

The Harvard Law School Record

VOL. 5 NO. 2

CAMBRIDGE, MASS., WEDNESDAY, OCTOBER 15, 1947

PRICE TEN CENTS

PRESSMAN TO REVIEW LABOR ACT

Counsel for CIO Will Talk Tonight To Lawyer's Guild

Lee Pressman, general counsel of the C. I. O., will discuss the Taft-Hartley Labor Act at the first fall meeting of the Harvard Law Chapter of the National Lawyers Guild on Wednesday evening, October 15, at 8 p. m. in the Langdell Court Room. Professor Archibald Cox will introduce Mr. Pressman and comment on the Act.

Mr. Pressman, a former note editor of the *Harvard Law Review*, received his LL.B. here in 1929. Upon graduation he joined the firm of Chadbourne, Stanchfield and Levy. In 1933 he was named assistant general counsel of the AAA, and in 1935 became general counsel for the WPA. He has been legal counsel for the C. I. O. since 1936.

In his talk Pressman will analyze the Act by pointing out the substantive and procedural significance of its various provisions.

At this meeting the Guild's student-participation program will be outlined. Conducted court tours have been arranged which will meet with local jurists to discuss and sit in on afternoon court sessions. Projects of research and participation have been arranged by which members will work with local organizations and attorneys on legal problems. Contact has been established with secretaries of practicing Guild chapters who will assist job-hunters on the spot and notify the Harvard chapter of local openings.

Cavers Urges Ban on Atom Power, Demolition of U.S.A. Bomb Plant

As an essential part of effective international atomic control, Professor David F. Cavers, in the current *Bulletin of the Atomic Scientists*, advocates temporary abandonment of plans to exploit atomic energy for industrial power. He sees danger to world security in the principle of "strategic balance" embodied in the present American proposals. Under these proposals the control agency would have to approve the erection of a few huge plants to produce nuclear fuels (which are also atomic explosives) in other countries, including Russia. By proposing the prohibition of atomic fuel plants anywhere, the United States would, Cavers argues, increase the possibility of international agreement by providing a way out of the present Russian-American impasse. Moreover, the elimination of large-scale atomic power plants would not prevent the operation of the safe small-scale plants that are sufficient to meet scientific and medical needs.

The Cambridge Committee of Natural and Social Scientists, of which the professor is a member, has been studying various proposals advanced to the U.N. for the use and control of atomic energy. In analyzing the dangers of the current United States proposals, Cavers finds the idea of a "strategic balance" of plants in various nations inadequate as a defense against seizure by a malevolent nation. Such a nation could sabotage the plants in rival nations, using its nationals on the control commission, at the same time that it took over by surprise attack those plants within its own borders. The fact that atomic power plants would not be allowed to keep a large stock of bomb materials on hand would also be a poor defense against a malevolent nation.

Prof. Cavers' article continues: "Bernard Baruch said, 'presumably no nation would think of starting a war



DAVID F. CAVERS

with only one bomb.' True, unless the nation possessing this bomb also possessed the only remaining facilities for producing atomic explosives. Then the fact that it had even one bomb available for immediate use would add importantly to its war potential. And, after the one bomb had been dropped, the fear, however groundless, that the seizing nation had obtained, not one bomb, but several, might prove an even more effective weapon than the bomb itself."

Cavers quotes atomic authorities as suggesting that possibly in three months the nation which seized the atomic plants could convert them from fuel to bomb production. "In those dread ninety days, whether the world would succumb

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AMES TO HAVE NEW FEATURES

In addition to the regular docket of cases for the first and third term courts, the quarter-finals, and the semi-finals, the Board of Student Advisers has announced that the Ames Competition will include two special features this term. There will be the first "full dress" final round since the war, and a new informal competition will be inaugurated.

Although a final round case was argued during the summer term of 1946, this term's argument will be the first one since April, 1942 which is the culmination of a full scale Ames Competition. The opposing clubs in this final round, which will be held in the Langdell Court Room on October 30, are the Thorpe Club and the Taney Club. This case, which comes up in the United States Circuit Court of Appeals for the Ames Circuit, involves an action by the Ames Local 3131 of the Lumber and Sawmill Workers' Union against the chairman and members of the N.L.R.B. in their individual and official capacities. This issue arises out of a certification proceeding in which the N.L.R.B. certified another union for collective bargaining purposes. The complaining union objects to the procedure used by the N.L.R.B. in this certification proceeding, and is seeking to get the order vacated.

