

The Harvard Law School Record

VOL. 16 No. 4

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PRICE TEN CENTS

Faculty-University Liaison Strengthened To Meet Expected Congressional Probes

Harvard Corporation has appointed a six-man committee, headed by Provost Buck and including among its members two men from the Law faculty, to act as a liaison between the faculty and the Corporation during the "Communists in Education" investigations which a Congressional committee will undertake in the New England area shortly.

Serving with the Provost are Dean Erwin N. Griswold and Ralph J. Baker, Weld Professor of Law. Other members are Dean Edward S. Mason of the Graduate School of Public Administration, Mason Hammond, Pope Professor of Latin Language and Literature, and Edward M. Purcell, Professor of Physics. According to an account in the *Crimson*, the group will inform the Corporation of faculty opinion and sentiment throughout the probes, and may be expected to have an important role in deciding Corporation policy if professors refuse to testify at the investigation and are later cited for contempt.

A second committee, headed by Pro-

fessor Arthur E. Sutherland, has been formed to provide legal advice and aid for any member of the Harvard faculty called to testify before the investigating committee. This group is not connected



Arthur Sutherland

officially with the Corporation or with the Buck committee, but is voluntary. Although all members of Prof. Sutherland's unit are Law professors, he declined to name the individuals working with him or to reveal the exact nature of the body's work.

Ropes Gray Coolidge Best & Rugg of Boston will represent the University before the Congressional committee where necessary, but it was reported that the University as such would not provide legal counsel for professors called to testify as individuals.

The House Un-American Activities Committee, headed by Harold Velde (See INVESTIGATION on page four)

Military Code Topic Of Six Lecture Series

Beginning Monday, March 9, and for five consecutive Mondays thereafter, Warren Foskett Farr, LL.B. '30, will deliver a series of lectures on Military Law. Meetings will be at 5:10 p.m. in Langdell South.

Mr. Farr's course will trace the constitutional basis and historical development of the court martial system; changes brought about by the new Uniform Code of Military Justice, the conduct of courts martial and scope of jurisdiction under the Code; and review of court-martial proceedings by military authorities and by civil courts.

Text To Be Used

Students planning to attend the lectures will have to secure a copy of the latest edition of the *Manual of Courts Martial*. Available at the Coop, the book is priced at \$2.75. Most of Mr. Farr's material will be drawn from the manual.

A former officer in the Judge Advocate General's Department of the Army and a member of Mr. Justice Jackson's staff at the Nuremberg Trials, Mr. Farr is at present a member of the Boston firm of Ropes Gray Best Coolidge & Rugg.

Cooper Urges Revision Of Criteria To Rehabilitate Juvenile Offenders

Chief Justice Irving Ben Cooper of the Court of Special Sessions of the City of New York told a Legal Forum audience in Langdell Courtroom Thursday night, that our present system of administration of criminal justice must be revised.

The courts of the nation, said Judge Cooper, must be provided with staffs of competent advisers whose task it would be to assume control of the defendant

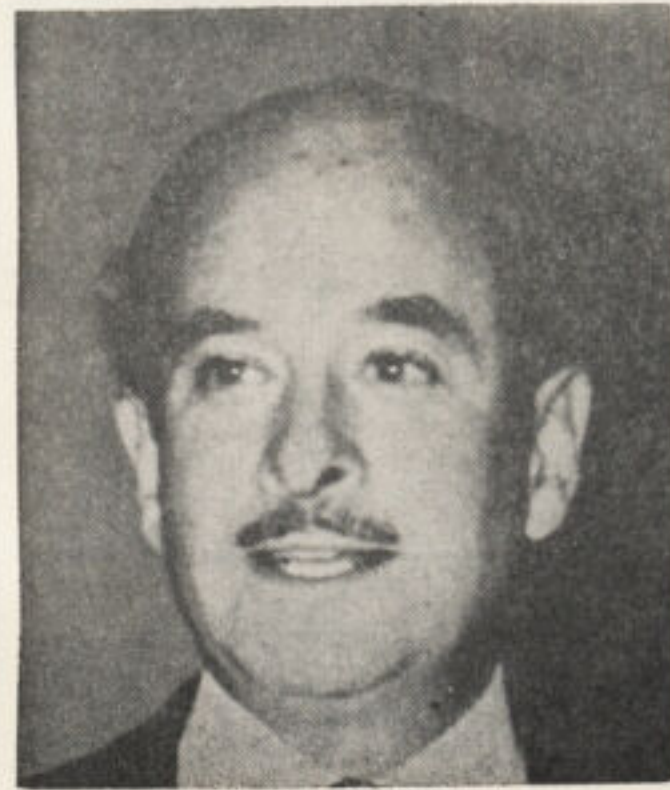
almost immediately after his arrest. These staffs would conduct studies and examinations of him and his background prior to the act with which he is charged, and to submit to the trial judge their findings and conclusions as to the possibility of rehabilitating the person accused of the criminal act. Not until then will the proper solution of the problem of youthful offenders be achieved, according to the Chief Justice.

Emphasizing that it is no longer possible to attribute the majority of crimes to persons of lower economic status, Judge Cooper indicated the three general categories in which he places those appearing before him.

