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Russell Smith Asks To Be Relieved Of Associate Deanship

Russell A. Smith has resigned from the associate deanship of the Law School in order to devote all his time to research and teaching.

Professor Smith's request that he be relieved of his Law School administrative duties was approved by the Regents at their March meeting and will become effective at the end of the current academic year. At the same time, the Regents approved a sabbatical leave for Professor Smith for the second semester of 1962-63 to permit him to complete a revision of materials for a book on "The Labor Agreement." He also expects to be working on a study of the impact of legal doctrine on labor management relations, in collaboration with Prof. Dallas Jones of the School of Business Administration.



RUSSELL SMITH

Professor Smith has been a member of the Law School faculty since 1937, with the exception of three years (1942-45) during which he was a member of the legal staff, serving as labor relations counsel, for the Pan American Petroleum & Transport Co., of New York. During his years in the Law School, he has carried extensive responsibilities for administration as well as for teaching and research. His duties have included serving as secretary of the Law School from 1945 to 1956 and as associate dean from 1956 until the present. Since 1956, he has also been, first, acting director for one year and then, since 1957, co-director of the Institute of Labor and Industrial Relations, which is a joint enterprise of The University of Michigan and Wayne State University.

In addition to Law School work, Professor Smith has a long record of service to bar groups and as a labor arbitrator. The most recent of these activities was his membership on the 15-man Presidential Railroad Commission, which delivered its recommendations to President Kennedy in February.

Professor Smith is the author of more than a dozen articles in law journals and of several casebooks on labor law.

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National Fund Committee Met Mar. 3

Twenty-four persons including eight from Ann Arbor attended a meeting of the National Committee of the Law School Fund at the Lawyer's Club on Saturday, Mar. 3. In addition to National Chairman Herbert E. Wilson, '23L, Indianapolis, alumni present were: A. H. Aymond, '39L, Jackson, Mich.; Charles A. Bowman, '13L, Detroit; Judge James R. Breakey, '29L, Ann Arbor; Judge John R. Brown, '32L, Houston, Tex.; Malcolm L. Denise, '37L, Dearborn, Mich.; Emmett E. Eagan, '34L, Detroit; Benton E. Gates, '29, Columbia City, Ind.; Arthur A. Greene, Jr., '39L, Manchester, N. H.; Joseph C. Hooper, '23L, Ann Arbor; Thomas V. Koykka, '30L, Cleveland; Edward C. McCobb, '25L, Grand Rapids; Benjamin M. Quigg, Jr., '44L, Philadelphia; Robert N. Sawyer, '35L, Monroe, Mich.; James A. Sprowl, '29L, Chicago; John S. Tennant, '31L, New York; Stephan Uzelac, '60L, Detroit; Philip F. Westbrook, Jr., '47L, Los Angeles. John T. Kuesel, a member of the senior law class, and John Gelinis, of the second year class, represented the students. Dean Allan F. Smith, Associate Dean Charles W. Joiner and Professors John W. Reed and Richard V. Wellman of the Law Faculty were also present.

Dean Smith presented a report of the results of the 1961 campaign and indicated the uses being made of the funds contributed. The committee approved the report to alumni which was mailed recently. Professor Wellman reported on comments and criticisms of the methods used in 1961 which had been received from state and local chairmen as the result of a questionnaire circulated at the end of the 1961 effort. The committee discussed plans for 1962's campaign and decided to continue the basic approach of seeking as wide a personal solicitation of alumni by alumni as possible. It was also decided that the 1962 campaign should be scheduled for the period between Labor Day and Thanksgiving with local chairmen selecting the particular time for solicitation in their cities within this period. An effort will be made to add to the list of cities represented by a local chairman and to increase the number of alumni participating in the solicitation.

Mr. Wilson was re-elected to the position of National Chairman for 1962. Henry A. Bergstrom, '35L, Pittsburgh, Arthur A. Greene, Jr., '39L, Manchester, N. H., Ronald M. Ryan, '24L,

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GRAY



BROWDER



KIMBALL

R. A. Smith Resigns—

Administrative Duties

Assigned to Others

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New Assignments

Dean Allan F. Smith has announced that the administrative responsibilities previously carried by Russell Smith will be divided among other members of the faculty. Prof. Spencer Kimball will take over the direction of the research program; Prof. Whitmore Gray will serve as adviser to foreign law students in 1962-63 on a one-year assignment during Prof. B. James George's leave of absence; and Prof. Olin Browder will serve as adviser to domestic graduate students. In the latter capacity, Professor Browder will be replacing Prof. Alfred F. Conard, who is relinquishing this particular responsibility in order to give additional time to research.

