

The Harvard Law School Record

VOL. 16 No. 6

CAMBRIDGE, MASS., THURSDAY, MARCH 12, 1953

PRICE TEN CENTS

All Tax Plan, Reorganization Financing Featured Articles In March Law Review

The first article in the March issue of the Harvard Law Review deals with the income tax project of the American Law Institute. The article is co-authored by Prof. Stanley S. Surrey of this school and Prof. William C. Warren, LL.B. '35 of Columbia Law School.

This is the first of the two articles on the subject scheduled to appear in the Review. The articles cover the progress of the Institute's tax project up to the present time.

"Government Financing"

Following this article there will be one by William L. Cary on the "Government Financing of Essential Contractors." This article is a discussion of the reorganization of the Glenn L. Martin Company. This is, in the words of the Review editors, "the story of a 'marriage,' but it is not to be taken as a sequel to Henry S. Drinker's article on professional ethics in matrimonial litigation which appeared in the January issue."

In his article Prof. Cary discusses the complex financing process used to rehabilitate Martin. An unusual variety of forms of financing, government and private, were adopted to put this company back on its feet. "Civilian customers of Martin were persuaded to contribute additional amounts proportionate to their orders; notes convertible to common stock were issued to attract new investment; a bank loan and the RFC loan were extended for one year; a further 'stand-by' credit was obtained from the RFC; credit granted by the Navy was increased by a liberalization of the V-loan borrowing formula."

The problem of the Martin reorganization was further complicated by the fact that it became almost a financial impossibility to continue civilian production under pre-Korea fixed-price contracts. Thus the interests of the civilian customers had to be taken into account in the reorganization of the company's financial plan. The intricacies of the scheme are spelled out by Prof. Cary who is equipped with both legal and business experience to deal with the multitude of questions which arise.

Dean Contributes

The Comment department will have two contributions by professors of the Law School. Dean Erwin N. Griswold is writing on "The Demise of the High Court of Parliament in South Africa," and Prof. Austin W. Scott writes about "Following the Rest and Sharing the Product."

Those interested in the political problem (See REVIEW on page three)

Columbia Chooses Warren Law Dean

William C. Warren, LL.B. '35, was named last week to be Dean of the Law School, Columbia University.

Mr. Warren has been Acting Dean since late in November, 1952, when former Dean Young B. Smith resigned, and has been a member of the Columbia Law School faculty since 1947.

An expert in the field of federal taxation, Dean Warren was co-editor with Prof. Stanley S. Surrey of this school of casebooks on income and estate taxes. The latest edition of Surrey and Warren, *Cases and Materials on Federal Income Taxation* was published several weeks ago.

Dean Warren is also Associate Chief Reporter of the American Law Institute Income Tax Project to revise the Internal Revenue Code. Prof. Surrey is Chief Reporter of the Project.

Prior to entering this Law School Dean Warren received A.B. and M.A. degrees from the University of Texas. After graduation from the Law School, he entered the law offices of Davis, Polk, Wardwell, Sunderland and Kiendl.

(See ALUMNI on page four)

Role Of Lawyer In Soviet Union Today Depicted By Interviews With Emigres

This article was written for the RECORD by Fred Wyle, 2L of Brooklyn. In 1950 and 1951 Mr. Wyle worked in the Western zone of Germany with the Refugee Interview Project of the Russian Research Center of Harvard University. The views expressed are solely those of



Fred Wyle

the author's and do not necessarily reflect the opinion of the Russian Research Center.

Recently, I had the opportunity to interview six former Soviet lawyers, all of them active as lawyers in the Soviet Union until 1941. This article is designed to present a very brief sketch of

the legal profession in the Soviet Union, as it emerges from these interviews.

During World War II, over five million former Soviet citizens found themselves in Germany, for the most part as prisoners of war or forced laborers. When liberation came, several hundred thousands of them refused to return to the Soviet Union. Some remained in Germany; most of them emigrated to other parts of the West.

Workers Benefitted

These former residents of the Soviet Union have created a unique opportunity for students of the Soviet Union to test some of the theses which have been painfully and slowly constructed in the last few decades regarding life in the Soviet Union. Workers in many areas of Soviet study, indeed, have already benefited greatly by consulting with former Soviet peasants, workers, managers, white-collar workers, and others. To be sure, some of the testimony of these former Soviet citizens must be taken *cum grano salis*, but this is not an insuperable problem. Most of their testimony has been of great help in giving content in human terms to the more-or-less abstract forms of Soviet life as they have been constructed by Western scholars working from official Soviet printed sources.

An historical preface seems apposite: law in Russia never achieved the role

(See RUSSIANS on page four)

Four Professors Receive Appointment; Allen Of Northwestern Law Given Post



Arthur von Mehren



W. Covington Hardee

Dean Erwin N. Griswold announced this morning the appointment of five legal scholars as Professors of Law in the Harvard Law School. Four of them are now serving on the faculty of the School.

The new professors:

Francis Alfred Allen, now Associate Professor of Law at Northwestern University. Born in 1919, he received his A.B. degree from Cornell College, Iowa, in 1941. Following four years in the United States Air Force, he entered Northwestern University Law School from which he received his LL.B. For two years he was Law Clerk to Chief Justice Fred M. Vinson of the United States Supreme Court. He returned to Northwestern in 1948 as an assistant professor and has been an associate professor since 1950. He is an authority on criminal law.

Brewster Gets Tenure

Kingman Brewster, Jr., who was graduated from Yale in 1941, received his LL.B. from the Harvard Law School in 1948. After a year with ECA, he taught economics and law at M. I. T. He was appointed an assistant professor at the Harvard Law School in 1950.

William Covington Hardee was graduated from Emory in 1940. After service in the U. S. Navy he attended the Harvard Law School, receiving his LL.B. degree in 1947. He was in private practice with the Boston firm of Ropes, Gray, Best, Coolidge, and Rugg for three years and was appointed an assistant professor at the Harvard Law School in 1950. His special interests are corporate law.