First Offenders

First, is the person who, having no prior record, has already paid a great price in the process from arrest to trial, and can be relied upon to readjust himself without severe punishment. Second, is the person whose history, though not criminal, has indicated a propensity toward offensive conduct, but who can be aided by friends and relatives, together with some medical assistance, to reacclimate himself. In the third category is the person who, because of his

(See JUVENILES on page four)



Irving Cooper

Forum Will Discuss Relations With Russia; SBA Offers 'Lawyer In Government' Address

Professors Archibald Cox, Richard H. Field, and Louis Loss, all of whom have worked for Federal agencies, will discuss the work of the lawyer in government next Tuesday at 5 p. m. in Langdell North as the second in a series of lectures on legal opportunities sponsored by the Student Bar Association. Admission to the meeting is free. Three more addresses are planned for the Spring semester.

Each of the speakers will deal with the same general topic, but because each government agency supervises a separate field and has different rules of practice it was felt that a lecture discussing procedure in only one bureau would not give students an adequate picture of the work done by government lawyers, according to Stephen K. West, 3L, of Pittsfield, SBA president.

Prof. Field, who now teaches Civil Procedure, was war-time General Counsel for the OPA; Prof. Cox served for a time as chairman of the Wage Stabilization Board; and Prof. Loss was Assistant General Counsel of the SEC, and now

(See SBA on page four)

Two prominent former government officials and two outstanding news analysts will discuss the controversial problems presented by "The Russian Threat" in the second Law School Forum of the Spring semester tomorrow night at 8 in the auditorium of Rindge Technical High School.

Former public office-holders, Owen Brewster, LL.B. '13 and O. John Rogge, LL.B. '25, are expected to present widely divergent views on the subject. A more middle of the road attitude will probably be expressed by newsmen Quincy Howe and William Henry Chamberlin. Prof. Robert Braucher of the Law School will serve as moderator for the program.

Brewster To Speak

Mr. Brewster, who was a United States Senator from Maine until his term expired at the end of last year, was for many years a rather vocal member of the Taft wing of the Republican party. He was defeated as a candidate for re-nomination in the party primary last Spring.

A former assistant attorney general of the United States, Mr. Rogge has frequently been associated with left wing political movements. He is a leading proponent of the view that we must do more toward maintaining relations with Russia on a friendlier basis.

Newscaster Quincy Howe has for many years studied Soviet-American relations in his former capacity as a news analyst for the Columbia Broadcasting System. He has been a frequent participant in such radio forums as the "Town Meeting of the Air." Mr. Howe is a brother of Prof. Mark De Wolfe Howe of the Law School Faculty.

The fourth member of the panel, Mr. (See FORUM on page three)

Class Of 1953 Will Choose Officers On March 20, Committee Discloses

Rules and procedures for election of 1953's class officers were announced this week by the Temporary Class Committee. Balloting will be held Friday, March 20.

The nominating petition, which must be filed before March 11 if the candidate is to receive publicity appears on page three. The complete rules governing the election appear on page four.

Tedson J. Meyers of Bayonne, N. J.,

was named by Harrison Dimmit, Secretary of the Law School, to organize the committee which drafted the Instructions to Candidates.

Members of the committee include: Rodolphe Hamel of Lewiston, Maine, Gordon N. Litwin of Maplewood, N. J., Charles A. O'Brien of Lawrence, Mass., M. O'Connell of Jeannette, Pa., Roy F. Perkins, Jr., of Rumford, R. I., and Stephen K. West of Pittsfield.

One unusual feature about the 1953 class organization is the Executive Council. This group will aid the regular class officers and act as a quasi-legislative and quasi-administrative body.

The Council, which will be composed of seven voting members, and the class officers in a non-voting capacity, will be similar to the class committees organized by the class associations of Harvard and Dartmouth College.

The class will elect four members to the council, and these four will name the three other voting members.

The election procedure also differs somewhat from that of previous years, in the amount of supervision of the publicity given to candidates.

(See ELECTIONS on page four)

Dorm Council Sets Term Organization

The Law School Dormitory Council has recently announced its organizational setup for the Spring semester.

Executive duties will be handled by President Harvey Krieger, 3L of Los Angeles, Vice-President Sheldon Witt, 3L of Bayonne, N. J., Secretary Paul Mazza, 1L of State College, Pa., and Treasurer John Conlan, 2L of Chicago.

Representatives include Burton Resnic, 3L of Holyoke, Harris Cohen, 3L of Norfolk, Va., Stanley Rothenberg, 3L of Brooklyn, Harry Cladounos, 2L of Great Falls, Mont., Anton Bigman, 2L of Brad-dock, Pa., Robert Jacobs, 2L of Chicago, Robert Goldscheider, 2L of New York City.

Others Serving

Also, Morton Schlossberg, 2L of Brooklyn, Harold Godlin, 3L of Stamford, Conn., Richard Harburg, 2L of Philadelphia, Winfield Craven, 1L of Kenilworth, Ill., Lawrence Newmark, 2L of Brooklyn, Martin Bresler, 1L of New York, Marvin Klein, 1L of Brooklyn.

Also, Stewart Hutt, 2L of Woodbridge, N. J., William Swanson, 3L of Pittsburgh, Pa., George O'Hanlon, 2L of Riverdale, N. Y., and Herbert F. Murphy, 2L of Leominster, Mass.

Interview Daladier World Law Student

Among the graduate students enrolled at the Law School is Pierre Daladier, son of the former prime minister of France. He has just taken his bar examinations in France and placed among the first 10 of those who passed the exam.

His purpose in studying in this country is to learn more about American laws so that he can practice in France as an international lawyer. He has also taken courses in law at Oxford University in England.