Professor Kimball is a specialist in insurance law who joined the Michigan Law School faculty in 1957. He had previously been professor and dean of the University of Utah College of Law, 1949-54; and in 1955-56 held a Rockefeller Research Grant at the University of Wisconsin, working on a study of the development of insurance law in historical content. This study has since been published by the University of Wisconsin Press under the title of *Insurance and Public Policy*.

Mr. Gray was appointed to the Michigan faculty as assistant professor of law in 1959. He is on leave during the spring semester to work in Europe in connection with his teaching of comparative law and particularly in preparation for a program in comparative communist law which is to begin in the Law School next fall.

American and Canadian graduate students in the Law School will have as their adviser Professor Browder, who joined the faculty in 1953. He earned his S.J.D. degree from the Michigan Law School in 1941, and had previously taught at the University of Tennessee and University of Oklahoma, as well as serving as an attorney for the Tennessee Valley Authority and as a special agent for the FBI. His particular field of interest is property law.

German Visitor

Dr. Wilhelm Karl Geck, assistant to Judge Friesenhahn of the Constitutional Court of the Federal Republic of Germany, has been a visiting member of the Law School faculty this spring.

Dr. Geck, who was recently appointed to the Law Faculty of the University of Heidelberg to lecture in international constitutional and administrative law, has been assisting with Law School seminars in comparative constitutional law and in international organization. These are taught by Professor Kauper and Stein, respectively.

LAWYERS' SUMMER SCHOOL WILL BE HELD JUNE 18-29

Five seminar-like courses will be given in the third Special Summer School for Lawyers, June 18-29, at the Michigan Law School.

Courses to be offered are "Commercial Law," with Prof. Roy L. Steinheimer, Jr., teaching a section on Sales of Goods and Prof. Frank R. Kennedy one on Secured Financing; "Estate Planning," taught by Prof. Alan N. Polasky, with emphasis on the impact of life and death taxes; "Wills and Trusts," taught by Prof. Olin L. Browder, Jr., with special attention to common pitfalls of ambiguity and invalidity; "Oil and Gas," taught by Prof. Maurice H. Merrill of the University of Oklahoma, with emphasis upon the landowner-producer relationship; and "Practice and Procedure," taught by Prof. Carl S. Hawkins, and dealing with the new Michigan Judicature Act which will become effective next January 1. This last course will be limited to Michigan attorneys.

Each person attending the Special Summer School may choose from this group of five courses, each of which will meet two hours daily, Monday through Friday. It is recommended that not more than two courses be elected.

In addition to the courses, several "extracurricular" programs will be offered on an optional basis. These will include two reports on Current Developments in the European Common Market, an analysis of the Impact of the Congo on the United Nations, and several round-table sessions to explore the Role of the Lawyer as Counselor, Psychiatrist, and Clergyman.

Housing for Summer School "students" and their families will be available in the Lawyers Club, and meals will be served in the Lawyers Club dining room throughout the two-week period.

For further information or to apply for the Summer School, write to Prof. Joseph R. Julin, University of Michigan Law School, 941 Legal Research Building, Ann Arbor.

Justice Potter Stewart Judges Case Clubs

U. S. Supreme Court Justice Potter Stewart was one of the five members of the court which heard the championship round of the Law School's 38th annual Henry M. Campbell Competition, on Apr. 4.

Joining Justice Potter on the Campbell Competition bench were Judge Sterry R. Waterman, of the U. S. Court of Appeals; Detroit Police Commissioner George Edwards, formerly a Michigan State Supreme Court Justice; and Dean Allan F. Smith and Prof. B. J. George, of the Law School.

The four finalists—all Law School juniors—argued a hypothetical case involving questions about whether the use of wire-tapping or eavesdropping by modern electronic devices by state police constitutes illegal or unconstitutional encroachments upon individual rights. Finalists were Robert T. McBride, Michael H. Metzger, William R. Jones, Jr., and Arthur V. N. Brooks, II. Metzger and Brooks were judged the winners.

The Campbell Competition finals were held in the afternoon and were followed in the evening by the annual Case Club banquet, in the Michigan Union Ballroom. Police Commissioner Edwards was the featured speaker at the banquet.

Law School alumni in the New York area met for luncheon at the Hotel Waldorf-Astoria on Jan. 26 in connection with the annual meeting of the New York State Bar Association. This was the seventh year in which alumni have gathered for such a luncheon meeting. Dean Allan F. Smith was the principal speaker, reporting on current activities in the Law School. Richard B. Barnett, '53L, served as chairman of the event.



Members of the visiting committee of the Law School Alumni Fund are shown here, at their March meeting on the campus. Standing (left to right) are: Arthur A. Greene, Benjamin M. Quigg, Robert N. Sawyer, Philip F. Westbrook, Benton E. Gates, Edward C. McCobb, John Gelinas, Stephan Uzelac, Emmett E. Eagan, Charles A. Bowman. Seated

around the table (left to right) are Dean Allan F. Smith, Joseph C. Hooper, Malcolm L. Denise, Associate Dean Charles W. Joiner, John S. Tennant, James A. Sprowl, Prof. Richard V. Wellman, Judge John R. Brown, and Herbert E. Wilson.