(See FACULTY on page three)

Letter From Charter Member Recalls Early Days Of The Legal Aid Bureau

[On Feb. 12, the RECORD printed a story on the discovery of one of the first letterheads used by the Harvard Legal Aid Bureau. Judge Raymond S. Wilkins, LL.B. '15, of the Massachusetts Supreme Judicial Court, found the document and sent it to Dean Griswold, who turned it over to Legal Aid. Leo Brewer, LL.B. '14, one of the original members, has written the RECORD about the early days of the Legal Aid Bureau. His letter is reprinted below.]

I was interested to read the item in the Harvard Law School RECORD of Feb. 12 about the old letter-head of the

Harvard Legal Aid Bureau. Some of your readers may be interested in some more about about the beginnings and early days of that institution.

After some preliminary discussion and planning, the Harvard Legal Aid Bureau was actually organized in March 1913. It was composed of 25 men from the second and third-year classes of the Law School. The 13 third-year men (class of '13) were Campbell Bosson, James Emmet Dorsey, Richard S. Fillius, Harris H. Gilman, Gay Gleason, Richard Stanton Holmes, William H. Hoover, John H. McChord, Frank B. Ober, Richard M. Page, Samuel M. Rinaker, Harold M. Stephens, and Francis S. Wyner.

Lists Men

The 12 second-year men (class of '14) were John A. Daly, George K. Gardner, Robert P. Goldman, William Henry Greenleaf, Robert H. Holt, Robert S. Keebler, Parker McCollister, William F. Merrill, Herman E. Riddell, Charles B. Rugg, Kingdon Thornton Siddall, and Leo Brewer.

(See LEGAL AID on page three)

HCLU Forum Hears 'Teachers Must Talk'

Speaking at Friday night's Harvard Civil Liberties Union Forum in Harkness Commons, Profs. Robert Braucher and Kirtley Mather and attorney Raymond Young agreed that teachers who are called before Congressional committees should testify. However, all speakers felt that the investigations should be orderly and moderate.

Prof. Braucher, who initially stated that the investigations are the result of a rational fear of the real danger of Communism, laid out a three-point program for Congressmen to follow in their inquiries. First, he recommended that they adhere to due process at all times. Secondly, he suggested that they hold no hostile public hearings unless there appears to be a strong case against the person or school to be investigated. Finally, he urged that the Congressmen tread softly in sensitive areas, particularly research, and the right to teach frankly and honestly in a classroom.

Although he conceded that teachers may often have a legal right not to testify, Prof. Braucher suggested that professors waive this right whenever possible, because in the mind of the layman, refusal is often equated with guilt. If there is a legal refusal, the college, in disposing of the case, should determine what it would do if the professor had given an affirmative answer to the question.

(See FREEDOMS on page three)

Spring Ames Ends With Quarterfinals

Following the final Ames argument on April 1, four second-year quarterfinal arguments, which will be held on April 7, 9, 14, and 16, will complete the spring Ames schedule.

Frankfurter Law and Gardner clubs will argue the first quarter-final case, which involves a shareholder derivative suit under the Securities Exchange Act



Albert Maris

of 1934. Presiding judge for the hearing will be Judge J. Cullen Ganey of the U. S. District Court in Philadelphia.

The second argument, in which Judge Eugene A. Hudson of the Massachusetts Superior Court will be chief judge, presents problems in conflicts of laws. The competing clubs are Gladstone-Webster and Jaffe.

The validity of a tardily filed chattel mortgage in the settlement of bankrupt estate is the subject of the litigation in the third of the semi-final arguments. Judge Charles J. Rome of the Massachusetts Superior Court will be the chief judge in the case, and Casner Equity and Griswold clubs will represent the litigants.

(See AMES on page three)

SALZBURG STUDENTS

Two students are needed to participate this June in the Salzburg Seminar on American Studies in Salzburg, Austria. The students will not be reimbursed for expenses they incur in connection with the four-week program on American Law, and will not be paid a salary.

Consequently, it is hoped that students who have previously planned to visit Europe this summer will participate in the Seminar. Students who are interested should contact Prof. Kingman Brewster.

Prof. Brewster also urges students and alumni to contribute used lawbooks for use at the Seminar. Particularly needed, are United States and Federal Reports, and casebooks and treatises on criminal and constitutional law, and civil procedure.

The Harvard Law School Record

Published weekly on Thursdays for twelve weeks of each term by *The Harvard Law School Record Corporation*, 23 Everett St., Cambridge 38, Massachusetts. Subscription price: \$2.00 per term mailed, \$4.00 per year (24 issues); student subscription \$1.50 per term mailed, \$1.00 per term distributed at the Law School. Individual copies \$.10 each at the Law School; \$.20 each mailed. Business and Editorial Offices, 23 Everett St., Cambridge 38, Massachusetts. Telephone KIRKland 7-7600, extension 447.

OFFICERS

DONALD W. CONLEY } Co-Presidents
MATHEW FONER }
ARNE SIEGEL } Business Manager

EDITORIAL BOARD

DAVID LUBELL } Associate Editor
HERBERT C. KLEIN } News Editor
CHAS. H. W. TALBOT } Copy Editor
JOHANAN VIGODA } Advertising Manager

DEPARTMENT EDITORS

John J. Sexton } Jonathan Lubell
Features } Gallery
Arthur Sherman } David Sanderson
Current Case } Alumni
Melvin Cohen } Herbert D. Lewis
Treasurer } Articles

EDITORIAL ADVISORY BOARD

Edgar H. Booth, Alan B. Ives, Samuel L. Hack

STAFF

Robert Belmonte, John Bernstein, Leon Birnbaum, Arnold F. Ciacio, Phillip Costello, Milton J. Crystal, Frederick Fagelson, Burton T. Gans, Jeremy E. Goldstein, Richard S. Kaplan, Robert Levine, Edward Pincus, Jack Polish, Norman Stone, Herbert Wasserman, William Westling.

"Entered as second class matter November 19, 1946, at the post office in Boston, Massachusetts, under the Acts of March 3, 1879."