M. Daladier has undertaken these studies in order to make himself better able to perform the duties of a barrister in Paris. In France it is against the law for a practicing lawyer to combine with associates to operate a firm. It is impossible for a French lawyer to plead in court unless he is an independent barrister. Therefore lawyers in France must be well versed in all aspects of law because they do not have the advantages of a large firm to assist them in their work.

Recent Arrival

M. Daladier and his wife have been in this country only a few weeks. They were impressed by New York City, especially its skyscrapers.

Shifting from the lighter topics to politics, M. Daladier said, "it is unfortunate for the American members of the U.N. that the headquarters is located in New York for they are deprived of the opportunity to travel to their work."

More serious than that, he feels, is the impression that Europeans receive from having the U.N. headquarters located in New York City. Most Europeans feel that the United States influences unduly the activities of the U.N. M. Daladier added, "the pressure of the press tends to make the United States members be more careful of what they do and say and therefore hinders their free action in the U.N."

The U.N. would be aided greatly, M. Daladier suggests, if delegates were

(See GRADUATE on page three)

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Taft Proposes, Jenner Poses

Amid the hail of charges and counter-charges concerning the pending Congressional investigation of Communist penetration into the ranks of American educators, one comment managed to set itself apart, both for what it had to say and because of the man who said it. The comment asked the simple question "Why should not a Communist teach, as long as he does not teach Communism?" The man who made it was Senator Taft.

The analysis of Mr. Taft has much to recommend it. If Communists competent in their academic field may legitimately teach, the whole investigation loses its *raison d'être*. If they may not, public policy to this effect should be expressed in suitable legislation. Under no circumstances should the public policy decision be assumed.

The "guilt" or "innocence" of a particular person should not be inquired into until the standards by which he is to be judged have been determined. It is the failure to observe this principle that has led Senator Jenner into error. Harassment of particular individuals only makes more difficult the rational formulation of policy.

Letters to the Editor

TO THE EDITOR:

In the February 12 issue of the *RECORD* you give considerable space to Mr. Kohr's criticism . . . of Prof. Zechariah Chafee, Jr. . . .

In common fairness the *RECORD* should attempt to print comments of those who favor the statement of Prof. Chafee. He has done as much as any American to advance the principle of freedom of speech and to promote the notion of individual civil rights, and when Chafee expresses the opinion that it is the duty of the citizen to testify at legislative hearings it seems to me that the statement is conclusive.

CARL L. SHIPLEY, LL.B. '48

TO THE EDITOR

The recent letter by Mr. J. S. Gratton [*RECORD* Feb. 5, 1953] suggesting . . . a remedy for abuse of the privilege against self-incrimination . . . entirely misses the point. Every witness subpoenaed before a Congressional committee or grand jury is automatically put on oath or affirmation, and that oath applies of course to the assertion of the privilege.

Furthermore, Mr. Gratton's suggestion that a person should be punished for perjury if he asserts the privilege wrongfully, also misses the point. First, it is much more difficult to prove the crime of perjury, which requires stringent proof indeed, than it is to show merely that the privilege was raised without any valid basis therefor. Substitution of perjury proceedings would thus help increase abuses which may exist. Secondly, it has well been said that one cannot make inquiries into the truth of the assertion without requiring the production of further incriminating statements and thus violating the privilege by such inquiries.

And in all finality, it might be added that the decisions of the courts these days show that it is the congressional committees and the grand juries which are abusing their power of inquiry by insisting on answers to self-incriminating questions, while there is nothing whatsoever to show that the privilege itself has been abused by more than a few individual witnesses.

HERBERT MONTE LEVY

Gallery

H. BRIAN HOLLAND

Assistant Attorney General

In Charge Of The Tax Division



H. Brian Holland, LL.B. '28, was named as Assistant Attorney General in charge of the Tax Division of the Department of Justice on January 16, 1953.

Of the many enforcement and administrative arms of government probably none have been under more intense public scrutiny in recent years than those charged with the administration of the federal tax laws. The continuing disclosures of malpractice in the Internal Revenue Bureau were given considerable publicity in the recent campaign and, for all we know, they might have been one of the decisive factors in the Republican victory. The Tax Division of the Department of Justice also came in for its share of attention. It is likely that the work of these two agencies will continue to be closely watched and it may even be one of the yardsticks by which the success of the Eisenhower administration will be measured.

No Tax Courses

During the years that Mr. Holland was a student at the Law School taxation was not a required course and the only course in accounting was an optional affair conducted by an instructor brought over from the Business School.

In consequence, Mr. Holland's first encounters with these subjects were not in the comparative shelter of the classroom but in the hard realities of practice. After two years of private practice in Philadelphia, he went to Washington in 1930 as an attorney in the Claims Division of the Department of Justice which was then handling tax cases in the Court of Claims.

"Although I handled some cases there, my work was primarily concerned with the briefing of cases that went from the Court of Claims to the Supreme Court. After the change of administrations in 1933, I was transferred to the Office of the Solicitor General where I did more briefing of Supreme Court cases and had the opportunity of arguing before the court."

Today, of course, every student at the School must take at least one course in Taxation and only those with the requisite background are excused from the Accounting course. "This is as it should be," says Mr. Holland. "Every law school student should be required to become familiar with the tax law. At the very least, he should know his way around in the Code and Regulations so that he can be aware of the possible tax implications of transactions on which his advice is asked. For those who in-

tend specializing in taxation government service will provide a very valuable background, and some knowledge of the principles of accounting is absolutely essential."