Fund Committee—

(continued from page 1)

Battle Creek, Maxwell F. Badgley, '23L, Jackson, Mich., Edward D. Ransom, '38L, San Francisco, and Charles P. Henderson, '35L, Youngstown, Ohio, were elected as members-at-large of the National Committee for three-year terms expiring at the end of 1964. Chester J. Byrns, '51L, Benton Harbor, Lyle D. Holcomb, '21L, Miami, Judge James R. Breakey, Jr., '29L, Ann Arbor, Charles G. Williamson, Jr., '56L, Washington, D. C., and Alan W. Boyd, '21L, Indianapolis, present members of the National Committee whose terms expire this year were re-elected to three-year terms extending through 1965. J. Wirth Sargeant, '19L, Wichita, Thomas E. Sunderland, AB '28, L '27-'29, Boston, and A. D. Rueggeger, '28L, were also elected to three-year terms beginning in 1963 as members-at-large.

Class representatives for Law School classes which will have a 5th, 10th, 25th or 50th reunion in 1962, 1963, or 1964 were elected as follows: 1912, Roscoe Bonisteel, Ann Arbor; 1913, Charles A. Bowman, Detroit; 1914, Judge John P. O'Hara, Detroit; 1937, Malcolm Denise, Dearborn; 1939, Richard Ryan, Ann Arbor; 1952, Burton Ansell, Detroit; 1953, Thomas L. Rice, Jr., Detroit; 1954, Leonard Kravets, Chicago; 1958, David L. Nixon, Manchester, N. H.; 1959, Edward Heppenstall, Denver. These persons will serve for the year preceding the reunion of their class as well as during the reunion year.

The Committee held a joint luncheon with the Executive Committee of the University Development Council, which also met in Ann Arbor on Mar. 3.

A full report on the first year's campaign has been mailed to all alumni.

Review of ICC Purposes Urged

Specific delineation by Congress of the objectives of transportation regulation is more necessary today than minor improvements in procedure by which cases are adjudicated by federal regulatory agencies.

This is the view expressed by Roger C. Cramton, associate professor of law, in a study he conducted as reporter for the committee on rulemaking of the Administrative Conference of the United States. The report, entitled "The Conduct of Rate Proceedings in the Interstate Commerce Commission," has been released in preliminary draft form and has not as yet been approved either by the committee or the conference.

Though Professor Cramton urges the need for a review of substantive policy by Congress and the ICC, the report examines in detail the handling of rate cases by the ICC and makes specific recommendations for their improvement. One central recommendation—that the ICC develop and publish standardized cost data which the parties might use in establishing a *prima facie* case—has already led to the institution by the ICC of a general investigation of the presentation of cost evidence.

"In the background of all the problems," concludes Professor Cramton, "is the fundamental issue whether the scope and depth of regulation should not be reduced. The competitive conditions of the modern transportation world have made some of the historic objectives of regulation obsolete. The addition of other objectives has blurred the overall purpose of the Commission (ICC)."

THE SUPREME COURT

Princeton Professor Gives Cook Lectures

"The Supreme Court: Palladium of Freedom" was the subject of the William W. Cook Lectures on American Institutions, delivered in a series of five addresses the last week of March by Alpheus Thomas Mason, McCormick Professor of Jurisprudence at Princeton University.

Professor Mason has long been noted for his perceptive and intensive studies of the Supreme Court of the United States. He was the recipient of a grant from the Social Science Research Council to prepare a study of Mr. Justice Brandeis, and a Guggenheim Fellowship to prepare a biography of the late Harlan Fiske Stone. These works, together with his book (1954) on American Constitutional Law, are noteworthy among his many significant publications.

This was the 11th series of William W. Cook Lectures on American Institutions, and they will be published by the Law School.

Lecture I—Political System Without a Model

By devising and putting into practical effect two levels of law, the writers of the American Constitution created a "political system without a model," Professor Mason said in his opening lecture. "The Constitution represents the idea of people as a constituent power. By this act the people put themselves under government; by the same token they put government under restraint. For the first time in history two levels of law were recognized and put into practical effect: the higher law of the Constitution, which the people alone can make or amend; and statutory law, to be made and unmade within limits set by the Constitution.

"By making judges 'guardians of the Constitution,' the Founders 'devised arrangements under which the Constitution became, in reality as in name, the supreme law of the land.'"

