jurisdiction and deciding whether the state court action in the particular circumstances is, in effect, an avoidance of the federal right." p. 383.

Clark Dissents

However, Mr. Justice Clark (joined by Justices Reed and Minton) in dissent did not read the Georgia precedents (of which he cited many) in the same way as Justice Frankfurter. "Ever since *Jordan v. State*, 22 Ga. 545 (1857), the Georgia law has been that the defendant must challenge the array when the panel is 'put upon' him and not thereafter." p. 396. Since the defendant had failed to act diligently under state procedure, he was forever precluded from raising his federal rights in either the state or federal courts. "A state may be influenced by the unfairness of allowing the litigant who remains silent two chances for acquittal while giving the diligent litigant party one. And orderly administration of the laws often imposes hardships upon those who have not properly preserved their rights." p. 403.

Even if it did nothing to simplify the law or encourage defendants to preserve their rights at an early stage of the game, the majority opinion deserves approval for its common sense fairness. No condemned man should be denied a new trial by a state which openly maintains an unconstitutional method of jury selection denounced by the United States Supreme Court in a previous case.

—Olson

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Koistinen v. American Export Lines

(The following was written by Brainerd Currie, Professor of Law, University of Chicago Law School.)

(Koistinen v. American Export Lines, Inc., 83 N.Y.S. 2d, 297 (1948))

They that go down to the sea in ships,
That do business in great waters,
Tend, given shore leave, to prize their nips
And seek commerce with men's daughters.
Peril and storm ride the brooding deep,
But the seaman has his solace;
Ancient the law that insures his keep
Though his hurt flow from his follies.
Ward of the admiralty is he,
Be he cruising or pub-crawling;
He needs protection, who goes to sea,
From the perils of his calling.
Maintenance is to be his, and cure,
Though his case be somewhat previous—
His, that's to say, if his heart be pure
And his doings in ship's service.

I

The steamship John N. Robins was a
bonny ship and fine;
She proudly flew the standard of the good
old Export Line.
Her bow had split the seven seas, yet all
the crew were free
From any form of casualty but water on
the knee.

The manly men who manned here were as
manly as could be;
Her fo'c'le housed as staunch a crew as
ever put to sea;
And Eino Koistinen was first of all this
manly clan—
His shipmates picked him from their midst
and made him chanty-man.
As Eino was a-tiring of his daily mess of
caviar
The ship a landfall made; she raised the
coast of Jugoslavia.
Half wages, shore leave all around—he
didn't mind a bit
When just before high noon that day they
cleared the port of Split.

The very name of this fair port suggested
rare champagne,
So Eino headed for a bar, as shelter from
the rain.
He had a drink or two, and then he sought
another bar,
For Eino shared the classic disposition of
the tar.

All in the port of Split, my lads,
He plied his right to see the sights
See Benedict, *op. cit.*.)

And then, as is a sailor's wont, and sing-
ing "Abel Brown,"
He sallied forth to stroll the streets, for
he would see the town.
Imagine his surprise to meet a gorgon whose
blandishments
His iron will could not resist, despite his
good intents.

He let her take him to her room, for
heavenly contemplation.
(This be a basic hazard of the seaman's
occupation.)
Judge Carlin later heard the case; his find-
ing was laconic:
"Whate'er the motive, it was not especially
platonic."

Once there, consideration like an angel
came to rout
Th' offending Adam from his sould, and
turn his mind about.
So says His honor; and the bloke is surely
off his base
Who dares to doubt that this is just exactly
what took place.

But then he was confronted with the ire
of a woman scorned;
Such fits she threw, such scenes she staged,
he wished he'd not been borned.
Demanding compensation for her outraged
chastity,
She locked them both inside the room and
threw away the key.

As, clamoring for exit, Eino kicked against
the door,
He thought of seas and ships, and wished
he hadn't come ashore.
Then suddenly it opened, and against the
lintels loomed
A man of mien so menacing he knew that
he was doomed.

He knew the monster for a crimp, but held
himself to blame;
He knew he'd been the victim of the
ancient badger game.
No haven met his scanning eye, to lee-
ward or to windward;
He would have walked right out the door,
had not his way been hindered.

