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TEN CENTS

Roscoe Pound Honored By Madrid Celebration

Last Monday the 88th anniversary of the birth of Roscoe Pound was celebrated in grand style in Madrid by the Institute for the Unification of Public Law, of which Dean Pound has just resigned the presidency, and the Institute of Comparative Spanish-American and Philippine Law.

As part of an impressive program honoring Dean Pound, the following addresses were scheduled:

"The Motive and Significance of the Homage Being Rendered to Dean Pound," by Professor-Doctor Manuel Fraga Iribarne, director of the work of the Institute for the Unification of Public Law.

"The Juridical and Academic Significance of the University Achievements of Roscoe Pound," by Donald W. Mulligan, cultural attache of the United States embassy in Madrid.

"Professor Roscoe Pound and European Juridical Thinking," by Professor Luis Legaz Lacambra, rector of the University of Santiago.

"The Doctrine and Writings of Professor Pound on the Work of the Courts and the Function of the Advocate as Social Engineer," by Antonio Fernandez Serrano.

Dean Pound, who was unable to attend the celebration, has served as president of the Institute for the Unification of Public Law since 1954.



Roscoe Pound

Bull & Bear

Howard Buhse, managing partner of Hornblower and Weeks, one of the larger investment banking firms in Boston, will address the Bull & Bear Club tomorrow afternoon at 1:40 p.m. in the Harkness Commons Meeting Room. His subject will be "The Anatomy of an Underwriting."

Seavey Teaches Law at N.Y.U.



Warren A. Seavey

Warren A. Seavey, Bussey Professor of Law, *Emeritus*, is teaching classes in Torts and Agency at the New York University Law School this semester. Professor Seavey, now 78, was retired from teaching at Harvard in 1955. Last year he taught a course in Torts at the Boston College Law School. He had taught a class in Torts at the New York University Law School during the 1956 fall semester.

Professor Seavey served as Reporter for the recently published *Restatement of Agency, Second*. This work is in two volumes and contains 528 sections. Vice Dean Livingston Hall served as an adviser to Professor Seavey, while Professors Louis Loss and David R. Herwitz were guest advisers.

In addition to teaching at the New York University Law School, Professor Seavey is currently serving as an adviser to Dean William L. Prosser of the University of California School of Law, the Reporter for the new *Restatement of Torts* now being drafted.

Professor Seavey is teaching in New York during the fall semester only, and expects to be back in his Langdell Hall office during the spring.

Even Communists Get 'Equal Time'

If a Communist can show that he is a legally qualified candidate for public office, he is entitled to radio and television time equal to that given other candidates for the same office, under the Federal Communications Commission regulations issued on Section 315 of the Communications Act.

The Commission, in its recent bulletin on the use of broadcast facilities by candidates for public office (FCC 58-936 *Public Notice* 63585, Oct. 1, 1958), dodged the question of whether or not anti-subversive legislation prevents a Communist from being "legally qualified" as a candidate.

Before the rights of a Communist candidate were discussed, the bulletin said, "In general, a candidate is legally qualified if he can be voted for in the state or district in which the election is being held, and, if elected, is eligible to serve in the office in question." It noted that the application of the "equal time" rule to candidates of the Communist Party has not yet been determined, in the light of the Communist Control Act of 1954.

Berman Writes Law Book For College Students

A new book designed for use by college students, the first of its kind in that it uses the case method as a primary technique for presenting and teaching law on the undergraduate level, has been written by Professor Harold J. Berman. It is entitled *The Nature and Functions of Law: An Introduction for Students of the Arts and Sciences*.

This 662-page volume is intended to be used as a textbook for a basic course on law for college students. The materials have been selected to illustrate certain broad functions of law in society. Professor Berman will use the book in the class he will teach this spring in the Social Relations Department of Harvard College.

The Nature and Functions of Law combines cases, text, and other materials. It is tailored for use in classes where discussion will be largely based upon the reading of cases. The author's introduction expresses the hope "that the juxtaposition of cases and other materials will permit a combination of the best features of the case method of teaching, as used in American law schools, and the best features of the lecture method as

Casner on Tour

Professor A. James Casner will deliver a paper on significant current tax problems in the field of estate planning at the Sixth Annual Taxation Conference of the University of Texas School of Law, at Austin, Texas, tomorrow. On Monday, he will address an assemblage of lawyers from the Cleveland area, guests of the National City Bank of Cleveland, at the Statler Hotel in Cleveland. The subject of his address will be "The Significance for Estate Planning Purposes of Selected Provisions in the Final Federal Estate Tax Regulations."

Resistance To High Court Is Nothing New—Sutherland

The situation in the South today does not warrant a pessimistic attitude, Arthur E. Sutherland, Bussey Professor of Law, told the Student's Association of the Graduate School of Education last week. In support of his position, he recounted past reactions to Supreme Court decisions and discussed the positive steps which have already been taken toward integration in the South.

There have been vehement denunciations of the Supreme Court almost from the beginning of its history, Professor Sutherland stated. Newspapers at the time of *Marbury v. Madison* considered that decision a threat to our Constitutional form of government.

Professor Sutherland read excerpts from a letter of Thomas Jefferson, written after the trial of Aaron Burr, calling for an amendment limiting the power of the Supreme Court. Jefferson had objected to certain rulings made by Chief Justice Marshall at that trial.