History shows us, the Princeton professor said, that man always thinks of himself as "at some final crossroad," and this feeling pervaded the atmosphere in Philadelphia where the delegates gathered in constitutional convention in 1787. What they produced "was both experimental and unfinished. The responsibility still rests on successive generations to 'improve and perpetuate' the majestic design fashioned in 1787."

Professor Mason asserted that "close examination of the record may help to clarify perplexities that still divide honest and sincere Americans. Not least among the advantages of such an exploration is the evidence it affords that our national purpose is deeply embedded in history, in our pragmatic approach, and in our inherited values."

Compromises by the writers of the Constitution were required on many issues, and compromises were made. A "complexus of correctives" was the result, embodying "separation of powers, checks and balances, federalism, and judicial review."

Alexander Hamilton, Professor Mason explained, rated the judiciary the weakest of the "three departments of power." But, he noted, "those who carry the states' rights banner in 1962 might appraise the matter quite differently. On May 17, 1954, the Supreme Court achieved by judicial decision what Congress, thanks to the stranglehold of a handful of southern Senators, could never have accomplished."

Lecture II—Buttresses of Freedom

Three major concepts—Right of Revolution, the Bill of Rights, and judicial review—dominate American political thinking today just as they did during our formative years, Professor Mason said.

Revolution he defined as "the motif of change, experimentation, adaptation." The Bill of Rights, he said, embodies "the idea of a realm of individual sovereignty, beyond the control of government." Judicial review he defined as "meaning, in the broad sense, oversight by a body remote from the pressures of partisan politics, playing the dual role of legitimizing public power and safeguarding a domain of individual rights deemed relatively free from government regulation and control."

"Revolution in America has enjoyed a long and honorable heritage. Born of a rebellion, this country has grown to greatness through bold and fearless change. The right of revolution is not only immortalized in the Declaration of Independence, but also in certain of our state constitutions. It has found endorsement in the public pronouncements of our most eminent statesmen. Nor is the moral legitimacy of this effort impugned by existing laws and institutions."

The Constitution, Professor Mason emphasized, made revolution something that could be accomplished by "peaceful revision." It "institutionalized peaceful change. Where the whole power of government is in the hands of the people, there is little or no occasion for correction of abuses by resort to violent remedies."

Ratification of the Constitution by the states followed a stern struggle largely because of the absence of a Bill of Rights from the original document, Professor Mason explained.

"Fundamental maxims of a free society gained no greater moral sanctity by incorporation in our basic law, but individuals could thereafter look to the courts for their protection," he said. "Rights formerly natural became civil. In 1962 the present Chief Justice regards the Bill of Rights as the 'heart' of the Constitution. In 1787 it was an almost forgotten appendage."

The Founding Fathers, the lecturer pointed out, were familiar with and accepted the principle of judicial review. He quoted Alexander Hamilton who, "in a flash of remarkable insight" had suggested that "discharge of judicial responsibilities was calculated 'to have more influence upon the character of our government than but few may imagine.'"

Lecture III—Cementing the Keystone

Judicial review is the keystone upon which the American democratic system has been built, and John Marshall was the American responsible for "cementing the keystone."

Chief Justice Marshall's "assertion of judicial pre-eminence" in the *Marbury v. Madison* case in 1802 "with a single stroke . . . encompassed the higher law background of our constitutional heritage and delineated its implications for the functioning of the American system of government," Professor Mason observed.

"For those who framed and adopted the Constitution," he continued, "the judiciary was intended to be, as Washington said, 'the keystone of our political fabric.'" But since 1802, Mason said, "the Supreme Court has hardly ever been free from assault; specific proposals have been made for its reform—even its abolition. None of these have succeeded. Yet protest continues unabated."

The day in 1801 when President John Adams turned to the 44-year-old John Marshall was "a crucial moment in history," Mason said.

When Thomas Jefferson was inaugurated as president a month later, there began "an intense and illuminating contest" between these "two political giants."

Jefferson and his party had "begun to use the weapon of impeachment for partisan political purposes." The rumor was that proceedings would be instituted against Marshall himself. The case of *Marbury v. Madison* gave Marshall his opportunity. The case arose when certain justice-of-the-peace commissions signed by Adams the day he left office were held up on Jefferson's orders.



This year's Cook Lectures on American Institutions were delivered by Alpheus Thomas Mason, who is McCormick Professor of Jurisprudence at Princeton University. His lectures will be published later by the Law School.

"Marshall seized this opportunity to establish the Court as supreme arbiter over both Congress and the Executive," Professor Mason related. "Judicial review as Marshall interpreted it is essentially attached to a written constitution . . . (It) is an implied . . . power, Marshall felt, (It) is essential to the maintenance of the Constitution as a supreme, paramount law; necessary to give enduring life to a document 'designed to be permanent.' Its exercise is mechanical—the Court has neither force nor will—only judgment. Though it strains our credulity, this claim still has vitality in 1962."