It Might Have Been

"Of all sad words of tongue or pen, the saddest are these . . ." And thus another RECORD editorial was consigned to the circular file. To those who have been asking why our editorials seldom deal with local problems, a short obituary of this week's editorial may possibly provide the answer.

The editorial had a modest beginning, as editorials go. We were planning our annual banquet and had decided upon a Saturday in April. A check with the office of Dean Bevins revealed that every Saturday in April was reserved by the Dorm Councils, Law or Graduate except for the week of Spring Vacation. On further inquiry it appeared that every Saturday in March and also May was similarly reserved. It also appeared that other organizations were being denied access to the large meeting room.

It needed no consultation with our experts from Bowie's Gov Reg to tell us we had a monopoly on our hands. Shades of Teddy Roosevelt! Our trust-busting editorial was truly vitriolic. The trouble was, before we printed it, we decided to discuss the whole matter with Dean Bevins. He proved to be a modest counterpart of the celebrated Mr. Sherman.

The administration's policy has always been to reserve at least one Saturday a month for organizations other than the Dorm Councils desiring to use the large meeting room. For convenience, the last Saturday of said month was the one so reserved. If a different date was required, a switch with the Dorm Council was then arranged.

The Dorm Council reservation of the last Saturday of each month turned out to be only tentative; faulty liaison had made it absolute. Once the mistake was discovered, the whole matter was straightened out with the Dorm Council. Our editorial was dead.

Sic transit gloria.

A-Day-We'll-Never-See Department



I'm sorry to mention this, Professor Baker, but there was one case on this subject you seem to have overlooked . . .

Gallery

CHARLES PELHAM CURTIS, JR.
Attorney-Author



Mr. Charles P. Curtis claims he has done little but lead the life of a lawyer—an enjoyable and remunerative one. In effect, however, he has extended his interests and his efforts to other fields with considerable success.

By way of education, Mr. Curtis attended the Groton School, went to Harvard College ('14) from which he graduated in three years, being one of the "Junior eight" elected to Phi Beta Kappa, and was then the recipient of a scholarship to study abroad for a year at the *Ecole des Sciences Politiques*. At law school he was on the *Harvard Law Review* and graduated in 1917.

Early Career

Upon graduation, after a year spent in the Navy, Mr. Curtis became associated with the firm of Choate, Hall & Stewart, as a junior. He left the firm in 1921 and became Assistant U. S. Attorney for Massachusetts; he was the prosecutor of the notorious dope peddler, Charles "King" Solomon. From 1925 to 1932 he and his brother practiced law as Curtis & Curtis. In 1932, he rejoined Choate, Hall & Stewart as a partner and he has remained there until the present day.

Mr. Curtis talks fondly of his days spent at Harvard Law School, with special reference to Professors Frankfurter, Williston, Pound, Beale, Scott, and Warren. He, himself, never lost interest in the academic process and throughout the years has never been out of close contact with the affairs of Harvard University.

Ex-Member of Corporation

He was a member of the Harvard Corporation from 1924-1935, and from 1933-1936 he served as a senior fellow in the Society of Fellows along with Professors Henderson, A. N. Whitehead and John Lowe. Mr. Curtis points with pride to the part he had in the election of his classmate, James B. Conant, as President of Harvard University.

In addition to these University functions, at the request of President Lowell, he taught the course in constitutional law at Harvard College in 1932. He is a contributor to various law reviews and along with Professor Freund was one of those invited to attend the recent celebration of the 150th anniversary of *Marbury v. Madison* at New York University Law School.

Literary Accomplishments

Charles P. Curtis has also become a name bruited about in literary circles. His first published work, "Hunting in Africa, East & West" (1925) resulted out of a trip taken by his father, his brother, and himself to Africa to go lion hunting. He tells vividly the story of four months on safari, arising early in the morning to stalk the prey and walk him down and of great fear and excitement brought on by the onrushing lion. "They charge head on, you fire away and sometimes they wouldn't stop until they got as close as seven yards from you."

After returning to the United States, he and his brother combined to write this volume. Mr. Curtis is especially proud that Hemingway, in his "Green Hills of Africa," cited his book as being the best he had ever read on the subject. With Prof. Hunans, in 1934, he wrote an "Introduction to Pareto" and in 1945 he combined with Ferris Greensler to edit "The Practical Cogitator," a work that appeared on the non-fiction best seller list for many months. Mr. Curtis' most recent work "Lions Under the Throne" (1945) deals with the Supreme Court.

In State Department

Taking time out from his practice in 1941, Mr. Curtis became special Assistant to Under Secretary of State Sumner Welles, and worked with Dean Acheson then the non-lend-lease powers, which at that time included most of the Latin American countries and the Soviet Union.

At present, Mr. Curtis is a director of the Collateral Loan Company, which he describes as being the largest pawnshop in Massachusetts. He is also a trustee of the Boston Athanaeum and a trustee of Century Shares Inc.

As of this year, he has a non-official relationship with Incorporated Investors. In their annual report they published his amateur photographer's attack of the John Hancock Life Insurance building containing their offices. Mr. Curtis points to it as the first reproduced effort of his "work" as an amateur photographer.

Specialization

With regard to current practice, Mr. Curtis states he has noticed little change in the calibre of lawyers practicing today. The major difference lies in the increasing emphasis upon specialization. This is becoming more and more marked in the larger firms.

One of the great virtues of the legal profession is that it satisfies an inquisitive mind that likes to dabble in all fields. Specialization, of course, greatly limits these inquiries. To the best of his abilities Mr. Curtis tries to accept all manner of cases that come his way. He believes that for the young lawyer especially, there is no better experience or education than in "getting around."

H. W.

Off the Record

The following poem was found "at the bottom of a drawer" by Donald V. Carr, LL.B. '26. It is from No. 21, Vol. 4, of the West Publishing Co.'s defunct publication "Docket".

The author of the poem introduced it originally by noting that there were 108 married students in the Law School at the time of publication—February 1933. Even then, the law school wives were organized, and in the words of the writer of the poem, "these sentiments (if unspoken, generally) are practically unanimous."

He's got books,
He's got classes,
He's got notes
And horned-rimmed
glasses.