The survival of the Republic in spite of these and other instances of hostility to the Court suggests that we should take a calmer approach to

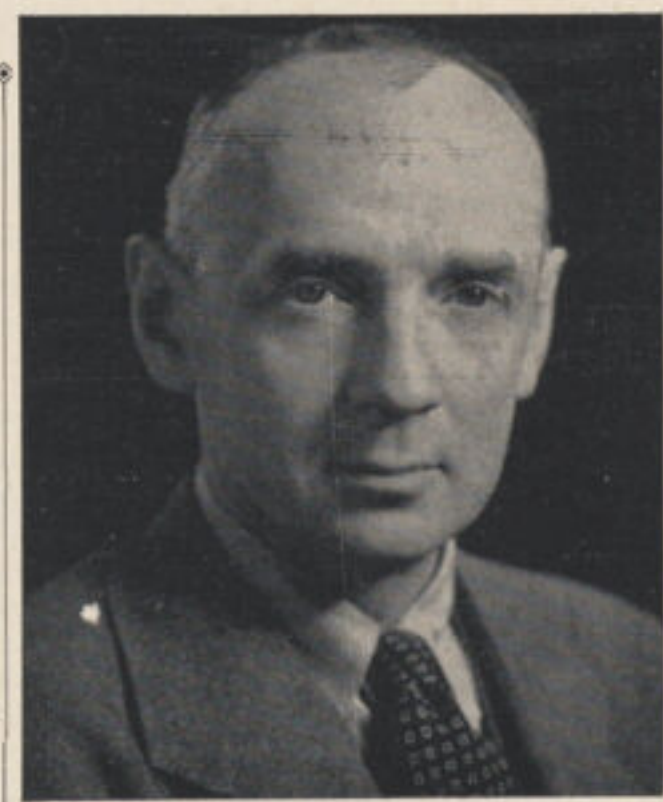
the reaction of the South now, Professor Sutherland said.

At the time of the Supreme Court decision outlawing segregated public schools, he pointed out, 17 states operated schools with segregated classes. Today only 7 states have made no progress toward integration of their schools. Considering the long history of segregation in the South, he stated, it could not be expected that immediately after the decision the entire situation would change.

In some cases, the South has, after a struggle, finally succumbed to the Supreme Court's mandates. For example, the University of Florida Law School has recently admitted a Negro

Speaks Today

"Criminal Law, Practice and Problems" will be the subject of a luncheon address by Mr. Neil Colicchio, at a meeting of the Student Bar Association at 1:30 p.m. today in the Harkness Commons Meeting Room. Mr. Colicchio is a member of the Massachusetts bar and is Chief Assistant Counsel of the Voluntary Defenders Committee of Boston, who provide defense for indigents accused of all crimes except first degree murder.



Arthur E. Sutherland

student. This occurred only after litigation had been shuttling back and forth between the Supreme Courts of the United States and Florida for some time.

Furthermore, Professor Sutherland continued, elements exist in the South which adopt a moderate view toward integration. The mayor of a Southern city in a state which has taken no step toward integration, for example, has stated publicly that there must be eventual reconciliation to the decisions of the Supreme Court. And the young people in the universities tend to take a conciliatory view. Professor Sutherland expressed the view that religion is another factor that will help promote a quicker acceptance of integration than most people now think.

Although he advised an optimistic (See SOUTH on page three)

Photographers Needed

The RECORD is now interviewing applicants for the position of photographer. Those interested are requested to contact the RECORD offices at 23 Everett Street or phone Ext. 418 or 419 for an appointment.

used traditionally in the liberal arts college."

One purpose of the book is to stimulate the development of courses dealing with law in the undergraduate level of schooling. Professor Berman

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Letters to the Editor

To The Editor of the RECORD:

I was interested to note in Judge Wyzanski's generous review of my book — *The Supreme Court from Taft to Warren* — the statement that Stone's law clerk, Warner W. Gardner, had written Stone's Harvard Tercentenary address. Since this information could not be gleaned from close examination of the Stone papers, I addressed an inquiry to Mr. Gardner. He has kindly permitted me to quote his reply of October 10:

Of course I did not write the address. I recall vaguely lending some minor assistance to some address the Justice was to have given; whether it was research or literary, and what the address was, I cannot remember. The fact is that Mr. Gardner was not Stone's law clerk at the time the address was under preparation and could not have had any connection with it.

ALPHEUS THOMAS MASON
 McCormick Professor of Jurisprudence
 Princeton University

To the Editor of the RECORD:

Professor Alpheus Thomas Mason and Warner W. Gardner, Esq., have courteously informed me that in my review of Mason's book I erroneously attributed to Gardner the authorship of Justice Stone's speech at the Harvard Tercentenary. I owe them and the readers of the RECORD my apology. But I hope it may not be regarded as stubborn pride for me to persist in my view that while Justice Stone had a sound, balanced judgment, he was not one of the great creative forces in the history of our law. Indeed, I am not sure that Justice Stone would not have felt, as I do, that on the Supreme Court the man of wisdom is often more to be desired than the man of originality.

CHARLES E. WYZANSKI
 United States District Judge
 District of Massachusetts

To the Editor of the RECORD:

The article by Nader and Jacobs in your issue of Oct. 9 sheds some light on one of the darkest corners of our election system. Perhaps a few comments are in place.

The burdens on minority parties do not prevent the major parties from adding new parties to the ballot whenever they think it advisable. For many years the Liberal Party in New York has endorsed one or another (usually the Democratic) party. The other party, in order to get a second line on the voting machine for its candidates, creates a new party, usually called the Experience party, the Taxpayers party, or some such high sounding name. There is little difficulty in satisfying the peculiar requirements of the law, for word goes out to the districts and each election captain (in return for his job, since he is usually on the payroll, or employed as a watcher if his party is currently out of power) secures ten or twenty signatures. Since this is done through an organization already in existence, covering all counties, there is no difficulty. But a new party, without an organization in existence, finds it almost impossible to secure the necessary signatures.

In New York, at least, there is another difficulty. The Courts have interpreted the law very strictly, and petitions have been invalidated because, for example, the shade of paper on which they were printed is wrong, the county in which the notary resides is improper, and similar "irregularities" are found. These create no difficulty for the old line politicians, because they have a few professionals in their organization who are completely familiar with the requirements (and use last year's papers as their guide). But the newcomer, who is interested in starting a new party, has a Herculean task in getting the party on the ballot.