With cool deliberation, then, and pruden-
ce for his book,
He chose his course—a circle great—and
hoisted up his hook.
Straight through the window sash he
sailed, in one great, soaring dive—
A paneful navigation, but at least he's still
alive.

The proctors wouldn't let them pay for
maintenance and cure,
So Eino had to go to court to prove his
heart was pure.
The proctors saw in Eino's acts a maritime
transgression,
And said his hurt resulted from his moral
indiscretion.

But Carlin, J., presided, and he saw the
issue clear;
He had the glit'ring vision of a bright-
eyed mariner:
"I know Eino was naughty, I know he
made a slip.
But all that Eino did was in the service of
the ship."

Russian Expert Berman To Address Law Wives

Professor Harold J. Berman will speak
to the Harvard Law Wives on "Impres-
sions of Moscow" at a meeting of the group
Wednesday, Nov. 16 at 8 p.m. in Har-
ness Commons.

Prof. Berman, an expert on the Russian
legal system, spent the summer abroad in
connection with the Salzburg Seminar and
during that period journeyed to the Soviet
Union.

Yesterday the Law Wives met to con-
sider changes in their constitution. The busi-
ness meeting was followed by bridge and
canasta. Prizes were distributed and re-
freshments served.

Arrangements for transportation to next
Wednesday's meeting or any future meet-
ing can be made through Mrs. Harry
Davenport, WA 4-6494.

DEFENDERS

(Continued from page one)

dlex County Jails to interview prisoners
requesting aid. Upon completion of the
investigative work, and, in some cases
preparation for trial, the information is
turned over to the Boston Committee for
trial. Work of the Defenders has, on
several occasions been of considerable im-
portance, not only to the individual defend-
ant, but also in the settling of disputed
points of law. Memoranda prepared by
the Harvard group were important in a
decision of the Supreme Judicial Court
of Mass. handed down and reported in
the Oct. 14, 1954 issue of the RECORD
requiring district attorneys to investi-
gate facts favorable to defendants as well
as those favorable to the prosecution.

"In the service of the ship, my lads,
In the service of the ship.
Eino he broke his blushin' leg
In the service of the ship."

"Confronted with dilemma, as Ulysses was
of yore,
He acted as a master would, although he
stood ashore.
"Twixt Scylla and Charybdis, 'twixt the
whirlpool and the rock,
He made the choice that seemed him best,
and proctors shall not mock.

"How came he to this parlous pass is
neither here nor there.
If you must know, it was because he had a
sailor's flair.
With seamanship and courage, and a haz-
ard of his skin,
He saved an able seaman's life to go to
sea again.

"In the service of the ship, my lads,
In the service of the ship.
Eino he broke his blushin' leg
In the service of the ship."

II

Eino's gone down to the seas again, to the
lonely sea and the sky,
And all he asks is a shore leave, and a buck
to get him by,
And a brisk walk, and a low dive, and the
brown ale foaming,
And a yes look on a girl's face and a fine
broad roaming.

Eino's gone down to the seas again, where
the wind's like a whetted knife;
For in his way, and the court's way, he
saved a sailor's life.
And all he asks is a laughing lass and a
dimly lighted foyer,
And privacy, and a sweet dream, and a
good sea lawyer.

BRAUCHER

(Continued from page one)

ty Fund Drive, working with hundreds of
volunteers to raise funds for local charities.

An active politician and sportsman, Mr.
Braucher was president of the Belmont
Young Republican Club and is a member
of the Belmont Tennis Club.

Prof. Braucher's campaign has so far
consisted of two-column advertisements in
the Belmont town newspapers and a mail-
ing to all registered Republicans in Bel-
mont. A member of the Town Meeting
himself, Mr. Braucher has telephoned
over 200 other members in support of his
candidacy.

In Belmont, the Town Meeting is an
elected group. Each member represents
about 100 townsmen. Among Prof.
Braucher's fellow Meeting members is one
Erwin N. Griswold, of Kenmore Road,
Belmont.

Other aspects of campaigning include
making arrangements to take people to the
polls, distributing postcards near the
voting booths, appointing precinct cap-
tains to get out the votes, and personal can-
vassing of the citizens of Belmont.