He's got abstracts,
Trial cases,
And he trots
The legal paces.

He's got bills,
He's got notes,
He's got Profs
On whom he dotes.

He's got loves,
He's got hates,
According to
The mark he rates.

He's got friends,
They're Law Students
Bickering
Of Jurisprudence.

He's got Langdell
And the Lib,
Lots of places
To imbibe.

Knowledge, whisky,
Beer or gin,
At his law club
Or The Inn.

He can argue,
He can chatter,
Night or day
It doesn't matter.

But with so much
Joy and strife,
Why in hell
Did he take a wife?

He seldom sees her,
When he does
The air with
Legal terms a-buzz.

Her neat house
Is a mess of papers
While he raves on
Of wills and rapers.

She hears cases
Cause and why
Till she'd love
To pop that guy.

They play bridge,
Well, bridge of sorts
Till he remembers
That case in Torts.

And when he's late
For every meal
He goes and blames
Professor Beal.

And should she try
To have a guest
If nonlegal,
It's just a pest

For he must explain
The law he knows,
And then it's too late
For movie shows.

And so, Your Honor,
May I say:
"To hell with the law
And its in re.

My second marriage
May be less prudent
But it won't be
With a Law Student."

D. H. P.

Sub Judice

YOU NAME IT

Feb. 14, 1950, Valentine's Day, probably holds pleasant memories for many people. But such was not the case with Albert Lohm. Albert had been showering for some five minutes in the bathroom of his hotel room when the need to perform a biological function became overpowering, or in the less discreet words of the court: "He got the urge to use the toilet." In great haste he left the shower, not stopping to turn off the water or to dry himself. When he tried to sit down sideways upon the seat of the stool "his reckless haste in thrusting himself against the side of the utility" forced it to skid toward the wall. Albert's head crashed into the wall before he could regain his balance. The toilet seat had seen better days and Albert saw stars.

When he regained consciousness he found himself with his head against the corner of the shower, "his nose bleeding profusely and his feet under the running shower." He arose and by allowing the cold water to run on the back of his neck he succeeded in stopping the bleeding.

Albert brought suit to recover damages for his personal injuries. He alleged that "the hotel negligently maintained a commode in the bathroom attached to room 741 with a concealed defect consisting of a break in the rear portion of the porcelain bowl which rendered the lid of the commode unsecure and dangerous." The jury returned a verdict for the plaintiff upon which judgment was entered. The defendant hotel appealed.

Held: Judgment reversed with directions to dismiss.

A puzzled court stated that "no case had been cited from Minnesota presenting facts analogous to those at bar." It went on to say that although the hotel is liable for injury caused by failure to use ordinary care or to obey the applicable Minnesota statutes, it was not deprived of the defense of contributory negligence. [It is] common knowledge that such seats . . . are not meant to resist the pressure of weights thrust against them from the side as plaintiff admits he did in this instance." His lack of care contributed to his accident and injury. *St. Paul Hotel Co. v. Lohm*, 196 F.2d 233 (8th Circuit, April 1952); rehearing denied May 21, 1952.

VARIETY IS THE SPICE

In 1937, fourteen years before he brought this petition *coram nobis*, the petitioner had been convicted of bigamy. The indictment alleged a marriage to Harriet Siskin on March 5, 1937, while an earlier marriage to Sylvia Rosen on July 19, 1924 was still in full force and effect. It was further undisputed that the petitioner married Lillian Goldstein in California on May 5, 1921 and was divorced by her Jan. 4, 1932. The fact of this marriage undissolved affected the validity of the Rosen marriage.

It thus appears that when he went through a ceremony with Sylvia, the marriage to Lillian was still in effect but was terminated prior to his marriage to Harriet.

Held: Motion granted; judgment vacated.

"We hold no brief for his conduct but the question here is one of law not moral rectitude." The court went on to apply New York Domestic Relations Law: "A marriage is absolutely void if contracted by a person whose husband or wife by a former marriage is living . . ." By Penal Law, Sec. 340, a bigamist is defined: "a person who, having a husband or wife living, marries another person."

Since the marriage to Sylvia was void (not voidable) the defendant could not be a bigamist. *People v. Glass*, 201 Misc. 460, 114 N.Y.S.2d 635 (N.Y., March 1952.)

Letters to the Editor

TO THE EDITOR:

I have just received a letter from Prof. Edmund M. Morgan dated at Vanderbilt School of Law February 28th and perhaps you would be interested in a little excerpt from it. Here it is:

"I have just returned from Athens, Ga., where I spoke at a Procedure Institute held at the U. of Ga. Law School yesterday (Feb. 27.) Last weekend I spent in Chicago at a conference of the Committee of the Uniform Law Comrs. . . . On Feb. 7 I had to talk at a dinner of a Bar Assn. So I was busy during the shortest month of the year. . . ."

He certainly is on the ball all the time. He ends with "Give my regards to . . . all of those at the School who remember me."

A. I. BRONSON,
(Secretary to I. M. Maguire and also to E. M. Morgan when he was here.)

FACULTY —(Continued)

tion law, accounting, and agency. He is currently revising Amory's *Accounting*.

Arthur Taylor von Mehren who received his B.S., LL.B., and Ph.D. degrees from Harvard. He was appointed assistant professor in 1946 and spent the next three years studying in Switzerland, Germany and France. He is an authority on comparative law.



Kingman Brewster

Louis Bruno Sohn, who, in addition to his appointment as Professor of Law, was also named John Harvey Gregory Lecturer on World Organization. He received D.Sc.M. and LL.M. degrees from John Casimir University, Lwow, Poland



Louis Sohn

and LL.M. from Harvard Law School. He was first appointed to the Harvard Law School staff in 1946. He was a member of the legal staff of the United Nations in 1949-50 and returned to Harvard in 1950 as an assistant professor.

Single-Party Papers Result Of High Costs

We do have a one-party press, Louis Lyons, curator of the Nieman fellows at Harvard said Tuesday at the Coffee Hour.