One final comment: the effect of this system is to preserve power in the district

Leading Legal Authorities Illumine Law School Faculty

The Harvard Law School is the largest law school in the nation. And it has a general reputation for being the "top ranking" law school in the nation.

The principle reason for this reputation, outside of the consistent high quality of the student body, is the high caliber of the Law School faculty. For the Law School attracts, the Law School seeks, and the Law School generally succeeds in procuring, the best men available in their fields to join its faculty.

But just who is this faculty? Where do its members come from? Why do they come? How are they selected?

Fertile Minds

The faculty of the Harvard Law School consists of an imposing array of the most fertile minds in an expanding number of fields of the law. Many are the top authorities in their fields. Many have written the leading textbooks, and treatises, and casebooks in particular areas of the law, and have been the principal contributors to the American Law Institute's Restatements of the Law.

The faculty, too, is the official policy making body of the Law School, subject in many respects to the approval of the President and Fellows of Harvard College. The faculty meets as a body at least once each month. It controls and determines the Law School curriculum. It makes recommendations on admissions policy, tuition rates, scholarships, degrees, and many other matters. It submits its recommendations, through the President of the University, to the President and Fellows of Harvard College.

There are at present 50 full-time members of the Law School faculty (including 3 Visiting Professors), 6 lecturers, and 6 teaching fellows. Harvard Law School is second only to New York University Law School in the size of its faculty. It is second to no law school in the number of full-time members of its faculty.

Experience

The great majority of the faculty members have had experience either as practicing lawyers or in the service of the government in some official capacity, or both. Less than one-third of the present members of the faculty have had prior teaching experience in other law schools. Most of the older members appointed have served on other law school faculties, but the great majority of the younger appointees have not.

Only 10 members (20%) of the Law School faculty possess an S.J.D. Only 5 (10%) possess an LL.M. Seventy per cent of the faculty possess no higher law degree than an LL.B.

No Negro has ever been a member of the Law School faculty, although one Negro, Clarence Clyde Ferguson, held a position as

Teaching Fellow during the academic year, 1951-52.

Female Professor

The only female member to ever grace the Law School faculty was Miss Soia Mentshikoff, who was a Visiting Professor at the Law School for two years, from the fall of 1947 through the spring of 1949. She taught Commercial Law and a Commercial Arbitration Seminar. However, during her final year here, Miss Mentshikoff met another Visiting Professor, Karl N. Llewellyn, who proved more attractive to her than Langdell Hall. They married and left together for Columbia University. Both are now at the University of Chicago.

Miss Helen Maud Cam, Samuel Zemurray, Jr., and Doris Zemurray Stone-Radcliffe Professor of History, conducted a seminar in English Legal History during the academic year, 1951-52, while a member of the Radcliffe faculty.

Harvard Graduate

The Law School tends to choose from her own when searching for new faculty members. Twenty-eight of the 50 full-time members of the Law School faculty received their LL. B. from the Harvard Law School. Three more received their LL. M. here, and 5 their S. J. D. One member, Austin W. Scott, received an LL. D. from the Law School in 1944.

Several good reasons suggest themselves to explain why the Law School attracts the top talent in the legal field.

One reason is the impressive and comprehensive Law Library located in Langdell Hall. This Library contains over 900,000 volumes, and is an invaluable aid to any scholar undertaking a serious research project.

Another reason is the light teaching schedule. Full-time professors at the Law School teach an average of only 6 hours a week. No professor teaches more than 2 sections in any one particular course, and very few teach that many.

A further reason is the great degree of freedom in method and subject possessed by the faculty. Whether to teach seminars, and if so, what subjects to teach, are completely optional with the individual members of the faculty. The faculty members also have much opportunity to move from field to field to pursue their interests, and to concentrate their attentions in legal areas which hold special appeal to them.

Birds of a Feather

Another very cogent reason is the compelling attraction of other leading authorities already present at the School. "Birds of a feather flock together." The chance that a member of the faculty has to sit down and

the fourth estate to refuse disclosure of sources of information on which libelous and defamatory statements in a newspaper were based. While there will probably be no actions for libel instituted against the "RECORD" as a result of the editorial, there is no doubt in the writer's mind that said editorial constitutes a deliberate and malicious libel of the judicial system throughout the southern states. Like the reporter in the Garland case, the editor fails and refuses to disclose the sources of his information which furnish the basis for his authoritative outburst against southern courts.

Such statements as, "It (the Jimmy Wilson case) is all too typical of the 'raw deal' that the average negro receives in local criminal courts throughout the South day after day", and "... the negroes' fight for life, for his freedom, in cases which arise in Southern courts every day of the year", are calculated solely to inflame the reader and contribute nothing toward an intelligent and workable solution of racial problems in the southern states. It is the writer's opinion that a major portion of the strife and resentment which presently exists in some southern states has been engendered and fomented by such abuses of journalistic privilege as this editorial.

Apparently, burglary in the night was deemed a sufficiently serious crime by the Alabama legislature to warrant imposition of the death penalty. I am sure the statute under which Wilson was convicted was not enacted for the sole purpose of empowering the Alabama courts to persecute negroes. While I, too, was relieved to read that Governor Folsom saw fit to commute Wilson's sentence, I felt no resentment against the Alabama courts either for imposing the sentence or for upholding it. They did not write the statute.

CHARLES F. DODRILL
 LL.B. '48

(Ed. Note: Only 4 people have ever been electrocuted for violating the Alabama statute under which Jimmy Wilson was convicted. All were Negroes.)

thrash out and discuss the points of law that particularly intrigue him with other men who are authorities in the field is an undeniable attraction.

Another reason, perhaps, is the amount of the salaries paid. Although no figures are available on the salaries paid to the faculty, it can be speculated that, generally, they are rewarded at least as liberally as the faculty at any other law school in the nation, even if not liberally enough to match what most of the faculty members might earn by engaging in full-time private practice.