A graduate of Haverford College, Prof.
Braucher received his LL.B. degree from
the Law School in 1939. He was Note
Editor of the *Harvard Law Review* while
a student. In World War II, he was a
fighter pilot in the China-Burma-India
theater.

Now, he is a home-owner on quiet
Temple Street in Belmont. He is married
and has four children (pictured on page
one), but the Brauchers do not own a dog.

Next Tuesday will provide the first test
of Prof. Braucher's vote-getting ability. But
this strength would be even greater if more
law students were voting residents of
Belmont.

—Stern

LAWYER'S REFERENCE SERVICE

Students who are assisting the Lawyer's
Reference Service in interviewing persons
seeking legal help should check the Stu-
dent Bar Association bulletin boards for
changes in their assignments.

S.B.A. Plans Discussion On "Lawyer in Politics"

The Student Bar Association will launch
its lecture series on the "Lawyer in Poli-
tics" with a panel discussion by a pair of
New York attorneys in Langdell South
next Monday afternoon at 4:10 P.M.

Joseph T. Arenson, Esq., Public Ad-
ministrator of New York County, will ex-
plain the workings of his job, and Wil-
liam T. Collins, II, Esq. will discuss the
role of lawyers in the contemporary move-
ment for governmental reform in New
York.

PRISONS

(Continued from page one)

his extended leaves of absence.

The prisoners were acquitted because
the French law does not punish escape
from prison unless it is accompanied by
violence. See French Code Penal, Dalloz
ed., 1955, article 245.

Ordinarily, a warden has a defense
when the escaped prisoners are recaptured
or voluntarily return, but this defense ap-
plies only when the warden is guilty of
negligence, and not when he permitted
the prisoners to leave. See French Code
Penal, article 247.

No Distinction

The French code does not distinguish
between a prison break and an escape, as
do most US jurisdictions. An escape is a
voluntary departure of a person *without*
force from the place where he is lawfully
confined, while prison breaking is an es-
cape by means of actual force. When
the prisoner gains his liberty with the
assent or permission of the warden, as in
this case, it is a voluntary escape, but a
crime nevertheless. Thus, the loophole
in the French Penal Code caused by the
warden's acquiescence does not exist in
most U.S. jurisdictions, for the crime of es-
cape does not usually require violence.
See 19 Am. Jur. 363.

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'Divorce Mill' Lawyers Deplored by Magazine

The tactics of "divorce mill" lawyers have been deplored by A. E. Hotchner, writing in the current issue of *Redbook Magazine*. These lawyers are specialists in dissolving marriages which can often, in the experience of many judges and several surveys of the subject, be saved through the appreciation of "reputable lawyers" of their role in situations involving couples with marital difficulties.

The reputable lawyer, being an officer of the court, is expected to make an attempt at reconciliation of the couple and, that failing, inform his client of the after-effects—especially financial—of a divorce. But the divorce-mill lawyer has neither the time nor the interest requisite for such procedure. His clients are often no more than names existing on filing cards and bills for fees; his secretary handles most of the details, right down to distributing mimeographed answers which the client is to repeat verbatim in court in some cases. He specializes in out of state divorces, utilizing contacts with lawyers in those locations, and often arranging for hotel accommodations for clients who are to become residents of those states for the short time necessary, sometimes receiving kickbacks for those services.

The author refers to a morning spent in a New York City domestic relations court recently, during which seven annulments were granted in as many cases; only eight minutes were required to dissolve each marriage. The author finds this especially startling in view of the fact that New York is not generally known as a divorce mill state; however, the annulment racket has become the principal business of many attorneys in that state, where the grounds for divorce are few and strict.

In contrast to those jurisdictions which, tacitly at least, permit the divorce mill lawyer to ply his trade, are those where some sort of procedure has been worked out to encourage reconciliations. An Ohio judge, by rearranging his docket, managed to extend the statutory six-week waiting period between petition and divorce to six months; the divorce rate promptly dropped twenty percent. This experience lends weight to the statements of the majority of 425 divorced women living in Detroit that if they had been brought together with their husbands by skilled persons, they felt something might have been worked out to continue the marriage.