In these days of mass circulation the newspaper business faces the same problems as any other big business—unions, taxes, higher wages, etc. And naturally, the publishers react to politics and parties as other businessmen do, Mr. Lyons said.

To some extent, he explained, this is offset by the business tradition of objective reporting of the news. Most newspapers keep their opinions on the editorial page most of the time, but often they fall down in this respect during elections, which according to Mr. Lyons, is the only time it really makes any difference anyway.

Supported Eisenhower

Approximately 90 per cent of the country's newspapers supported Gen. Eisenhower's candidacy in last November's election, Mr. Lyons said. In Connecticut only the Yale Daily News backed Gov. Stevenson. And in Massachusetts, for the past twenty years no major daily has supported a democratic candidate.

The only remedy to the present situation is to raise the professional standards of the people in it, according to Mr. Lyons. More publishers must acquire an attitude of "I don't care if my taxes do go up, these are the facts as they happened."

Similarly, reporters must be trained not only to report news objective, but also to interpret it fairly.

FREEDOMS —(Continued)

Prof. Mather, who teaches geology at Harvard College, suggested that there were at least three possible motivations for a refusal to testify. Some professors may be "conscientious objectors" to Congressional inquiries into their thoughts, and so claim the privilege, though erroneously, on these grounds. Although sympathizing with their viewpoint, Prof. Mather urged that these people be honest and go to jail if their principles on the matter are strong enough.

Privilege Claimers

A second kind of privilege claimer, Mr. Mather said, is the man who was a member of the Communist Party in the 30's. He would readily admit his membership, but feels that if he does so he will be forced to implicate friends. He thus refuses to answer any question relating to his membership in the Party. The third kind is the man who honestly feels he might incriminate himself by answering questions. Only the third kind is legally entitled to the privilege, Prof. Mather said.

Mr. Young said that there was still a fourth kind of privilege claimer, namely the man who feels that his answers might lead to a perjury indictment. There is no legal basis for a refusal on this ground.

Patronize Our Advertisers

EXETER KEnmore 6-7067
The Prize Winning French Film
FORBIDDEN GAMES
(JEUX INTERDITS)
in French with English titles

JIM'S PLACE

30 DUNSTER STREET
STEAKS — SEA FOOD
Full Line of Liquors and Beers
Complete Dinners .50 - \$2.65
Porterhouse Steak for 2 \$4.45
Coupon Books \$5.50 for \$5.00

NEWS IN BRIEF

BULL & BEAR

The Bull & Bear Club will meet today at 1 p. m. instead of at the Club's usual meeting day on Friday. Mr. Richard L. Davison, Jr., of White, Weld & Co., brokers and underwriters, will speak to the Club on the oil industry, commenting on current conditions in the industry and on individual companies. Members will be permitted to make changes in their portfolios in the \$10,000 Contest at the meeting, with closing prices of Tuesday, March 10, effective for the change.

LAW WIVES

Dr. John F. Jewett, gynecologist and obstetrician of Richardson House will speak to the Law Wives at 8 p. m. in the Wheeler Room, March 18. His topic will be on pre-natal and post-natal care, and diseases prevalent among women.

HCLU LUNCHEON

Tomorrow afternoon at 1 p. m. the Harvard Chapter of the Civil Liberties Union will hold a Luncheon in the Mallory Smith Room. The guest speaker will be Prof. Louis Jaffe who will speak on the United Nations Loyalty Probes. All students are invited to attend.

YOUNG REPUBLICANS

On March 3, 1953, the Law School Young Republicans held elections for the Law School Committee of the Harvard Young Republican Club. The following officers were chosen for the year 1953-54: John Luckstone, 1L, New York, Chairman; Richard Harburg, 2L, Philadelphia, Vice-Chairman and Secretary; Joel Green, 2L of New York, Social Chairman; Raymond Reister, William F. Frech, Jr., 2L, Floral Park, N. Y., and David Baker, 2L of Birmingham, Ala., Chairmen-at-Large.

On the evening of the same day, Max Bell, 2L of Wilmington, Del., retiring Chairman, was reelected to the Planning Board of the HYRC, and Joel Green, 2L of New York, was elected Treasurer of the same organization.

At the meeting in the Mallory Smith Room, it was unanimously resolved that all law school members interested in doing responsible work in various activities would be welcomed to assist the Committee. The Club hopes that any law school student who desires to participate in the discussions and projects of the Law School Young Republicans will attend future meetings.

BASKETBALL

The Harvard Law School Basketball All-Stars will travel to New Haven this coming weekend to meet the equivalent Yale Law School team. It is expected to be the first game of a home-and-home series.

IN AT 10 — OUT BY 5
RITE-WAY
CLEANING — LAUNDRY
ALL WORK DONE ON PREMISES
4 Hudson Street KI 7-8008

"Don't Eat" . . .
OUR MEDIUM RARE ROAST
BEEF SANDWICH —
IT MAY BECOME A HABIT
45c
ARTHUR PARKER'S
Right off Harvard Square
Cor. Mt. Auburn and Dunster
Open 7 A. M. Close 2 A. M.

Edward T. Welch, Preceptor
(Legal Assistant N. Y. State
Board of Law Examiners)
(1929-1947)

WELCH BAR REVIEW COURSE
70 Pine Street, New York 5, N. Y.
Whitehall 4-8693

Lectures start June 1, 1953
Program on request

PBH Opening Drive For Blood Donation

"Lawyers' blood is just as warm and just as useful as anyone else's," according to Larry Corser and Alan Frank, co-chairman of the spring Red Cross Blood Drive in the University. But law students have proven less eager to part with their blood than the undergraduates, the Art & Sciences graduates, or the Business School students. Last fall, fewer than one law student out of seven made a donation at the collection depot in Memorial Hall. The College men gave 1300 pints, or nearly one pint for every three students.

Since the fall collection drive, new uses for whole blood and plasma have developed, including the widely publicized gammaglobulin prepared from fractionated plasma, with which the Red Cross is now experimenting. And the need for blood on the battlefield and in disaster areas has not decreased, but is as acute as ever.