Oral counsel for the Thorpe Club are George I. Meisel and Paul N. Temple; for the Taney Club, Robert W. Culbert and James F. Lovett.

The new informal competition is to be composed of men in the upper terms who were defeated in their qualifying round but desire to continue their Ames work. Thus far fifteen men have joined this competition. The Board intends to continue this practice in the future if it proves popular. Facts for this competition will be issued on October 13, and the arguments will be held on November 10.

A full schedule for the lower terms has been drawn up which provides for eight rounds in the first term competition and ten for the third. Facts for the

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FIRST YEAR MARKS SHOW FEW FAILURES

TOEPFER NAMED ASSISTANT DEAN

Louis A. Toepfer '47 has been appointed Assistant Dean of the Faculty of Law and Director of Admissions in the Law School. Since his graduation last February, Mr. Toepfer has been Secretary of the Placement Office.

The new Assistant Dean was graduated *magna cum laude* from Beloit College in 1940. His course in the Law School was interrupted by almost four years' service in the Navy, where he was executive officer of a destroyer in the Pacific theatre. In 1942 and 1946, Mr. Toepfer was vice-president of the Legal Aid Society, and in 1942 was president of the Chancery Club.

EVATT SPEAKS ON U. N. WORK

Australian Will Deliver Holmes Lecture Address

Dr. Herbert Vere Evatt, Foreign Minister of Australia, will deliver the first of this year's Oliver Wendell Holmes Lectures this Friday at 8:30 P.M. in Sanders Theatre, his topic being "The United Nations—Its Formation at San Francisco." The remaining two lectures in the series will be given at the same time on Thursday and Friday of next week in the New Lecture Hall. He will speak on "The Working of the United Nations" and the "Future of the United Nations" in his concluding talks.

These lectures were made possible through a bequest to the Harvard Law School by the late Justice Holmes. On the recommendation of the faculty, the income from the gift is devoted to paying the honorarium of a lecturer to be known as the "Holmes Lecturer" and the cost of publication of the addresses. The lecturer is not appointed more frequently than once in three years. The last lecture was delivered in 1942 by Hans Kelsen and his topic on that occasion was "Law and Peace in International Relations."

Dr. Evatt has been active in the United Nations since its inception at San Francisco in 1945. He has been his country's representative on the Security Council and the Atomic Energy Commission. Previously he had served as a member of the High Court of Australia. A leader of the Labor Party, he held the offices of Minister of Foreign Affairs and Attorney-General concurrently during the war. He is also the author of several works on history, political science, and British law.

REVIEW TAKES NINE MEN

Albert M. Sacks, President of the *Law Review*, has announced that nine men from the present third term and one from the present fifth term have been invited to join the Editorial Board of the *Review*. The eight top ranking men in the recent first year examinations were invited to join the staff; they were: Alexander M. Bickel, C. C. N. Y. '47; Howard M. Cohen, Columbia '47; Guy B. Colburn, Pomona '42; Milton Dauber, N. Y. U. '41; Weaver White Dunnan, Harvard '47; Robert Read Frei, Princeton '44; Donald W. Ingle, Bradley; George Slover, Jr., Tennessee '45.

Another member of the third term, Theodore S. L. Perlman, Princeton '45, who dropped out of school at the end of his first year in June 1946 has been invited to join the *Review*.

The fifth term representative who qualified as a result of his second year exams was Walter M. Beckham, Emory '41.

67% Of Repeaters Pass Examinations, Setting New Record

The most unusual feature of the statistics issued by Vice-Dean Livingston Hall on the September examinations was the unusually low failure rate of the first year class. Of the 295 men who entered in February, 1947, only 23 failed. This gave the class a failure figure of 8%, which is the best showing yet of any of the post-war classes. In fact, the trend has been generally downward. From a peak of 19.3% failure in June, 1946, it moved to 11.2% in October, 1946; to 13.3% in February, 1947; and to 9.6% in June, 1947. A typical pre-war class, that of 1938, had 113 failures out of 512, or 22.1%. Of the 1704 persons who have faced first year exams since the war, 206 have succumbed. At the prevailing rate of 12.1%, Dean Pound's famous admonition to the entering class will have to be amended to read: "Look at the four persons to the left of you and the four persons to the right of you; one of you will not be here next year."