Broad Search

When a vacancy occurs among the faculty of the Law School, a quiet, intensive search is immediately undertaken to find the best man available to fill that vacancy. Information and suggestions are gathered from many sources, including other law schools, alumni, practicing lawyers, the judiciary, and the faculty themselves.

A faculty committee, the Committee on Appointments, gathers this information and analyzes it. An alumni committee makes recommendations, considers suggestions, and acts in a general advisory capacity.

The Committee, at the close of its investigation, reports to the faculty as a body. The faculty then considers the Committee report and submits its recommendations, through the President of the University, to the President and Fellows of Harvard College. The final decision on appointments is then made by vote of the President and Fellows of Harvard College, subject to the consent of the Board of Overseers, if the appointment is for more than one year.

Assistant Professors

A policy of the Law School when appointing younger members, particularly members without prior teaching experience, is to appoint them to three-year terms as Assistant Professors. At the end of his three year term, if the Assistant Professor desires a permanent position and if the School is satisfied with his performance during the three years, he is recommended by the faculty to the President and Fellows of Harvard College for appointment as Professor of Law. Professors Chayes and Westfall received appointment in this manner last spring.

The Law School does not pursue a conscious policy of "raiding" other law school faculties for their top talent when searching for men to fill vacancies. But the School feels no compunctions about offering jobs to teachers on the faculties of other law schools. It has even happened, very infrequently but on occasion, that members of the Harvard Law School faculty have left to assume positions with other law schools.

Each year the Law School invites about three Visiting Professors, Professors of Law on the faculties of other schools, to teach for one year at the Law School. Sometimes, when his term as Visiting Professor is over and an appropriate vacancy is open on the faculty, the former Visiting Professor will be offered a permanent position. This happened to Professor Clark Byse this year.

— Binder

The Law Is A Wondrous Thing

"It is a misdemeanor to shoot at any kind of game bird or mammal — except a whale, from an automobile or airplane." *Penal Code, Section 6260, California State Vehicle Act, Chapter XVIII, paragraph 187.*

"Any person who shall not lift his hat to the Mayor as he passes him on the street, will be guilty of a misdemeanor." *Ordinance No. 16, Columbus, Montana.*

"No lions shall be allowed to run wild on the streets of this city." *City ordinance of Alderson, West Virginia.*

"Be it enacted by the General Assembly of the State of Tennessee that . . . the boundaries of said town of Ripley shall be as follows: Beginning at a stake in the West boundary line of the present limit of the old corporation . . . thence North 85 degrees and East to a black gum marked with a cross and with mistletoe in the top, and with a blue bird sitting on a limb which tree is a short distance East of Ed Johnson's horse lot. . . ." *Section of the Tennessee Act which incorporates the town of Ripley, Lauderdale County, Tennessee.*

Act 239 of Michigan Laws of 1907: "An act to provide for the lawful taking of suckers, mullet, dogfish, and lawyers from the waters of Sturgeon River."

Thies Proposal May Save Coop \$16,000 in Taxes

By a 10-3 vote at their annual meeting held in Harvard 1, Wednesday afternoon, October 22, the eligible participating members of the Coop approved a resolution proposed on behalf of "the Unincorporated Harvard Cooperative Society members" by Winthrop L. Thies, 3L of Scarsdale, N. Y., designed to eliminate an alleged annual wastage of about \$16,000 in unnecessary Federal income taxes. No director voted against the proposal, although, according to Mr. Thies, Austin W. Scott, Dane Professor of Law and Vice President and General Counsel to the Coop, and "one or two undergraduates, who probably didn't understand what was going on, expressed vague objections."

Later, in his Langdell office, Professor Scott commented that Mr. Thies' resolution was being considered by the directors, and that it might possibly effect some saving.

Mr. Thies explained that his resolution involved the substitution of a deposit, by each Coop member, in lieu of his present membership fee. Unlike the latter, the former would probably not, in Mr. Thies' opinion, be taxable to the Coop as income (at



Austin W. Scott

the present 52% rate). Since there are more than 31,000 Coop members, the resulting saving would exceed \$16,000.

He claimed that the principal purpose of the present fee was to ensure Coop participation by members, which function would, he felt, be equally well served under a deposit plan. If the deposit, which would be freely withdrawable, were set at an amount equivalent to the present value of several years' fees, the consequent revolving fund would still be conveniently available for most Coop operating purposes.

Professor Scott questioned whether the Internal Revenue Service might not regard the new form of payment as substantially equivalent to income, or whether various fiduciary regulations might not hamper Coop administration. Mr. Thies, however, suggested that the Coop directors communicate with the management of the Princeton University Store, which, he recalls Professor Scott stated, has had a system similar to the one he recommends in effect for many years. According to Professor Scott, Mr. Thies recalled, the Coop used to follow a policy of not paying income taxes on its fee receipts until assessed.

— Moss

SOUTH

(Continued from page one)

attitude toward the situation, Professor Sutherland emphasized that he feels that it is regrettable and tragic that 7 Southern states have made no movement at all toward school integration.

Professor Sutherland, in discussing the role of the Supreme Court in our political system, stated that Americans enjoy vituperation in politics, but seek an element of reason and balance in the government. The courts provide this element. For example, there was great criticism in this country when Supreme Court decisions struck down New Deal legislation. Yet the "court packing" plan of President Roosevelt created greater resentment than had these decisions. People are anxious to respect judges, Professor Sutherland commented. It is much more shocking to the public when a judge does wrong than when a politician does.

Progress

In answer to questions from his audience, Professor Sutherland defended his optimistic approach by adding that one year ago his list of recalcitrant Southern states who had done nothing to comply with the Court's integration decision would have been 8, instead of 7; but within the last year North Carolina has taken steps in the direction of integration. And, he said, the National Episcopal Church and the Roman Catholic Archbishop of Louisiana have condemned segregation.