The drive for donation pledges will be held next week, March 16 to 20, with P. B. H. solicitors in Austin and Langdell and in Harkness Commons.

AMES —(Continued)

In the last of these cases Story and Marshall Law clubs will argue a tax problem. Judge Edward J. Dimmock of the United States District Court for the Southern District of New York will be the chief judge at the argument.

Ames Final Court

The court in the third-year finals includes Justice Felix Frankfurter, Judge Albert G. Maris of the United States Court of Appeals for the Third Circuit, and Justice Raymond G. Wilkins of the Supreme Judicial Court of Massachusetts.

The final argument, which was erroneously reported in last week's RECORD as scheduled for April 7, will be held on Wednesday evening April 1.

L P Records 33 1/3 Speed
up to 25% Discount

AUTO — HOME
TELEVISION SERVICE

Minute Man Radio Co., Inc.
28 Boylston St. — Harvard Square
EL 4-9110 EL 4-2183

HARVARD SEA GRILL
"Marshall Is Looking for You"
1680 MASS. AVE.
Excellent Meals — Moderate Prices
OPEN EVERY NITE — 1:30 A. M.

Central Barber Shop
Specializing in ALL STYLES of
HAIR CUTTING and SCALP TREATMENT
Cor. EVERETT and MASS. AVE.

CHARLES SNACK BAR
GOOD THINGS TO EAT
37 BOYLSTON ST., CAMBRIDGE, MASS.
Telephone ELiot 4-8865

Student Valet Service
CLEANING & LAUNDERING
CONTRACT PRESSING

CLEANING — PRESSING — ALTERATIONS
HAT RENOVATING — SHOE REPAIRING
For Service and Satisfaction Never
Obtained Before CALL TR 6-0268
1609 MASS. AVE. CAMBRIDGE, MASS.

We have no agents —
It is up to YOU to register

REVIEW —(Continued)

lems of South Africa will note that two monographs, Cowen's "Parliamentary Sovereignty and the Entrenched Sections of the South Africa Act" and Corbett's "The Truth About the Constitutional Crisis," will be reviewed in next month's issue of the *Review*.

Also appearing in the April issue of the *Review* will be an article by J. H. C.



Stanley Surrey

Morris, Fellow of Magdalen College at Oxford, entitled "The Recognition of Polygamous Marriages in English Law." The article was originally published in Germany.

There is also scheduled for the April issue an article dealing with the application of the *Erie* doctrine to bankruptcy proceedings.

There will also be a comment on zoning regulations by Prof. Charles M. Haar, based on a recent New Jersey case.

Tours-Cruises
AIRLINE and
TRAIN RESERVATIONS
UNIVERSITY TRAVEL CO.
118 Brattle Street UN 4-0740

CLEANWAY
SELF SERVICE LAUNDRY
104 OXFORD STREET
Just a few minutes from the Law School

SQUASH RACKETS
Largest Variety in New England
TENNIS & SQUASH SHOP
67A MT. AUBURN ST. CAMBRIDGE
Opp. Lowell House — TR 6-8417

Unusual Opportunity for Harvard Students

Even though your home may be outside of Massachusetts, as a resident here you are eligible to apply for Massachusetts Savings Bank Life Insurance.

This is the kind of insurance that gives you more protection at less cost because of the low selling expenses. But it is yours only if you buy it over the counter on your own initiative.

And you can take it with you . . . no matter where you eventually work or live. Buy it now and save money on premiums for the rest of your life.

This bank is Headquarters in Harvard Square for Savings Bank Life Insurance. Come in or write for folders describing all types of policies and showing rates at your age.

Sample Rates for \$1,000 Straight Life Insurance			
Age	Nearest Birthday	Annual Premium	Monthly Premium
20		\$16.19	\$1.43
30		21.53	1.90
40		29.97	2.64

Our Insurance Dept. is located just inside the front door on the left. Ask for Mrs. Dexter or Mr. Howard.

CAMBRIDGE SAVINGS BANK



RIGHT IN HARVARD SQUARE
8:30 to 3 — Monday thru Friday

10 Seconds
To Make A Copy
with the efficient,
economical, portable
CONTOURA
copies anything, anywhere and
can be carried in your briefcase.

8x10 RESEARCH MODEL \$39.00
8 1/2 x 14 LEGAL MODEL \$59.00

Available Only At
Crimson Camera Exchange
1300 MASSACHUSETTS AVE.
CAMBRIDGE, MASS.
UN 4-4777 - UN 4-4296

LAW SCHOOL BOOKS
SOLD & EXCHANGED
CASH DISCOUNT
ON LAW OUTLINES
HARVARD BOOK STORE
1248 MASS. AVE. TR 6-9069

RUSSIANS—(Continued)

in society which we like to think it occupies in the West. Concepts like due process, the consent of the governed to an orderly process of government, the impartial imposition of social commands formulated with reference to shared moral values, in short, the rule of law—all these were hopes rather than accomplishments in pre-Revolutionary Russia. The development of law as a foundation of Russian society had scarcely begun when the Bolshevik Revolution occurred.

The Bolshevik Revolution cut short the development of law along lines familiar to the West. According to Marx, law was part of the ideological superstructure, an illusion induced by the underlying economic relationships and utilized by the ruling class to perpetuate a morality beneficial to it. Law enforcement—what the West called “the rule of law”—was nothing but a tool for the preservation of the power of the ruling class.

This thesis was faithfully applied in the early days of the Soviet regime. The nascent system of Russian courts organized along Western lines and the professional bar were substantially wiped out. The substitute was an attempt to solve by means of “revolutionary consciousness”—the Terror—all problems having political significance in the eyes of the regime. The solution of nonpolitical questions was to be undertaken by reference to traditional Russian and Western law by “judges” who rarely had legal training.

The exigencies of a modern industrial state and the general stabilization of Soviet society have resulted in considerable change in the role of law in Soviet society from those early years. Law in the Soviet Union today is the product of “inner contradictions,” to borrow a phrase. On the one hand, the regime makes it clear both theoretically and in practice that it still regards law as an instrument of the ruling group for the enforcement of its will, regardless of the moral values associated with the word “law” elsewhere. On the other hand, the regime wants to achieve stability and law-abidance in certain areas of life to further the execution of its plans and programs; for that reason it is often hard to encourage respect for legality and the observance of laws as independent virtues.