With Ropes Gray

In 1935, Mr. Holland became associated with the Boston firm of Ropes Gray Best Coolidge & Rugg. Since 1937 he has specialized in tax practice. He has been called to serve on various Bar Association committees and other groups interested in tax problems. Of these various duties, Mr. Holland attached special significance to his work as a Special Consultant for the American Law Institute's project for drafting a model federal income tax statute.

"Federal income tax statutes have developed largely through a process of accretion and have become so complex that the need for a comprehensive revision has become widely recognized. The ALI undertook this job several years ago and Prof. Stanley Surrey was appointed Chief Reporter with Prof. William Warren of Columbia Law as his associate.

"About two years ago, I was asked to act as Special Consultant on the taxation of Trusts and Estates. The work was extremely interesting and stimulating, partly by reason of the fact that it has given me an opportunity to come into contact with leading tax lawyers throughout the country. I feel that the ALI is rendering a great public service and I hope that the results of its labors will be of assistance to Congress when revision of the tax laws is undertaken by that body."

Honest Administration

Regarding his new position, Mr. Holland had this to say: "In recent years public attention has been focused on the administration of the federal tax laws because of the dishonesty of a few government officials. A great deal has already been done to correct this situation and I am quite confident that it will be a definite objective of the new Attorney General to make sure that so far as his Department is concerned the enforcement of the Federal tax laws will be carried out efficiently and impartially. I hope the time will soon come when the public will once more have complete confidence that tax cases are handled solely on their merits."

Mr. Holland was born in England in 1904. His early years were spent in Australia and England. He came to America in 1915. He graduated from the Taft School in 1921 and from Yale in 1925.

W. W.

Off the Record

OH HENRY!

In Philadelphia, Common Pleas Judges Curtis Bok, Louis E. Levinthal and Gerald F. Flood granted Henry Green's request to change his name to Peaceful Hart. To dispel any question that might arise as to the propriety of this decision, the opinion examined the plethora of English names and said many would seem curious if regarded as plain words and not as family names. Used as examples were Youngflesh, Thickpenny, Twelvetees, Clinkscals, Kisswetter, Diddlebock, Ramsbottom and Pig-whistle.

"Nor should we overlook," the jurists declared, "the three dentists who occupied one floor of a small office building, to wit, Diggs, Whittle and Lockbridge." Then, hitting close to home, Judge Bok wrote: "Not even this court should escape attention. Apres moi le deluge (after me the deluge or [Judge] Flood) and in addition to Judge Lions Valley (Levinthal) the writer of this opinion struggles along with the name that reduces etymologically to Polite Goat. Petition granted." (Thanks to Prof. L. B. Sohn.)

Sub Judice

WINE, WOMEN, AND METERS

Plaintiff brings this bill in equity for an accounting against the administrator of his late partner's estate. The defendant answers that "the transactions from which the plaintiff's claim arises were illegal, void and contrary to public policy." The lower court held for the plaintiff. The defendant brought this appeal. Held: Decree reversed; bill dismissed.

It appeared that there was a contract between the plaintiff and defendant's intestate establishing a partnership for selling parking meters. One of the primary purposes of the partnership was the furnishing of entertainment, food and liquor to those municipal officers having power to buy such parking meters.

After reviewing the authorities the court said that the fact that the contract did not in itself contemplate bribery did not make it lawful. The *Restatement of Contracts*, sec. 562 says "A bargain to endeavor to secure a public contract by presenting to the official having power to make the contract inducements except such as relate to the desirability on public grounds of entering into the contract, is illegal." *Johnston v. Senecal*, 109 N.E.2d 467 (Mass., December 1952.)

HOPALONG TOVARICH

This was a proceeding in the Domestic Relations Court to determine whether or not the minor children of Mr. and Mrs. Dubin were in fact "neglected children" under the statute.

The court reviewed the intense feeling of antagonism which existed between husband and wife which caused the children to be affected.

"The father is a high-strung, aggressive, meticulous and neurotic individual, who is nevertheless deeply fond of his children and sincerely believes that they are not receiving proper guidance from their mother but who is so upset, and now so hostile to her, that he has been expressing to the children that animosity . . ."