Professor Sutherland said that he does not believe that the citation of psychological authorities by the Supreme Court in *Brown v. Board of Education* was wise. The effects of segregation are obvious, he asserted, and the "attempt to prove with evidence what my grandmother knew" is not always prudent. It is clear that segregation to the Negro seems a relic of slavery.

Voting Rights

Professor Sutherland suggested that federal enforcement of federal statutes dealing with voting rights might prove an effective means of helping solve the problem. For, if Negroes could vote in proportion to their numbers, he stated, elected officials would feel more of an obligation to help them.

Professor Sutherland, commenting on the resolution passed by the State Chief Justices criticizing the Supreme Court, declared that he believed that it was poorly timed. And he disagreed with its assertion that the Supreme Court is making law instead of finding it. There is no place in which to find the law, he said. Any time the Court applies the "due process" clause in a specific situation, it is making law, in the sense that a specific rule is developed from a general clause in the Constitution.

— Dodell

BOOK

(Continued from page one)

feels that there exists a great need for more college courses devoted to the study of law in society and that the failure to utilize cases in the courses now available has "inhibited development" in this area.

A book published by Professor Ber- man in 1956, *On the Teaching of Law in the Liberal Arts Curriculum*, deals particularly with this subject. Also dealing with this subject is an article by John Appel appearing in the current issue of the *Journal of Legal Education* (10 J.L.Ed. 485-490), entitled "Law as a Social Science in the Undergraduate Curriculum."

The following are excerpts from that article:

... law is the best example of the mechanism of solving human problems by appealing for enlightenment from every relevant source. The basic technique of the lawyer — the ability to think rigorously and objectively, and ask the questions that go to the heart of the matter — is a technique applicable to all fields of human endeavor; and the specific approaches that a lawyer uses in avoiding costly mistakes of judgment are universally valuable.

A public law field might best illustrate breadth of inquiry necessary to solve complex social problems in a legal framework, but a carefully selected private law area would serve the same purpose, while better demonstrating the need to work within rigorously imposed conditions in the problem-solving situation. An example would be the historical development of manufacturers' liability for injury caused by products to persons not in privity of contract.

The study of law also furnishes an understanding of how far disorder is inevitably present in human experience, and to what extent orderly thought, standards, and institutions enable society and its informed members to deal with the disorder which cannot be avoided.

In addition to studying the means of decision-making, the nonprofessional student of law will gain an understanding of the construction of norms to effectuate a policy decision already made.

Social scientists benefit from a study of the law by gaining deeper insight into why legal rules are as they are, why they persist past their usefulness, how they can be changed, and in what direction change is desirable. Law may be considered a laboratory where the interdisciplinary synthesis of the social sciences may take their place. The nature of justice, and the possibilities of realizing it in the framework of social institutions, is a question pervading almost all human inquiry.

In order that the law may grow apace with the demands of society, it is essential that members of society see the law as it really is — not beclouded by popular misconceptions either complimentary or derogatory. Law is made not only by lawyers, judges and legislators, but primarily by the members of society who, by their actions and ideas, call forth the efforts of the various branches of the legal profession. An understanding of the law in practice as well as in theory will serve the dual purpose of enlisting popular support for legal reforms and impressing upon the layman the necessity for both avoidance of litigation and voluntary compliance with the law.

There can be no doubt that a course in law as a social science must be taught by a man with legal training. To entrust the course in law as a liberal art to those teachers who now commonly teach the courses oriented to vocational or disciplinary needs would be little less than disastrous: the contemplated course is one of law, not about law.

In conclusion, it is well to recall that traditionally law has been considered a liberal arts field; it is only with the emergence of professional law schools that law has disappeared from the colleges and the benefits of law study restricted to a small segment of those pursuing liberal education. And it is worth while to note what the law schools and legal education have to gain by taking the initiative in re-introducing the study of law as an independent social science: a more informed citizenry and better clients, at the least. At the most, the eventual development of a society in which the legal profession can better serve the ends of human progress.

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Election Crucial, Says Kennedy

Senator John F. Kennedy (D) of Massachusetts declared Monday afternoon that the United States is facing one of the most crucial elections since the "dark days" of the depression.

Speaking before a capacity crowd of enthusiastic Democratic supporters, the Senator decried what he called the administration's inability to directly meet the problems of continued unemployment, inadequate housing, and the "inexcusable poverty" which one quarter of this nation is still experiencing. Coupling these remarks with an indictment of President Eisenhower's "muddled and confused" foreign policy, the Senator, often mentioned as a possible presidential candidate in 1960, quoted approvingly a poem that Robert Sherwood wrote in early 1933: "Tramp, Tramp, the GOP is breaking camp."

Confident

The Senator opened his address in an atmosphere pervaded with confidence. Commenting on the President's recent campaign tactics, Senator Kennedy remarked that he has heard it said, "Sure, Eisenhower has been imprudent, but let's not be too harsh on him; Dick Nixon needs him." This reference to the recent resignation of presidential aide Sherman Adams did not fail to arouse the partisan audience to laughter and applause.

Stressing the need for large democratic majorities in Congress Senator Kennedy listed a number of important bills that have been defeated by a handful of votes. He then expressed his full support of John Saltonstall for Congressman. He characterized him as the type of man needed to assure the passage of a liberal, forward-looking program in Congress. Mr. Saltonstall had introduced Senator Kennedy to the Harvard audience.

The administration's handling of the Quemoy and Matsu issue did not escape the Senator's blistering attack. He deplored the administration's lofty "self-righteousness" in dealing with this situation and expressed the fear that Chiang Kai-Shek might prove to be "the tail which wagged the dog." "We are asking for trouble," he continued, "by placing our fate in the hands of Chiang, whose actions might result in a war over Quemoy and Matsu. It would be the wrong war at the wrong place at the wrong time, for two islands which are as far from the China mainland as the Boston airport is from Cambridge."