"Judicial review is an adjunct of democracy; without it, the supreme will of the people, embodied in the Constitution, would be flouted, the distinction between fundamental law and ordinary acts of Congress would be broken down. When the Court upholds the Constitution, and disregards an act of Congress contrary to it, what prevails is not the Court's will but the people's will as embodied in the Constitution. Thus judicial review sustains popular power, it does not disrupt it."

Lecture IV—From Judicial Review to Judicial Supremacy

Does judicial review inevitably run the risk of becoming judicial supremacy?

This is a question, Professor Mason declared, "of which the Constitution's framers were acutely aware," and "it is still troubling the (Supreme) Court and its critics."

"In the operation of a political system based on a written constitution, difficulties were bound to arise," he continued. "Framed in generalities, the Constitution's most characteristic feature is the number and variety of lines separating and dividing power. These could not be drawn with mathematical precision."

The ease with which judicial review becomes judicial supremacy is best illustrated by the conflicts between John Marshall and Thomas Jefferson, and between Charles Evans Hughes and Franklin D. Roosevelt.

Between Hughes and Roosevelt, as between Marshall and Jefferson, "a theory of the Constitution, albeit a totally different one (Marshall's was national supremacy; Hughes' dual federalism), not fundamental law, was in dispute. Hughes, like Marshall, converted the valid doctrine of judicial review into a spurious judicial supremacy. There is a difference, and an important one: history has repudiated Hughes' theory of the union; it has sustained that of Chief Justice Marshall."

Discussing the Supreme Court during Roosevelt's first administration, Professor Mason stated that the fundamental basis of divergence within the Court was that six Justices, including Hughes and Roberts, had come to believe that those who framed the Tenth Amendment had inadvertently omitted the word "expressly." Instead of reading the words of the amendment, "All powers not delegated," they read it "all powers not expressly delegated to the United States by the Constitution . . ."

Between the regimes of Chief Justice Marshall and Chief Justice Hughes, Professor Mason said, "there are parallels as well as contrasts. The major antagonists in both were the Chief Justice and the President. In neither period was the Court's power, as such, under attack. Jefferson and Roosevelt alike wanted merely to curb abuses and influence its use. The burden of Jefferson's complaint was national supremacy, of F.D.R.'s judicial supremacy. Marshall used the court to enlarge national power; Hughes invoked the same authority to defeat it."

Professor Mason offered these conclusions: "The scope of judicial power in the United States is, and was intended to be, narrow. The Constitution's most serious wounds have been inflicted in 'the House of its Guardians,' making it clear that in the arsenal of controls 'judicial restraint' is by all odds the least effective. Judicial review . . . is rendered tolerable only by informed and relentless criticism, the earmark of a free society."

Lecture V—Shoring the Republic's Foundation

The Supreme Court is the "palladium of our freedom" and "judicial review . . . contributes positively to the preservation of democracy," Professor Mason asserted in his concluding lecture.

Tomorrow's majority is today's minority, he noted. "Defense of the political rights of minorities thus becomes, not the antithesis of majority rule, but its very foundation." And it is in the courts of the land where protection is afforded to "the integrity and unimpeded operation of the entire process by which majorities are formed."

Beginning in 1937, and prompted by Justice Harlan Fiske Stone, the Supreme Court developed a theory of "preferred rights," or "rights that are the subjects of specific guarantees."

"By 1950, with the change of judicial personnel and intensification of the Cold War, preferred freedoms fell into a sort of constitutional limbo . . . In 1953, after a period of judicial quiescence under Vinson, Earl Warren became the Court's head."

Professor Mason pointed out that "on May 17, 1954, within a few months of (Warren's) appointment, his Court had unanimously outlawed racial segregation in the public schools. In undermining a half-century of practice and precedent, the Chief Justice plunged his Court into controversy that has not yet subsided."

The lecturer reviewed many cases involving civil liberties that have appeared before the Court in recent years. In these, he said, Justices Frankfurter, Clark, Harlan, Whittaker and Stewart "are inclined to pay greater deference to presumption of constitutionality (and) usually strike the balance in any conflict between public power and individual rights in favor of the former."

The minority of four, he said—Warren, Douglas, Black and Brennan—in according speech, press, religion and assembly "a relatively higher rank among our constitutional values, take a broad view of the Court's protective role."

These controversies, Professor Mason said, had raised the cry that the Court is becoming a super-legislature. Not so, he said. "The Court has special responsibility toward certain rights . . . because no other agency is available to protect them. There is no necessary collision between security and freedom. At some point—and this is the core of the problem—the two values are not at cross-purposes."

"The Court's function," he declared, "is not to determine what decisions can be made by political processes, but to prevent the mechanism from breaking down."

European Leaders Talk to Law Students

Law students and faculty have had discussions with two European leaders in the field of international law this spring.