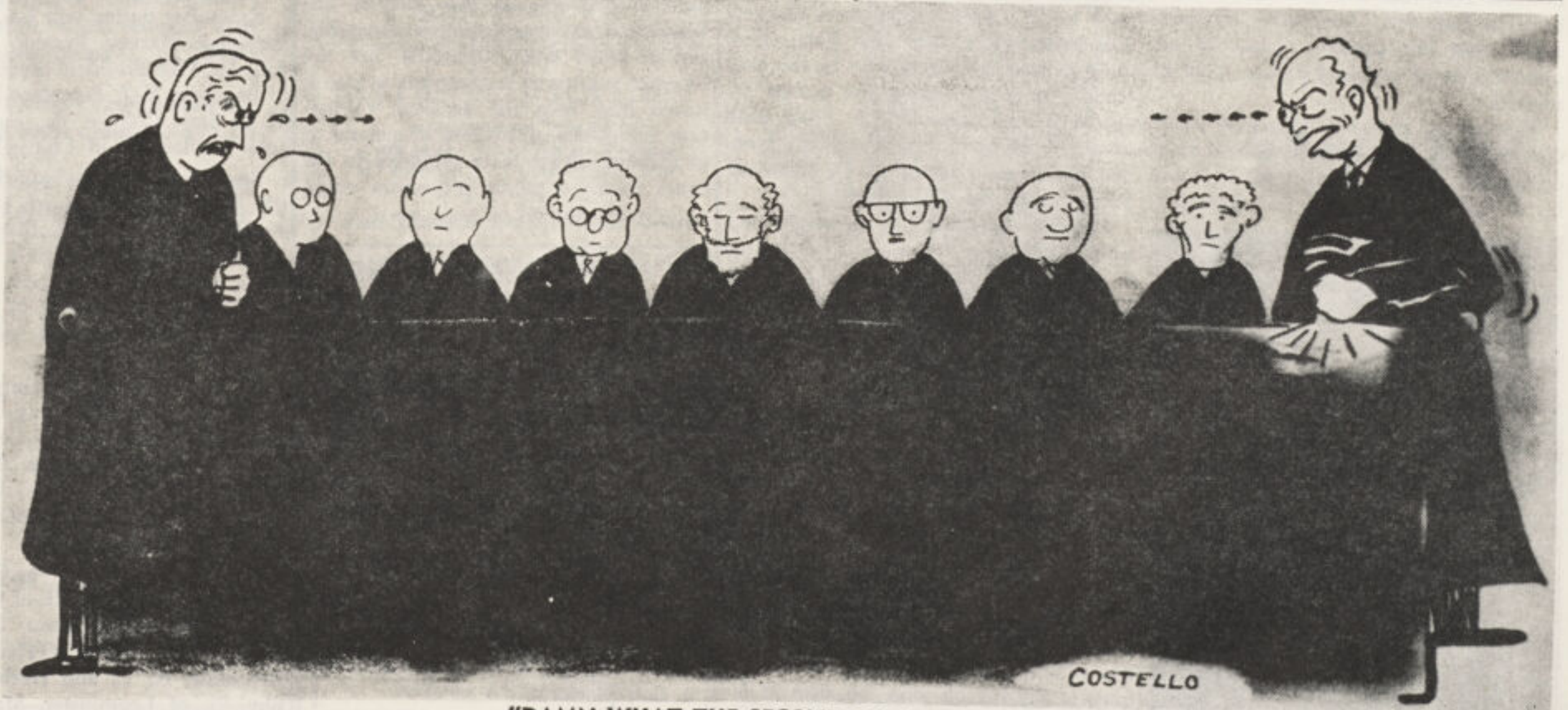
After due investigation, the court failed to find evidence to sustain the father's principal allegation that the mother had attempted to indoctrinate the children with the materialistic ideology of Communism. There was, however, evidence that the mother "may have distributed" pro-Soviet literature.

The court went on to say that an interview with the children in Chambers revealed that they were "well-dressed and mannered, bright, alert, friendly, and attached to both parents . . ."

"However that contact in Chambers revealed traumatizing of the children, almost certain to develop maladjustment, by the parents' antagonism to each other. Thus Dorothy said she had been told by the mother that the father is 'sick in the head' and 'it will take 10 years to cure him. Significantly, Dorothy smiled happily with relief at my assurance that although her father was nervous he was not 'sick in the head' and loved her very much . . ."

"The boy Benjamin, who is younger and less mature than Dorothy, also manifested the untoward pressures of the marital situation. Brought into Chambers, and before spoken to by me, immediately he blurted out: 'Mommie says Hopalong Cassidy is a Communist.' (Italics ours.) Questioning made clear that this young boy did not understand the meaning of those words but was echoing something prompted by his father."

Held: Custody to the mother with rights in the father to visit. *In Re Dubin*, 112 N.Y.S.2d 267 (N.Y. April, 1952.)



"DAMN WHAT THE SECOND CIRCUIT SAYS!"

Coffee Hour Told 'How To Publish'

Louis H. Prosser, author of "Nine to Five," told a Coffee Hour audience Tuesday how to get journalistic efforts published.

The agent, although by no means a *sine qua non* to publication, can be a very great aid to the novice writer, according to Mr. Prosser. The writer of a first novel often does not know the right publishers to try first, the people in the magazine field whom he should contact, or even how much money he is entitled to if he does sell his work. Mr. Prosser warned, however, that not all agents are honest.

One of the important qualifications for writing a book is an "experience," something which has given the author a worked-out philosophy which he is ready to present to the public. Mr. Prosser's experience was working daily, from nine to five in an office and noticing how many of the people in office jobs were not satisfied with the routine.

Another tip for would-be authors is to submit partially completed manuscripts to publishers. The readers are always pressed for time and may not wish to go through a complete book before deciding that an author's work is worthy of further consideration.

Mr. Prosser commented that a well-conceived character in a novel should reflect some facet of the author's personality, because there is no one else he knows really well enough to write about. "If a book is not quite clean enough for the Book of the Month Club, and is not dirty enough to be banned in Boston, then it's in the great no-man's land." The recipe for success, says Mrs. Prosser, is to be at one of the extremes.

Alumni Notes

LL.B. '30—Dominick L. Manoli has been appointed Assistant General Counsel of the National Labor Relations Board, in charge of Supreme Court litigation. Mr. Manoli has been on the staff of the Board since 1941.

LL.B. '37—I. Jordan Kunik has recently opened his own offices for the practice of patent and trade-mark law, in New York.

LL.B. '40—William R. Hulbert has become a member of the Boston firm Fish, Richardson & Neave.

LL.B. '50—Bernard A. Friedman, former RECORD President is now a Trial Attorney with the Anti-trust Division of the Department of Justice.