Contradictory Approach

The problem created for the regime by this dual and contradictory approach to law is considerable: to the extent that the regime encourages respect for law it furthers its desire for stability in some areas. However, the same process which strengthens respect for legality also tends to strengthen the value associations and connotations of the word “law.” To the extent that these moral connotations of the words “law” and “legality” are then applied by the populace in appraising the exercise of power by the regime, the regime has furthered popular resentment of arbitrariness and non-legal action by organs of the regime.

In the long run, this simultaneous nourishment and enervation of the concept of law, or legality, seems necessarily to lead to the further weakening of the respect for law, as an independent value, in Soviet society.

Lawyer's Place in Society

To turn to the lawyer, then. In evaluating the place of the lawyer in Soviet society, a useful technique is relating him to the two dominating activities in Soviet life. These are, first, the preservation and extension of control by the Communist leaders over as many aspects of life in the Soviet Union as possible, and second, the drive for production. There are, of course, other factors which go to determine the social role of an occupational group, even in the Soviet Union. Nevertheless, to a very considerable extent the role of the lawyer in Soviet society is indicated by reference to the prime activities relating to control and production.

In these activities, the Soviet lawyer takes part only to a very limited extent, as will be shown below. From the point of view of the regime, he is a rather remote auxiliary, a tool for certain limited purposes. He is not valued highly by the regime, nor does he stand high in the esteem of the population by comparison

with other professional groups of a roughly similar standing by Western standards. On the whole, the lawyer ranks relatively much lower in the Soviet Union than, for instance, in the United States or the United Kingdom.

For a precise ranking, one has to make comparison with Soviet ranks rather than with our own. In terms of popular esteem, governmental favor, and self-evaluation, the average lawyer in the Soviet Union ranks somewhere among the skilled white-collar workers. He might compare with an accountant some degrees below the “chief bookkeeper” (actually a comptroller or treasurer) of a substantial enterprise, or with a middle engineer; he ranks definitely below a doctor, a responsible engineer, or a university professor.

Not A Party Man

Most significantly of all, perhaps, the lawyer is rarely a member of the Communist Party, occupies almost no positions of trust and responsibility, and is almost never a member of nationally prominent organizations.

In order to examine the lawyer's role in greater detail, it is well at this point to distinguish between two types of lawyers in the Soviet Union:

1. THE JURISCONSULT—A salaried employee of an enterprise, roughly corresponding to a company counsel, or a legal assistant to the director.

2. THE ADVOCATE—A member of a “collegium” of lawyers, engaged in law practice for private individual clients, on a fee basis and within the framework of supervision and control of his collegium, roughly corresponding to a member of a firm engaged in the general practice of law.

These comparisons with American counterparts are not very useful, as will appear below. They are made only to distinguish the clients which the jurisconsult and the advocate respectively serve.

The Jurisconsult

The jurisconsult attached to an economic enterprise is perhaps more aptly described by the title “regulations technician,” than by that of legal adviser.

The jurisconsult's official functions are to render legal advice to the director of his enterprise, to interpret the many rules and regulations to which economic activity in the USSR is subject, to assist in the negotiation of contracts between enterprises, and to represent his enterprise in the state arbitration boards, and, if necessary, in the courts.

How important these functions are in the economy, and more immediately, to the director, must be assessed in connection with an examination of the economic system. Soviet enterprises function within an over-all economic plan setting output norms, allocating the important materials, and making the basic decisions. The Soviet factory director's two chief concerns are his quota and allocations under the Plan, and the availability of materials allotted to him on paper.

In the lesser areas of production, and in the procurement of miscellaneous non-vital supplies, there is considerable freedom of contract, but in the important areas of the economy, most of the contractual relations between enterprises are strictly regulated by law, model contracts are provided, and little room is left to the individual enterprise to maneuver on its own in the field of contracts. Such details as time and place of delivery, cost of shipping, etc., often re-

main to be regulated, but from interview projects concerned with the economy it would appear that contract negotiation is a very minor aspect in the success or failure of a Soviet enterprise.

The Soviet enterprise stands or falls, by and large, by its production record rather than by operating in the black, and the success of many Soviet directors is often dependent upon their ability to “procure” scarce materials outside the legal channels and resort to other illegal devices such as swapping or hoarding, or to juggle the books of the enterprise to present a favorable picture.

In these activities the jurisconsult plays little, if any, role. The illegalities resorted to are overlooked by the regime so long as they result in higher production and do not upset other areas of the economy too greatly, it would appear from the interviews. Thus the more important question is not whether something is illegal, but whether it will result in greater production. The jurisconsult is not a part of the power group in the factory. Neither the management nor the regime place him highly in the factory hierarchy.

Not a Happy Lot

In his relations with the workers, it does not appear from the interviews that the jurisconsult is quite happy with his lot. All the respondents interviewed spoke of their uneasiness in winning cases against workers who sue the enterprise for compensation or other claims but who in many cases appear without counsel and cannot substantiate their claims. Furthermore, it is the jurisconsult's responsibility to charge workers who violate the stringent labor discipline (“lateness laws”) with these crimes in court. In rare instances, the jurisconsult can cover up for violators with whom he feels sympathy, but generally the supervision over the jurisconsult by the Party unit in the factory, the “special section” which is the eye and ear of the secret police, and the management which is itself being supervised is too stringent to allow the jurisconsult much choice, and it is a dangerous business to tamper with labor discipline.

A striking bit of testimony of the jurisconsult interviewed, and one supporting the conclusions regarding their unimportant place in the social structure, is the political safety attributed to the job of the jurisconsult. The spectre of political repression for honest mistakes and drastic sanctions for failure to fulfill goals, does not seem to hang over the jurisconsult as it does over the manager, the engineer, or the chief bookkeeper. The chief advantage of their job, the jurisconsults say unanimously, is this political safety factor.