Chief Justice Adreas Matthais Donner, of the Court of Justice of the European Communities, visited the Law School in February, and Mr. A. H. Robertson, Legal Counsel of the Council of Europe, was a visitor in March.

Speaking at a Lawyers Club reception, Justice Donner explained that the court which he heads was created in 1952 as the court of the European Coal and Steel Community. By the Treaty of Rome of 1958 it became the common court for the European Common Market and EURATOM as well as for the Coal and Steel Community. Six European nations belong to all three communities, and the Court of Justice is located in Luxembourg.

The Netherlands-born jurist explained that the court has one justice from each of the six participating nations with the exception of Italy which currently supplies two of the seven justices. The court has heard more than 130 cases, falling into three general categories: (1) Cases to insure that executive bodies of the three communities observe the treaties by which they were created; (2) Cases to insure that treaties are observed by member countries; and (3) Cases to insure that treaties are observed in commerce between private firms.

In the course of the discussion, Justice Donner was asked if he foresaw any serious change in the work of the Court of the European Communities should the so-called Outer Seven nations of Europe join the European Common Market. In replying, the jurist explained that he did not believe there would be a conflict between the law being developed in the Court and the English common law, because the Court is dealing primarily with economic law.

Justice Donner was in this country on a three-week visit at the suggestion of Prof. Eric Stein. He visited five other law schools—Harvard, Yale, Columbia, Chicago, and California—all of which also have international legal programs.

As a Law School visitor, Mar. 8-10, Mr. Robertson participated in Professor Stein's seminar in international organization and also met informally with students and faculty in the Lawyers Club. Mr. Robertson is the author of *Characterization in the Conflict of Laws*, published by Harvard University Press and considered a basic piece of writing in that field.

Prof. Eric Stein arranged for the visit to the Law School in February by Chief Justice Adreas Matthais Donner, of the Court of Justice of the European Communities. They are shown here in the Law Library.



Rising Costs Increase Need for Student Aid

Assistant Dean Roy F. Proffitt, chairman of the Law School's Scholarship and Loan Committee, reports: "This year more money was disbursed for financial assistance to the law students than in any previous year, but we think this expenditure is an excellent investment for the future. It is difficult to measure the return from this investment in monetary terms (although that will be very large, indeed), but the impact of Michigan law graduates upon society throughout the United States and the world has been and will continue to be keenly felt. This money has assisted many, who would not otherwise have been able to do so, to continue their quest for a good Michigan legal education.

"Total assistance (but not including graduate student fellowships) reached \$256,378, an increase of 23 percent over the previous high of a year ago. There was an almost identical rate of increase (+21.9 percent) in the number of students receiving some degree of assistance. A grand total of 406 students were helped this year. A breakdown of this total assistance is as follows: scholarships to 103 students in the amount of \$66,055; grants-in-aid, imposing a moral obligation upon the student to repay, to 185 students in the amount of \$60,180; and loans (both short-term and long-term) to 335 students in the amount of \$130,143. Some students received more than one type of assistance.

"Two important policy changes were instituted by the Committee this year. Scholarships are still made available to needy applicants for admission who have superior credentials, and to needy second and third year students who maintain a B average and contribute to the legal literature through participation on the *Law Review*. But the previous stratified system of assistance for other students has been modified so that all those who show the requisite need will be helped on a half loan-half moral obligation basis. In addition, an existing requirement of part-time employment before a student was eligible for any assistance was eliminated. Emergency loans are still available.

"Although the pressures upon all of the School's resources are heavy, meeting the steadily and rapidly increasing need for student loan funds has become our greatest problem. We met this need in part by transferring a substantial sum from accounts previously reserved for scholarships, and by using more than half of the first year's receipts of the Law School Fund for this purpose. The total value of the loan accounts is now quite large, but because of the steadily growing use of these accounts over the past several years, and our long-term repayment plans, more than 90 percent of these funds are represented by accounts receivable. Repayments on previous loans are exceedingly good (now about \$60,000 a year), and only a very small percentage of our accounts receivable are in any degree of default. Most of these will be collected.

"The Committee is fully aware that it is only because of the past generosity of the many alumni and friends of the Law School that the present needs for financial assistance have been met to this substantial extent. It is also aware that for a number of reasons—a rapidly growing student body, the gradually increasing cost of living, the expiration of the various G. I. Bills, a reduction in the percentage of married students (with their working wives), and periodic increases in tuition—the need for assistance will continue to increase. We hope that you will agree with us that the investment by these means in the youth of today and the leaders of tomorrow is worthwhile.

"Two new scholarship funds were created this year. The outgoing class of 1961 made a fine start on a fund to which the class expects to make annual gifts, and a bequest of \$200,000 came to us from the late Gilbert H. Montague, LL.B. Harvard, but long a friend of the Michigan Law School."