LL.B. '51—Nathan J. Siegel and Fred Nassar have formed a partnership, Siegel & Nassar, for the general practice of law, in Utica, N. Y.

LL.B. '52—John R. Fonseca will soon sail for Rio de Janeiro, where he will be a financial analyst for the Brazilian offices of Dun & Bradstreet.

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NEWS IN BRIEF

BULL & BEAR

The Bull and Bear Club will meet tomorrow at 1 p. m. in the Mallory Smith Room in Harkness Commons. Dr. Parker B. Willis, financial economist for the Federal Reserve Bank of Boston, will speak to the Club on "The Federal Reserve System."

BRIDGE TONIGHT

Tonight at 7:30 in the Wheeler Room of Holmes Hall the Duplicate Bridge Club will hold its weekly tournament. This will be the last opportunity for players competing in the February series to increase their average.

Winners of last week's tournament were Al Robin and James Harris, East-West, and Robert Fullem and David Baker, North-South.

A University bridge championship will be held in the first half of March under the auspices of the Bridge Club. The play will be total point knock-out team of four. Any group of four players is invited to enter; no special experience is necessary. Entries may be made at the tournament this evening or by contacting Herb Katz at 111 Story Hall, EL 4-7416.

CHARITY DANCE

With proceeds going to the Tumor and Cancer Clinic of Boston, the Beth Israel Junior Auxiliary presents its "February Fling" this Saturday at 8 p. m. at Temple Kehillath Israel, 348 Harvard St., in Brookline. Music will be supplied by Gene Dennis and his orchestra. Admission is \$1.25 per person, including tax.

RECORD POSITIONS

Editorial positions on the RECORD are open to interested second-year students who wish to compete for the offices. Interviews will be held each Friday afternoon.

The posts of Assistant Business Manager and Assistant Treasurer are also open currently. Second- and first-year men are eligible for these offices. Contact Mel Cohen, K17-7600 X447.

LEGISLATIVE BUREAU

Fourteen second year men have been selected for membership in the Legislative Research Bureau, Secretary Greta Worstell, 2L of Columbus, Ohio, announced Monday.

The Bureau, which was formed this year, aids civic and social welfare agencies in the drafting of legislation.

Newly elected members are: Marvin G. Burns of Phoenix, Ariz., Joan Dignon Cottle of Cambridge, Monroe H. Freedman of Cambridge, Dennis H. Greenwald of Passaic, N. J., Frederic D. Houghteling of Washington.

Also, Robert B. Matusoff of Dayton, Ohio, George J. Mulhern, Jr., of Jamaica Plain, F. John O'Reilly, Jr., of Belmont, H. Martin Owen, Jr., of Decatur, Ill.

Also, James J. Seville of Chicago, Paul R. Staley of Scarsdale, N. Y., John B. Street, Jr., of Medford, Richard Eigner of Swampscott, and Charles H. Harff of Cambridge, N. Y.

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FORUM — (Continued)

Chamberlin, was formerly Moscow and Foreign Eastern Correspondent for the "Christian Science Monitor." He also served as a foreign correspondent on the staff of "American Mercury" magazine. In addition to his newspaper and magazine experience, Mr. Chamberlin has lectured on Russian affairs at both Yale and Harvard, and he is the author of several books on Russia.



Quincy Howe

Moderator Braucher was an Air Force intelligence officer during World War II, and is presently a consultant with the Air Force.

GRADUATE — (Continued)

deemed international citizens and treated as such. A separate court should be set up and persons connected with the U.N. who violate any laws should be tried before this international tribunal instead of before the courts of their own country. This would give to the members a feeling of unity which would undoubtedly be reflected to the country which the member represented. Thus the U.N. would take on an international character to a certain degree, M. Daladier feels.

M. Daladier also has interesting views on French policy and the unification of Western Europe. He says, "the French are skeptical about unification but they will support the plan to the fullest extent if they can be assured that such a step will not prove harmful to them."

Certain international problems remain to be solved before France will be sure harm will not result.

First, there is the war in Indo-China which is draining the men and resources of France faster than American aid can resupply them. "The war in Indo-China has already cost France more than twice what she has received under the Marshal Plan," commented M. Daladier.

Secondly, there is the reluctance of the British to enter into the unification plan. French fears of a rearmament Germany would be quieted if the British add their support to the unification.

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(*Use of this form is not required; the same information may be submitted in any available form. Candidates must follow instructions below.)

NAME OF CANDIDATE

ADDRESS

Phone

CANDIDATE FOR

NOMINATING SIGNATURES

- | | |
|----------|----------|
| 1. | 8. |
| 2. | 9. |
| 3. | 10. |
| 4. | 11. |
| 5. | 12. |
| 6. | 13. |
| 7. | 14. |
| 15. | |

I have read the Rules of Nomination and Rules of Election printed in the Harvard Law School RECORD and on this Nomination Ballot, and agree to their terms; if elected to this office, I will serve.

CANDIDATE'S SIGNATURE

INSTRUCTIONS

- Each nominating ballot must contain 15 signatures of third year students; however, nominators need not be exclusive to any candidate for any office.
- This form or facsimile must be presented to the Receptionist in Langdell Hall no later than 5 p. m. on Wednesday, March 11.
- Because the Temporary Class Committee will provide the only means for publicizing the candidates, each candidate is requested to submit:

(a) WITH THE NOMINATION BALLOT: a resume containing the following information: full name; present or future residence (city and state); prior advanced education; and membership and offices held in academic, extra-curricular, social, and Ames organizations of the Harvard Law School, and honors received therein.