Opposed McCarthy

Following his address, the Senator, in an answer to a question from the floor, expressed his approval of the McCarthy censure four years ago and noted that his presence in the hospital prevented him from registering his vote. Senator Kennedy, the questioner noted, had been criticized by Mrs. Eleanor Roosevelt for his role in this affair.

In response to another question Senator Kennedy expressed the wish that the Democrats would stay united for the 1960 election. He added, however, that the Democratic Party was going to put forth a strong civil rights plank and if the southerners walked out, it could not be helped.

During the course of his remarks the Senator frequently turned to praise a number of Harvard Law School faculty members, including Professors Paul Freund and Archibald Cox. He noted that these "able gentlemen" have worked closely with him on the crucial labor and civil rights bills which were considered by the last Congress. Senator Kennedy praised those in the academic community "who would give us in Washington the benefit of their advice and counsel."

— Rosenberg

Directory

The 1959 Harvard Law School Directory has been completed and will be distributed tomorrow at the receptionist's desk in the main lobby of Langdell Hall.

Taxes

Data released yesterday by the Internal Revenue Service show that total internal revenue collections for the fiscal year 1958 (ending June 30, 1958) amounted to \$80 billion. Although this was slightly below the all-time high of \$80.2 billion collected last year, the 1958 total was the second highest in history, in spite of a temporary downturn in business.

Individual income and employment taxes rose to \$47.2 billion, a gain of \$0.6 billion over the preceding year, however, this increase, together with a slight increase in excise tax collections, was not sufficient to offset the decrease of almost \$1 billion in corporation income and profits tax collections.

Approximately 25% of the total internal revenue collections represented corporation income and profits taxes, and nearly 60% of the internal revenue collections comprised individual income and employment taxes.

Other taxes comprising the total collections were Estate taxes, \$1.28 billion; Gift taxes, \$133.8 million; Alcohol taxes, \$2.9 billion; Tobacco taxes, \$1.7 billion; other excise taxes, \$6.1 billion.

Alumni Notes

LL.B. '97 *c.l.* — Robert Gray Dodge has been awarded the first Massachusetts Bar Association Gold Medal. He is a former Law School faculty member.

LL.B. '34 — F. Reed Dickerson, Deputy Assistant General Counsel of the Department of Defense, has been appointed Professor of Law at Indiana University School of Law. He has also been appointed by Governor Handley of Indiana as one of Indiana's four Commissioners on Uniform Laws. Last year Mr. Dickerson received the Distinguished Civilian Service Award, the Defense Department's highest civilian honor, for his work in directing the 8-year project to codify the nation's military laws.

LL.B. '40 — Stanley Gewirtz has been named to the position of vice president — administration for Western Air Lines. Mr. Gewirtz has been a guest lecturer at the Harvard Graduate School of Business Administration since 1953.

LL.B. '42 — John E. Morris has expanded his offices in the Woolworth Building in New York. He occupies the entire 50th floor. He and his staff are engaged in an active trial practice in New York State and Federal courts.

LL.M. '46 — J. O. Tally, Jr., has been named Treasurer of Kiwanis International. He is a former professor of law at Wake Forest College and a past president of the Harvard Club of North Carolina.

LL.B. '51 — Nathan J. Siegel has moved his law offices to 15 Park Row, Suite 2230, New York 38, N. Y.

LL.B. '52 — Frederick M. Mars, has formed a partnership with Bernard L. Burton for the general practice of law under the firm name of Mars and Burton. They are located at 83 East Main Street, Patchogue, N. Y.

LL.B. '58 — Alan S. Novick has passed the Massachusetts bar examination and will be sworn in on November 12. He will be associated with the firm of Horvitz & Horvitz, 335 Granite Block, Fall River, Mass.

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Placement Office Is Subject To Anti-Discrimination Law

For the last few years all prospective employers who utilize the Placement Office at 23 Everett Street to interview students for jobs have been handed, before conducting any interviews, a sheet of paper containing this italicized passage at the bottom:

The Massachusetts Fair Employment Practices Law declares that no person should be denied the right to work because of race, color, religious creed, racial origin, age, or ancestry. It is an unlawful employment practice for prospective employers to ask any question relating to these matters, and the Placement Office cannot furnish any information with regard to them.

Assistant Dean Russell H. Peck, Director of Placement, has reported receiving no real complaints from interviewers about the law, and very few complaints from students about violation of the law during interviews. He has expressed his personal approval of the statute.

Application forms which students presently are asked to fill out and turn in to interviewers contain questions pertaining to the student's date of birth and year of graduation from college, which the Fair Employment Practice Law seems to prohibit. But so far no one has been heard to complain. The provision relating to age contained in the Law was enacted in 1950, for the purpose of prohibiting discrimination against persons between the ages of 45 and 65.

New York State has recently enacted a similar age provision.

The Massachusetts Fair Employment Practice Law was passed in 1946 and amended in 1950. It is now enforced by the Massachusetts Commission Against Discrimination.

In a pamphlet entitled *Policies of the Massachusetts Commission Against Discrimination*, it is stated that "Inquiries, answers to which would directly or indirectly disclose a person's race, color, religious creed, national origin, age or ancestry, are designated as unlawful employment practices when such inquiries are made PRIOR to employment unless based on a bona fide occupational qualification. No restriction is placed on inquiries made AFTER employment provided the information obtained is not used for purposes of discrimination."

The Law has been interpreted to apply to all inquiries about employ-

ment made within Massachusetts, whether the inquiry relates to employment within the state or not. The Law does not apply, however, to an employer with less than 6 persons in his employ.

Any person may file a complaint "when he has been refused employment by an employer or employment agency because of his race, color, religious creed, national origin, age or ancestry; or when refusal was predicated upon answers to questions, whether direct or indirect, oral or written, (as on employment application blanks) which disclosed the same."