Faculty News Notes

Ralph W. Aigler—This semester is again a visiting professor at the University of Arizona. "When is a Payee an 'Imposter'?" appeared in 2 *Arizona Law Review* 1, "Rights of the Holder of a Bill of Exchange Against the Drawee and Others" in 3 *Arizona Law Review* 14, and "Easements by Implication" in 59 *Michigan Law Review* 432.

William W. Bishop—The second edition of his *International Law Cases and Materials*, the most widely used casebook in international law courses, was published in January. Professor Bishop participated in a panel discussion of the International Court of Justice and the Connally Amendment at the Oakland County Chapter of the American Association for the United Nations.

Robert A. Choate—Was chairman and discussion leader for the appearance of James B. Gambrell, Special Assistant to the Commissioner of Patents, at the Automotive Engineering Congress and Exposition in Detroit.

Alfred F. Conard—Has completed his term as first chairman of the new committee on Quantitative Field Research of the Association of American Law Schools, and presided over a workshop on "Where the Judge's Time Goes," a comparison of experience with measuring allocation of judicial time to different activities, at the Association's annual meeting. Professor Conard has been named Vice-President of the Commercial Law Section of the Fourth International Congress of Comparative Law to be held at Hamburg this summer.

Frank E. Cooper—Is seeking complaints about the justice meted out by state and local administrative agencies for an intensive survey he is directing of rule-making and court functions practiced by state and local government agencies. Professor Cooper is engaged in a revision of "Effective Legal Writing" which will be published in late 1962. He has attended meetings in Washington in connection with preparation for Congressional Committee hearings on the American Bar Association-sponsored bills to improve procedure in Federal administrative agencies.

Samuel D. Estep—Is collaborating with Messrs. Suzuki, Tamiya, Tanigawa, and Ohira, Japanese prosecutors and law teachers, in preparing an English translation of a new *Preparatory Draft for the Revised Penal Code of Japan* for possible use by the Japanese Ministry of Justice as the official English version. Also in connection with Japanese law, Professor Estep wrote "Law in Modern Japan" for *Twelve Doors to Japan* (published by the University of Michigan Center for Japanese Studies, 1961), and described Japanese comparative law activities on Station WUOM in March. His review of Moreland's *Modern Criminal Procedure* was published in the *Journal of Legal Education*, and he wrote the Campbell Competition problem for the April 4 finals.

Whitmore Gray—Will be in Munich until August 1962 doing research in German law. He has been asked to serve on the Soviet Law Subcommittee of the International and Comparative Law Section of the American Bar Association.

Robert J. Harris—Is advisor to the University of Michigan Student Government Council Committee on Membership which is concerned with fraternity membership discrimination.

William B. Harvey—Will take leave of absence from the University to accept an appointment beginning the first of September as professor and Dean of the Faculty of Law at the University of Ghana and as Director of Legal Education of Ghana. The latter includes the Directorship of the Ghana Law School in Accra and membership on the General Legal Council which has responsibility for legal education, admission to the bar, and bar discipline. In February he spoke on the problems of federalism at a symposium sponsored by the University of Chicago.

Charles W. Joiner—Continues as the Director of Research of Michigan Constitutional Convention and has lectured to civic organizations in southern Michigan on the Constitution.

Paul G. Kauper—Delivered an address before the Assembly of Speech Students and also before the Cardinal Club in Detroit on the subject "Federal Aid to Education—Constitutional Problems." His book *Civil Liberties and the Constitution*, based on the five lectures he gave at the Special Summer Session for Lawyers in June 1961, was published by the University Press.

Frank R. Kennedy—Spoke on the "Legal Implications of Quality Control" before the Akron-Canton (Ohio) Section of the American Society for Quality Control, on "The Uses of Chapter XIII" (of the Bankruptcy Act) before the Calhoun County (Michigan) Bar Association, and on the "Impact of the Uniform Commercial Code on Insolvency: Article 9" and on the "Methods of Enlarging a Bankrupt Estate" at a forum sponsored by the Commercial Law League and the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association.

Sanford H. Kadish—Is chairman of the Committee of Inquiry into Standards of Accreditation of the American Association of Law Schools, and is a member of the AALS Committee to Consider a Permanent Director and the Committee on Faculty Appointments. His article on the "Legal Norm and Discretion in the Police and Sentencing Processes" was printed in the March 1962 issue of the *Harvard Law Review*, Vol. 75, No. 5.