The author indicated that one reason the "mill" lawyers operate with such success is that many states have vague and lenient requirements for divorce (e.g. "mental cruelty"), resulting in unsavory situations in which the reputable lawyer does not want to become involved. The result is that more and more business falls into the hands of those few unscrupulous lawyers

Library Display Shows Use of Shepard Citators

With the cooperation of the publishers of Shepard's Citations the Library has arranged a display in the three glass cases at the north end of the Reading Room Desk. The display shows in graphic manner the materials covered in Shepard's Citations, the meanings of the symbols and the methods for use.

A small number of pamphlets entitled "How to Use Shepard's Citations" and "Problems" are available at the Desk. More of these pamphlets are being shipped as soon as the Shepard company prints them.

Also on display in the library is an exhibition on "The Founding of the Harvard Law School." This exhibit is being shown in the Treasury Room where it will remain until Dec. 5.

who forget the interests of the court and of their clients in their desire to earn fat fees.

The American Bar Association suggests the following reforms, in addition, of course, to the urging of many persons that responsible attorneys stop avoiding divorce cases: (1) submit family members to private diagnostic investigation by the court's specialists; (2) provide psychological aid to try to solve emotional problems; (3) provide welfare counseling to solve social-economic problems; (4) submit regular reports to the presiding judge; and (5) grant divorces only if treatment fails and the judge becomes convinced that the case is hopeless. The divorce mill lawyer will last, the author concludes, as long as responsible attorneys are allowed by the courts and the Bar Associations to turn their backs on persons with marital difficulties.

—Grossman

PEACE PLAN

(Continued from page one)

that man is biologically and inherently a destructive, suicidal creature.

"The certainty that another major war would inflict on all mankind, on victors as well as vanquished, on civilian as well as combatants, on children and women, the most cruel calamity in history, impels us to plead for sympathetic consideration of this new approach.

"We recommend that you muster the proposed commission from both the business world and the professions—industrial and financial leaders, clergymen, scientists, lawyers, farmers, labor leaders, educators, statesmen, philanthropists, historians, publicists and others.

Appeal to President

"We believe that the co-ordinated, matured judgments of the clearest minds might provide a program for the country at large, a program that would supplement and fortify the comprehensive efforts which the government is making. Under your inspiring leadership, Mr. President, far more could be done in every community in the land—by study groups, debates, lectures, forums and the like; far more in schools and colleges; far more by the radio and TV and the press. Millions could be spent with profit on such endeavors.

"We recommend that this commission be asked to give serious consideration to the establishment of an agency, somewhat similar in structure to the American National Red Cross, which is a non-governmental body yet closely associated with the government.

"The Red Cross has its charter from the Congress of the United States; its honorary president is the President of the United States; eight of its Board of Directors are appointed by the President.

"But, at the same time, in its operations it is autonomous; it raises its funds from the people (in its fiscal year 1953-54 well over \$85,000,000) and it carries on its multifarious activities largely by the work of its volunteers in its 7700 branches and chapters throughout the country. Furthermore, it has taken a leading part in the creation of similar institutions in 70 other countries, joined together in the League of Red Cross Societies.

"Such steps would give further evidence to the world that our vast military machine must be maintained, only because we live in a world of international discord and

FORUM

(Continued from page one)

tion. The Forum is seeking a Republican leader to defend Ike and his team and to turn the Forum session into a debate.

The Forum also is negotiating with evangelist Billy Graham, Socialist Norman Thomas, and William F. Buckley, Jr., who was the student chairman of the Yale *Daily News* and now is one of the country's more outspoken exponents of traditional economic and religious values.

Buckley is the author of *God and Man at Yale* and *McCarthy and His Enemies*, the latter in cooperation with L. Brent Bozell, a San Francisco attorney and one-time World Federalist leader. The Forum hopes to arrange a debate between Buckley and Thomas on "The Future of Socialism in the United States."

Another Forum possibility is James Reston, chief of the Washington bureau of the *New York Times*.

anarchy from which we have, so far, been unable to escape.

"Such an undertaking, we submit, might have many far-reaching benefits:

"It might stimulate to positive action many segments of our people who today, without leadership, participate only passively in the search for peace.

"It might stimulate other countries to take similar action, as has the Red Cross.

"It might lead the way for a spiritual and moral resurgence throughout the country and perhaps throughout the world.

"It might, in fact, prove the catalyst which would bring all these and many other forces together in such an overwhelming demand for peace that no government would dare ignore their mandate.