The Massachusetts Commission Against Discrimination lists, in a pamphlet setting forth its policies, the following:

Unlawful Employment Practices Before Hiring

(1) Inquiry into the original name of an applicant for employment whose name has been changed by court proceedings or otherwise except in connection with criminal proceedings.

(2) Inquiry into the birthplace of an applicant for employment or birthplace of his parents, spouse or other close relatives.

(3) Inquiry into the date of birth or the age of an applicant for employment except as otherwise here permitted.

(4) Any statement that implies a limitation because of age of an applicant for employment.

(5) Inquiry into the religious denomination of an applicant for employment; his church religious obligations; his church, parish, pastor, or religious holidays observed.

(6) An applicant for employment MAY NOT be told: "Employees are required to work on Rosh Hashana, Yom Kippur and Good Friday."

(7) Inquiry into the color of an applicant for employment. Requirement that an applicant for employment annex a photograph.

(8) Inquiry whether an applicant for employment is a naturalized or native-born citizen; the date when applicant acquired citizenship; whether the applicant's parents or spouse are naturalized or native-born citizens of the United States; the date when such parents or spouse acquired citizenship.

(9) Requirement that an applicant for employment produce his Naturalization Papers or First Papers.

(10) Inquiry into the lineage of an applicant for employment, his ancestry or national origin.

(11) Inquiry into the location outside of the United States of places of business of relatives of an applicant for employment.

(12) Inquiry into the place of residence of the parents, spouse or other close relatives of an applicant for employment.

(13) Inquiry into the maiden name of the wife of a male applicant for employment and/or inquiry into the maiden name of the mother of a male or female applicant for employment.

(14) Inquiry into the foreign military experience of an applicant for employment.

(15) Requiring BEFORE employment exhibition of a discharge from military service.

(16) Inquiring into the whereabouts of an applicant for employment during the First World War, i.e., during the period from 1914-1919.

(17) Inquiry into the organizations of which the applicant for employment is a member the name or character of which indicates the religion, race or national origin of its members.

— Binder

MENSHIKOV

(Continued from page one)

fairs of other countries should be applied by the Great Powers, he stated.

The Soviet representative also suggested that the Middle East crises of the past several months were created by the "use of armed forces as instruments of interference in the internal affairs of the Arab countries." He called not only for the invocation of the principle of non-interference in the internal affairs of one nation by another, but also called for the elimination of foreign bases and troops from the countries of the Middle East. Mr. Menshikov stated that such actions would tend to normalize the situation in these two areas of crisis.

Peaceful Proposals

Ambassador Menshikov stated that it is unfortunate that other powers have not agreed with the Russian proposals concerning these problems, and that although the Soviet Union proposed that the other major powers renounce all use of force or threat of it, the peaceful proposals of the Soviet Union had met no response. The speaker made clear that it is the Soviet Union's position that "the split of the world into military blocks should be stopped," and that there should be cooperation among the nations of the world. He asserted that "the Soviet Union devotes all its attention to the peace and security of the peoples of the world."

Mr. Menshikov urged that the threat of nuclear conflict demands the outlawing of all nuclear weapons and stock piles and that atomic power be used for peaceful purposes only. He stressed the fact that the end of nuclear tests must be the first step towards the eventual banning of nuclear weapons. He pointed out that the Russian cessation of nuclear tests last March was unilateral; for the United States and Great Britain failed to follow suit. Although the Soviet ambassador acknowledged that the United States has announced that its tests would be suspended as of October 31, 1958, for a period of one year, he felt that this step is insufficient. He stated that the ending of nuclear tests for all time must be implemented in order to save man from the grave dangers of atomic radiation.

Surprise Attack

In line with these proposals, the Russian ambassador mentioned that the Soviet Union had taken the initiative for experts of both countries to evolve a plan which would negate the possibility of a surprise attack by either of the two countries on the other. The ambassador asserted that this would lead not only to a more peaceful relationship among the two powers, but also to a general reduction in world tension that would be beneficial to all.

Cultural exchanges were cited by Mr. Menshikov as being among the various methods employed by the United States and the Soviet Union to reduce world tension. In his view, these exchanges provide a good stimulus for the peoples of these countries, and the Russian diplomat expressed hope that these cultural exchanges could be greatly broadened in the near future.

Ambassador Menshikov, speaking to a capacity audience, limited his address to approximately twenty-five minutes, after which he entertained questions from the audience as proposed to him through the moderator, Professor Mark DeWolfe Howe.

Questions Evaded

Always affable, but often evasive, the Russian ambassador avoided answering a number of the questions directed to him. Among those questions which did not elicit direct answers was one concerning the execution of General Malet, the former Hungarian defense minister and a leader in the Hungarian revolt of October, 1956, and a question concerning the banning in Russia of Nobel Prize winner Boris Pasternak's novel,

— Binder

Law Wives

On Saturday evening the Law Wives will hold their first social event for members and their husbands — the Chianti Casual. An Italian supper with Chianti will be followed by square dancing. The time is 7:30 p.m. in the North Dining Room of Harkness Commons.

On Wednesday, November 5, the Law Wives will hear Dr. John S. Robey, a Cambridge pediatrician, who will discuss developmental problems that arise with small children. A Harvard College and Harvard Medical School graduate, Dr. Robey has done work with the Crow Indian children. The time is 8 p.m. in Harkness Commons.

Tax on Ads Is Illegal

The Maryland Court of Appeals, the state's highest court, has unanimously affirmed a Circuit court ruling that Baltimore's two city ordinances levying taxes on advertising are unconstitutional because they violate the 1st Amendment guarantee of "freedom of the press."

One ordinance imposed a 4% sales tax on the purchaser of newspaper, radio, television, and billboard advertising. The other ordinance levied a 2% gross receipts tax on the proceeds of such sales.

The court's opinion said that newspapers and radio and television stations suffered 90 to 95 percent of the tax burden imposed. It was not a general tax, as the city claimed, but was singular in kind.