(Next week—The Advocate and Summary)

ALUMNI—(Continued)

From 1937 to 1942 he was associated with the Cleveland firm of Holiday, Grossman and McAfee, while teaching at Western Reserve University Law School.

During World War II Dean Warren was in the Army, rising to the rank of lieutenant-colonel before his discharge in 1946.

He served on the fiscal mission to Japan in 1949. From 1947 to 1949 Mr. Warren served as consultant to the Secretary of the Treasury.

LEGAL AID—(Continued)

Two or three men dropped out later and were replaced with others, but the above-named 25 men were the starters. Campbell Bosson was our first chairman.

The organization meetings were held in the Phillips Brooks House in Harvard



Raymond Wilkins

Yard, but we soon acquired an office in the Prospect Union at 744 Massachusetts Ave., Central Sq., Cambridge. We opened for business there on Monday, March 24, 1913, and got two cases the first day.

Took Turns On Duty

Our office hours were from 4 to 6 and 7 to 9 p.m. daily. We took turns on duty at the office. My first turn was on the night shift of Friday, March 28, but I had sat in as a spectator earlier that week for the purpose of getting the hang of it from the other amateurs. Curiously enough, my first case involved some propositions of law which I had already had in class, but a description of it would require more space than its interest would warrant. However, you might ask George Gardner there in the Law School whether he remembers his first “client” on Thursday afternoon, March 27, 1913. To refresh his memory, my sketchy diary says that it was “a Portuguese client who seems to have had quite a checkered marital career.”

We took our work seriously. On occasion, when a client presented a difficult problem, we would take it “under ad-

vise” and then telephone a practicing Boston lawyer the next day for help. Another means which we adopted in an effort to improve the quality of our service was to divide assignments among ourselves of papers to be prepared for the whole group on the kinds of questions which we were usually asked.

On Monday afternoon, Sept. 29, 1913, we held our first meeting of the new school year. The men of the class of '13 had of course been lost by graduation. At that meeting, we elected 15 new members, five from the third-year (class of '14) and 10 from the second year (class of '15). Charles R. Rugg was elected chairman, and we resumed operation of our office the next afternoon.

It was at that time that Reginald Heber Smith joined us. From there he went on to become the nation's, perhaps the world's, leading authority on legal aid work.

Annual Meeting

On Monday night, Oct. 6, 1913, we had what we called the “annual fall business meeting and smoker” of the Harvard Legal Aid Bureau. It was at Lincoln's Inn, and we had two Boston lawyers as speakers. To quote, “refreshments were served and a good time was had by all.”

That is enough for a start. It would please me very much if some other older would be historically minded and write a chronicle of the beginnings and early days of the Harvard Legal Aid Bureau. Malcolm M. McDermott, of the class of '13 of the Harvard Law School, now at the Duke University Law School, Durham, N. C., could probably tell the prenatal story of the Bureau. He was connected or interested in some way in the Phillips House activities, and I believe that it was from that angle that he started our project although he did not become a member. I am sending him a copy of this letter, and hope that he will write you about the “beginning of the beginning” of the Harvard Legal Aid Bureau.

(The RECORD looks forward to hearing from other alumni about the early days of the Legal Aid Bureau or other students organizations.)

Open 24 Hours
Every Day
SWANNY'S
35 Boylston St.
Harvard Sq.

Rackets Restrung
One Day Service \$3.50 to \$9.50
TENNIS & SQUASH SHOP
67A MT. AUBURN ST. CAMBRIDGE
Opp. Lowell House — TR 6-5417

“YOU DUMP IT
WE DO IT”
**HUDSON
LAUNDERETTE**
HUDSON STREET
ONLY TWO BLOCKS
FROM LAW SCHOOL
OFF 1672 MASS. AVE.

Chez DREYFUS
FRENCH CUISINE COCKTAIL LOUNGE
BANQUET ROOM
MODERATE PRICES
Open Daily Except Sundays
44 CHURCH ST. KI 7-4311

**DALTON-ELCOCK
BAR REVIEW**
This review, preparing candidates for the Massachusetts Bar Examination, is given twice a year; November and December, evenings; and in June, days.
For information write or call:
Dalton-Elcock Bar Review
10 POST OFFICE SQUARE
BOSTON, MASSACHUSETTS
HAncock 6-2850

**MASS. & GARFIELD
GULF
SERVICE STATION**
★ TUNE UPS
★ LUBRICATIONS
★ WASHINGS
★ MUFFLERS, TIRES, BATTERIES
ALL ACCESSORIES
1725 Massachusetts Ave.
Between Harvard & Porter Sq.
EL 4-9203

BILL'S TELEVISION & RADIO

“QUICK RELIABLE SERVICE”

CALL UN 4-5036

25 YEARS IN BUSINESS

(THIS AD WORTH \$1.00 TOWARD SERVICE CALL)

1670 MASS. AVENUE

CAMBRIDGE

MAURICE H. BROWN LAW INSTITUTE

1800 COMMERCIAL TRUST BLDG. PHILADELPHIA 2, PA.

Pennsylvania Bar Review Courses

SINCE 1934

The course with the 100% Passing Record for HARVARD LAW GRADUATES taking their First Pennsylvania Bar Examination.

Campus Representative

— JOHN B. JONES, JR.

Telephone TR 6-3049

Materials	20,000 Second Hand Law Case Books and Law Text Books at Lowest Prices	Materials
and Reviews		and Reviews
Based on all	LAW BOOKS NEW AND USED BOUGHT :: SOLD :: EXCHANGED Largest and most complete supply of used Law Case Books and Law Text Books for all Law Schools	Based on all
Law Courses		Law Courses
and Case		and Case
Books at	UNIVERSITY LAW BOOK EXCHANGE, INC. 28A Boylston Street Same Block as the Coach Grille Restaurant Harvard Square, Cambridge, Mass. Telephone KIRKland 7-4000 Abraham Isenstadt, Mgr.	Books at
Lowest		Lowest
Prices	We can save you substantially on any Law Books whether New or Used. If it is a Law Book, We Have it, or Will Get it for you!	Prices