(b) NOT LATER THAN 5 p. m., Friday, March 13th: Two application or passport-size photographs of the photographs of the candidate; to be delivered to the Langdell Receptionist.

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ELECTIONS —(Continued)

The full text of the charter under which the Officers and Executive Council will operate, and the rules governing the nomination and election procedures are as follows:

I. OFFICERS TO BE ELECTED:

A. THE EXECUTIVE COUNCIL—four members elected, three appointed. The Executive Council shall represent the class of 1953 and be empowered to act on its behalf. It shall appoint Harvard Law School Alumni Fund Agents for the Class; initiate plans for Class reunions and other functions and appoint appropriate chairman thereof; receive recommendations for alumni activities from the Class; assist the Class Officers when called upon, and prompt action by them.

The Council shall consist of seven voting members, plus the Class Secretary, Marshall, and Treasurer, who shall sit without vote, except as indicated below. Original membership shall consist of the Class Officers and four elected Council Members; these, immediately upon their election, shall appoint three others of the Class of 1953 to the Council; for this purpose only shall the Class Officers be entitled to vote, and never thereafter. The seven voting members of the Council shall thereafter divide themselves into three groups, in number: two, two, and three. At the end of three years, the first such group shall resign; the remaining (five) members shall appoint from the Class one replacement, and shall submit to the Class a list of nominees, both of their own choosing and by recommendations received from the Class; the Class will then elect the other replacement. At the third such interval, when three members resign, the remaining (four) members shall again appoint one replacement from the Class, and submit the list, from which the Class shall elect two replacements, thereby retaining a composition of three appointed and four elected members, plus the non-voting Class Officer-members.

Immediately after formation, and after subsequent elections, the Council shall elect a Chairman from among its voting members.

B. THE SECRETARY—shall be the Corresponding Secretary of the Class and to the Executive Council; he shall maintain all Class records and with the assistance of the Harvard Law School Alumni Office, shall prepare means of informing the Class of the affairs of its members, preferably by means of either a five-year directory, or a yearly newsletter of one-fifth of the class; he shall prompt action by the other Class Officers and by the Council, and be a non-voting member thereof.

The Secretary shall hold office at will, and may resign by submitting his resignation to the Executive Council, which shall provide for election of a new Secretary, either at once, or at the Class reunion next following, and shall provide for interim service.

C. THE TREASURER—shall be custodian of all Class funds (as distinguished from general School or Alumni Funds) for reunions, scholarships, gifts, etc., and shall be prepared to aid the Harvard Law School Fund Agent for the Class.

The Treasurer shall hold office at will, and may resign and be replaced in a manner as the Secretary (above.)

D. THE MARSHALL—shall represent the Class of 1953 at all University functions and ceremonies where such representation is customary or required, and shall officially preside at Class functions and reunions. He shall be present at Commencement Exercises on June 11th, 1953.

The Marshall shall hold office at will, and may resign and be replaced in a manner as the Secretary (above.)

II. RULES OF NOMINATION:

A. QUALIFICATION—any person who will receive the degree of Bachelor of Law during 1953 may be a candidate

for any Class Office or Executive Council. There shall be no other qualification or disqualification.

B. NOMINATORS—each candidate must secure the nomination of 15 members of the Class of 1953. No person so nominating is thereby limited; any such member of the Class may nominate whomever he choose, for any office.

C. FORM, TIME, etc.—nominating ballots, either in the form printed in the Harvard Law School RECORD on Feb. 26th or March 5th, or a facsimile thereof, must be submitted to the Receptionist in Langdell Hall no later than 5 p.m. on Wednesday, March 11th. Candidates must sign the acknowledgment of instructions and acceptance of duties of office, and must follow provisions therein for publicity.

D. SUPPLEMENTARY MATERIALS—because publicity will only be that provided by the Temporary Class Committee (see below, Rules of Elections), candidates are requested to submit:

(a) **WITH THE NOMINATION BALLOT**: a resume containing the following information: full name; present or future residence (city and state); prior advanced education; and membership and offices held in academic, extra-curricular, social, and Ames organizations of the Harvard Law School, and honors received therein.

(b) **NOT LATER THAN 5 P. M., FRIDAY, MARCH 13**: two application or passport-size photographs of the candidate, to be delivered to the Receptionist in Langdell Hall.

III. RULES OF ELECTION:

A. CAMPAIGN METHODS—there shall be absolutely no provision by the candidates for publicity through the use of placards or posters or hand-bills or other forms of public information, or entertainment, the object hereof being to limit individual campaigning to personal conversation. The Temporary Class Committee will provide bulletin-board, blackboard, newspaper, and other specially prepared publicity for the candidates and for the Class Elections.

B. BALLOTING—election of candidates for the various offices shall take place at Harkness Commons, lower level, on Friday, March 20th, between the hours of 11 a.m. and 7:30 p.m.; and on Saturday, March 21st, between the hours of 11 a.m. and 2 p.m. The Temporary Class Committee will provide supervision and publicity for election balloting.

C. METHOD OF ELECTION:

(a) The Council: the highest four candidates among these for membership on the Council shall be elected; mere plurality will decide. Each voter may vote for no more than four Council candidates.