The court declared: "The root of the evil in these ordinances lies not merely in the fact that they curtail the dollars received by the newspapers and the stations, but in the fact that being entitled to the advantages granted by the first amendment, they are singled out and required to pay a special tax that is not required of business in general or some broad portion thereof."

Doctor Zhivago. Refusing to discuss the issue of censorship, the ambassador stated that he had not read this novel but would comment upon it when he had done so. In answer to a question concerning the Algerian problem, the ambassador stated that this question should be solved in the interest of the Algerian people primarily and then in the interest of all other people living there.

United Nations

In commenting upon what questions were to be settled by the United Nations, Ambassador Menshikov asserted that the United Nations decides some matters by a mechanical majority, controlled by the West, and that therefore Russia must act accordingly in this world forum.

In answering a question posed concerning German re-unification, he stated that it was the Russian position that this was an internal affair of the German people which the two German governments should settle for themselves without outside supervision.

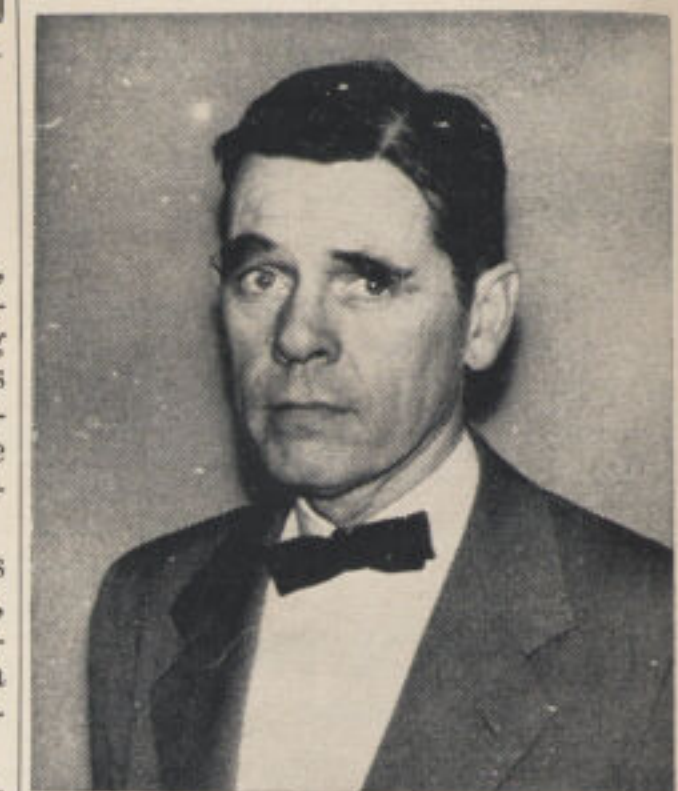
Ambassador Menshikov ended his discussion on an optimistic note by stating his belief that notwithstanding the present differences between the United States and the Soviet Union, there will be a gradual moving toward the time when, through an ever-increasing understanding of each other, both countries will mutually benefit and prosper through increasingly friendly relations.

— Rosenblum

Law Professors Teach at Salzburg

Professors Clark Byse and Abram Chayes represented Harvard Law School at the 56th session of the Salzburg Seminar in American Studies this summer.

That session, one of six held at Salzburg, Austria, this year, was devoted to the study of American Law and Legal Institutions. The Seminar, a unique attempt at international cooperation and understanding, was founded after World War II by a group of veterans from Harvard who felt the need for young intellectual and professional groups in Europe to gain a better understanding of American life. Professor Dexter Perkins of



Clark Byse

Harvard University now supervises the Seminar, which annually invites about 350 young men and women from 15 Western European nations to participate in one of the specialized sessions. American universities supply the faculty members, who direct some 50 lectures and 35 seminars at each session.

Professor Byse directed a seminar in Contracts, while Professor Chayes taught one in Corporation Law. Classes were conducted in English, and simulated the presentation of material in a typical American law school, including the familiar dialectic method. The informality of the discussions and the accessibility of the teachers provided the students with a sharp contrast to the more formal European lecture system.

Highlights of the session were two moot court trials held on successive evenings. The first represented an American jury trial, similar to the Model Trial to be held at the Law School on November 13. The second was a trial of the same cause, but governed by German law and procedure, thereby providing another provocative comparison.

Professor Chayes said, "The students obtained a good idea of the workings of the American judicial process, and an accurate conception of our legal system." Professor Byse added that mind-to-mind and face-to-face discussion had helped the faculty and students to grasp each other's ideas more fully. Both men agreed that this year's session was a success.

Judges and lawyers, journalists, radio and television writers, labor leaders, corporation executives and university professors are among those who have participated in the Seminar during the last ten years. Professors Dawson and Sacks from the Law School conducted seminars in 1957. A participant usually attends all lectures during the month-long session, but takes part only in the seminar offering detailed study of his own special field of interest.

The faculty consists of four or five teachers, appointed to present specialized sub-topics of the main subject at the Seminar. They serve without salary and receive only travel expenses. Besides the two Harvard representatives, the faculty this summer consisted of Justice Nathan Jacobs, LL.B. '28 m.c.l., of the Supreme Court of New Jersey, Edward Barrett of the University of California School of Law, and Brunson MacChesney of the School of Law of Northwestern University.

The Seminar has no endowment, and depends entirely on annual contributions.

— Rosenberg

Hispanic Grants Are Extended

The Inter-American Cultural Convention Scholarship application deadline has been extended to January 15, 1959, according to John A. King, Secretary of International Legal Studies. The extension, he added, and the likelihood of new State Department grants for study in Latin American countries not now covered by the Fulbright Program, are envisaged by the Institute of International Education, which released the news of both developments, as encouraging an increase in the number of applicants to Latin America.

The countries expected to be covered by the new grants include Bolivia, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay, and Venezuela.

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