To be sure, many individuals and organizations are hard at work on this problem; but no one, to our knowledge, has proposed a definite, feasible plan so far-reaching and so likely to gain the cooperation and support of our countrymen.

"Nearly a hundred years ago, an obscure Swiss businessman crossed the bloody battlefield of Solferino the day after a battle and, viewing the abandoned wounded, dying and dead, vowed that such inhumanity must no longer be endured.

"From that day forth, Henri Dunant, renouncing all else, began sowing the seed which became the great far-flung humanitarian organization the Red Cross is today. Does not our proposal present to you, Mr. President, a similar opportunity for a great organized movement of our people, leading, under God, to a lasting peace?"

Hobbs has been active in Red Cross and other welfare drives, and has been treasurer of the Massachusetts branch of the United World Federalists. In 1947 he advocated a limited world government at the United Nations Assembly in New York.

The Law School alumni associated with the proposal are: Alfred A. Benesch, LL.B. '03, Frank W. Buxton, Dunbar F. Carpenter, LL.B. '03, Harry F. R. Dolan, LL.B. '02, William P. Everts, A. Stedman Hills, LL.B. '05, Gardiner G. Hubbard, Fredric W. Lane, Edward F. Loughlin, Wilbur Morse, Wynn M. Rainbolt, Montgomery Reed, LL.B. '03, Frank H. Stevens, and Harold Tappin, LL.B. '03.

History of Law School Topic of Seavey Talk

Professor Emeritus Warren A. Seavey addressed the Coffee Hour on "A History of Harvard Law School" in Harkness Commons last week.

Although William and Mary College had the first professor of law, the first organized school of law was founded at Harvard in 1817. During its early days it was a "poor, miserable, little school," said Seavey, "but still the best in the country."

The coming of Joseph Story, Justice of the Supreme Court, in 1825, began a great era in the school's history. Story strengthened the institution and lent prestige to it.

From 1825 to 1840, the law school was on rather a part time basis, with no formal entrance requirements, no examinations and only two years of resident study required for a degree. It was thought that the best way to learn law was to serve as apprentice in an office.



Warren A. Seavey

In 1870 came the revolution under Dean Christopher Columbus Langdell, who introduced the modern case method and the examination system.

Langdell's prize pupil, James Barr Ames, carried on where Langdell left off.

In 1916 Roscoe Pound became dean and began another great era in the law school. A great advocate of social jurisprudence, Pound governed the school with the philosophy: "The law was made for man, and not man for the law."

Prof. Seavey received his LL.B. from Harvard in 1904 and noted in passing what the giants of those days contributed to his legal education. Jeremiah Smith taught him to note what judges do, rather than what they say, while Prof. Beale instructed

him in classroom dialectics. When asked what Prof. Williston had given him, he retorted, "My two lowest grades."

The first world war, which disrupted many legal careers, took Prof. Seavey to France as an infantry captain where he organized his second law school—A.E.F. College of Law. The first school was the Law School of Pei Yang in China, founded in 1906.

Prof. Seavey wished to reserve his comments on the post-World War II era of Dean Erwin Griswold. He did hazard the comments that he believed a fine job was being done, and that Dean Griswold was utilizing the alumni very well, and beyond what Dean Pound had done. He also hinted that there might be a bit too much emphasis on research among the faculty, whereas he considered the teaching of students of prime importance.

Pursuing old inquiries, students asked Prof. Seavey his opinion of the grading system, to which he answered that he had said all there was to be said last year.

Upon the curriculum situation, Seavey advocated a reduction of first year courses so that the remaining studies might be made more intense. Breadth might have to be sacrificed, but he believed the resulting increase in the depth of education would be more beneficial.

The Professor, who was, because of age, retired at the end of last year, will teach a course in Agency at Washington University Law School in St. Louis this spring. He remarked that he will not like it as well, being away from the student body of Harvard. As far as "future plans," Prof. Seavey said, "Some day I'm going to die." Beyond this he would offer no predictions.

Seavey had one parting word of advice to graduates. Seek the small office with more general practice and greater contact with clients. The rigors of working for a large New York City firm are great, he said, and should be recognized and weighed before entering this kind of practice.

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