Spencer L. Kimball—The Elizur Wright Award for 1961, mentioned in the last issue of *Law Quad Notes*, was awarded for his book *Insurance and Public Policy*, published by the University of Wisconsin Press, rather than as an article as there stated. In addition he had published in the 1961 volume of *Zeitschrift für die gesamte Versicherungswissenschaft*, pp. 293-308, an article entitled "Insurance and the Evolution of Public Policy" which was a modified version of an earlier address. The 1961 volume of *Assicurazioni*, carried on pp. 401-433 an article entitled "I fini della disciplina dell'impresa di assicurazione: un'indagine preliminare sulla teoria generale del diritto delle assicurazioni." On April 6, 1962, he presented a paper on "The Goals and Methods of Insurance Supervision" to the First Congress of the International Association for Insurance Law in Rome.

Robert L. Knauss—While on leave from the University, acting as special consultant for the Security and Exchange Commission's study of securities markets, Professor Knauss is primarily involved in two aspects of the study: the regulation of security credit, and the problems of obtaining more adequate disclosure from companies whose security issues are traded in the over-the-counter market.

S. Chesterfield Oppenheim—Is preparing an article on "Bank Mergers and Competition in Banking," and is doing research on the relation of United States antitrust laws to expansion of American foreign commerce, the European Common Market, and other European trade areas. On April 12 and 13 he presided as chairman of the American Bar Association Section of Antitrust Law at the spring meeting of the Section in Washington, D. C., and he will deliver an address on "Antitrust and the Growing Company" before the National Industrial Conference Board Symposium on Antitrust in an Expanding Economy in New York City in May. As Adviser on Research of the George Washington University Patent, Trademark, and Copyright Foundation, he will preside at a public conference in Washington, D. C. in June, and will deliver at this time a paper on "United States Industrial Property System in Competitive World Order."

George E. Palmer—While on leave of absence during the past semester in order to teach at the University of California in Los Angeles, Professor Palmer was asked to teach a new course in Trusts, Wills, and Future Interests.

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Faculty News—

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William J. Pierce—Attended the mid-year meeting of the Executive Committee of the National Conference of Commissioners on Unified State Laws and a meeting of the Atomic Energy Commission Advisory Committee of State Officials in Washington. Before the Michigan Constitutional Convention in February he spoke on "Taxation and the Constitution."

Marcus L. Plant—At the conference commemorating the fiftieth anniversary of workmen's compensation in Michigan, Professor Plant delivered a lecture entitled "The Second Twenty-Five Years."

John W. Reed—Moderated a panel discussion of the Thirteenth Annual Advocacy Institute, sponsored by the Institute of Continuing Legal Education, on "Obtaining, Admissibility, and Use of Mechanically Reproduced Testimony (Recordings, Movies, Photocopiers, and Other Electronic Devices)"; was a panelist for a program of the University of Michigan chapter of the American Association of University Professors on the subject of "Faculty Responsibility and Academic Freedom of Students"; and was also a panelist at the Seventeenth National Conference on Higher Education in Chicago sponsored by the Association for Higher Education. In March, Professor Reed conducted a two-day institute on "Medical Proof in Litigation" under the auspices of the Institute of Continuing Legal Education at Ishpeming.

Russell A. Smith—His work with the Presidential Railroad Commission has now been concluded. "The Work of the Presidential Railroad Commission" was the topic of a recent speech before the Industrial Relations and Research Association of De-

troit, and in May he will review the recent research project "Industrialism and Industrial Man" as chairman and panelist at the national meeting of the Industrial Relations Research Association in Philadelphia. He was elected a Vice-President of the National Academy of Arbitrators in January.

Eric Stein—Was appointed a member of the Committee on the Selection of Honorary Members of the American Society of International Law. Two of his articles have been published: "Developing European Regional Markets" in *International Trade and Investment*, 113-129 (*Oceana Publications*, 1962), and his book review, "Petition for Annulment in the Law of the European Coal and Steel Community in the light of the jurisprudence of the Court of Justice of the Communities," in 56 *American Journal of International Law* (1962). Professor Stein participated in a half-hour television program produced by The University of Michigan on "The Threat and the Promise of the European Common Market," presented a statement at the Symposium of Federalism and the New Nations at The University of Chicago on "The European Community and its Bearing on Africa," and spoke before the Research Seminar of the Center for Conflict Resolution on "The Role of the International and Supranational Executive."

Roy Steinheimer—The new *Bills and Notes Casebook* and *Michigan Sales Law and the Uniform Commercial Code* have both been published. He has made speeches on the Uniform Commercial Code at seminars sponsored by the Ohio Legal Center in Columbus and in Cincinnati.

Andrew Watson—Is on the Program Committee for "Law" of the American Orthopsychiatric Association, and participated in a roundtable discussion on "The Currans Decision" at the Association's meeting in Los Angeles. Professor Watson lectured on "Family Law and Its Challenge for Psychiatry" to the Pittsburgh Society of Neurology and Psychiatry, and spoke on "Law and Psychiatry" at the Michigan Society of Neurology and Psychiatry.

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