(b) Class Secretary, Marshall and Treasurer: these shall each be elected by a system of preferential voting, by which each voter shall list a first, second and third choice for each such office. A majority of the votes cast shall be required; if none is reached after distribution of all first choices, then the lowest candidate shall be eliminated, and his votes distributed among the remaining candidates, according to the second choice thereon; if there be still no majority, the new lowest man is eliminated, and his votes distributed according to the second choice thereon—except that if such second choice has been eliminated, then the ballot shall be given to the third choice thereon; until a majority is held by one candidate.

D. DISPUTES—matters of dispute shall be settled, in all affairs of these elections, by the Temporary Class Committee.

(Signed)

Temporary Class Committee, 1953

Rodolphe Hamel
Gordon N. Litwin
Tedson J. Meyers
Charles A. O'Brien
Mary Margaret O'Connell
Roy Francis Perkins, Jr.
Stephen K. West.

INVESTIGATIONS —(Cont.)

Ralph Baker

(R., Ill.), will be the first group to delve into the incidence of Communist teachers in public schools and colleges. Both the Senate Judiciary Sub-committee and the Senate Committee on Permanent Appropriations have indicated that they may also begin investigations. It was believed that investigation in this part of the country would center primarily on Boston University and Wellesley and Smith Colleges.

BOOKS —(Continued)

to, particularly when conviction may mean death.

Some of the cases involve men in prison for a long time: Clarence Boggie (13 years), Louis Gross (16), Vance Hardy (26). It is a tribute both to the hard work of the investigators and to the weakness of some of the original cases that they were able to obtain the release of men on the basis of evidence picked up following 15- and 25-year-old trails.

All of course was not sweetness and light. One T. R. McClure led them a merry investigative chase on the basis of a plausible story. The investigation ended after a lie detector test convinced them he really was guilty, which he admitted when confronted with the results of the test. His comment was, "You can't blame a man for trying."

Work Necessary

A group such as Mr. Gardner's is necessary largely because there is no official body with sufficient time or resources to review questions of fact in these cases. All the cases turn on fact questions, particularly questions of identification by witnesses. Mr. Gardner cites the British Home Office as an example of an official agency designed to do this type of job.

There is one great danger in the methods used: the danger of making the case a political football rather than an investigation of facts. In one of the cases, a promise by a candidate to intervene in a case may have helped elect a Governor.

Despite the claim of the author that in a democracy the people are the court of last resort, the fact remains that the people have set up processes to determine criminal guilt. Clearly activities of this kind are justified when those processes break down, as they have in the cases in this book, yet the dangers inherent in the methods should not be overlooked.

J. J. S.

Civil Rights Lawyer Hits McCarran Act

Mrs. Ann Fagan Ginger, Cleveland immigration lawyer, spoke on "Administrative Procedure Under the McCarran Act" on February 19 at luncheon sponsored by the Harvard Law School Civil Liberties Union.

Mrs. Ginger, a graduate of the Law School of the University of Michigan, said that immigration lawyers "encounter tremendous difficulties in protecting the alien's rights." She criticized the system under which the hearing officer "acts as both prosecutor and judge."

According to Mrs. Ginger 65 per cent of the aliens that the Immigration Service seeks to deport are not accepted by the country of origin.

Mrs. Ginger suggests that law students who are considering immigration work in their practice might do well to attend the current deportation proceedings in Boston to see the system in operation.

The next of the luncheon series will be held on March 13 at 1 in the Mallory Smith Room. Prof. Louis L. Jaffe will speak on the current Senate investigations of the United Nations.

JUVENILES —(Continued)

background and perhaps his physical or mental disabilities, has not the moral resources to readjust himself nor the friends from whom he can receive assistance. Upon the community therefore devolves the responsibility of rehabilitation.

Information Inadequate

The Court itself, Judge Cooper insists, is without equipment to direct the rehabilitation. Having heard the charges and the evidence of both prosecution and defense, the judge has only a part of the information required to render an intelligent decision. He should also be supplied with the history of the defendant, the probable causes of the defendant's action, and an accurate appraisal of the success of a sentence or a probation.

Add to this the frequent attempt of judges to convince the defendant that the community abhors his offensive conduct, and the judicial system appears to be a harmful rather than a helpful agency. Realizing their inadequacies many judges close their eyes to other considerations and maintain that their duty ends when a decision has been reached on the facts presented.

In answer to questions from the audience, Judge Cooper complimented the probation officers on the results of their efforts but went on to point out that this group of public servants is extremely underpaid, many of them remaining in their jobs with unselfish dedication to the task of assisting the offender to re-enter community life. Effective as these officers may be, however, their duty does not arise until after sentence. It is in the sentencing itself that the Court requires non-legal aid.

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SBA —(Continued)

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Stress will be put on the typical workday of a government lawyer, touching especially on intra-office routine, dealings with Congressional committees, and the conduct of litigation before administrative boards. After the talks are concluded, the meeting will be opened to questions from the floor.

Future Lectures

In subsequent lectures the SBA plans to cover aspects of practice in differing localities. Last semester students heard Lloyd K. Garrison, LL.B. '22, talk on "Practice in New York City."

Scheduled for future talks are "Small-City Lawyer in Individual Practice," to be given by Frank M. Coffin, LL.B. '43, of Lewiston, Me.; "Practice in Middle-sized Western Cities," by Kurt F. Pantzer, LL.B. '17, of Indianapolis; and "Corporate Counsel," to be presented by John A. Hanna, General Counsel for the Raytheon Corporation.

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