The number of men in the class with honor averages was about normal; 18.6% getting 70 or above. However, there were only three men with A averages. The number getting each grade as an average, and the percentage each grade constitutes of the whole, were: A's 3, or 1.0%; B's 52, or 17.6%; C's 178, or 60.3%; D's 39, or 13.3%; and E's 23, or 7.8%. For the purpose of comparison, the first year averages in June, 1947, were: A's 1.9%; B's 14.7%; C's 61.6%; D's 12.2%; and E's 9.6%. The middle man of the class, No. 148 on the rank list, had a 65. The median is determined by including failures, but excluding men who were repeating the first year.

The second year class turned out the following grades: A's 8, or 2.6%; B's 59, or 19.0%; C's 213, or 68.4%; D's 28, or 9.0%; and E's 3, or 1.0%. The

(Continued on page three)

FORUM OPENS FALL SEASON

In an attempt to shed some light on the conflicting theories that have been advanced concerning the problem of reconstructing Germany and Europe, the first fall meeting of the Harvard Law School Forum last week presented Thomas C. Blaisdell, Director of the Office of International Trade in the U. S. Department of Commerce, and Bernard Bernstein, former Finance Director for the U. S. Group Control Commission for Germany.

Mr. Blaisdell, acting as official spokesman for the Commerce Department, maintained that it is absolutely necessary to restore the Ruhr as an essential part of the economic system of Western Europe if there is to be a recovery from the economically-sickened condition of all of Europe. Once this is done, there will be a greatly increased field for international trade and commerce, enabling Europe to trade with the U. S. and South America on a basis of equality, a characteristic which has not been present since the start of hostilities. Blaisdell stated that the highly desirable return of European nations to the field of foreign trade will be greatly retarded unless the full industrial potential of the Rheno-Westphalian region is employed.

And further he explained, the policy of the U. S. Government now with regard to Germany is divided into four parts:

(Continued on page three)

Bingham Attributes Athletic Fee Raise To Increased Operating Cost

William J. Bingham, Director of the Harvard Athletic Association, attributed the higher fees for athletic activities to generally increased costs of labor, transportation, and other essential expenses, in an interview this week by a *RECORD* reporter. The general fee for athletic activities, which was formerly seven dollars each term, has now been raised to ten dollars, and there is also a locker charge which will add two dollars each term. Individual fees, paid by those not acquiring activities tickets, have been increased slightly for certain sports.

"These increases were absolutely necessary," stated Bingham, "if we were to have any chance of balancing our budget this season. We suffered a deficit of \$90,000 last year. This year many of our costs have increased still further, and although we hope to take in good receipts during the football season, there was no choice but to raise student fees, which constitute our only other source of income. The Athletic Association receives no funds from the University."

Transportation represents a large item, and Bingham disclosed that the railroads no longer offer the special rates which were common before the war. Although the team used to be given a round trip for a fare and a tenth, regular prices are now charged. As might be expected, labor costs have increased greatly, now totaling almost double the pre-war figure. "We now have no employees earning less than a dollar an hour," pointed out Bingham, "and they get time and a half for everything over forty hours per week. The jobs done by these workers are such that a large amount of overtime is unavoidable. High labor costs are only typical of the increases which have taken place on all

sides, as is well known to every consumer."

Asked to compare the situation at Harvard with that at other colleges, Bingham stated that the cost to students at other schools was usually about the same or higher. "Sometimes the athletic charge is 'smuggled in' like a hidden tax," warned Bingham. "In such cases the student pays no separate athletic activities fee, but his tuition is higher and the school turns over a certain amount per student to the athletic department." As an example of this scheme Bingham cited Princeton, where the student is not charged a separate athletic activities fee, but the athletic department receives from the school, twenty-five dollars for each student. "I believe," concluded Bingham, "that students here are getting athletic facilities at the lowest practicable cost, and at a cost which is substantially equivalent to that at other schools throughout the country."

Although swimming and baseball bring in no money, basketball earned a little last winter, although it was the first time this had happened in fifteen years. Interest in hockey appears to be increasing, and the wrestling matches attracted very large crowds last winter. Football offers the best hopes, of course, and Bingham believes the schedule this season includes enough crowd-attracting games in large stadiums to bring in considerably more than last season, when fewer "big" games combined with several rainy Saturdays to keep gate receipts down.

"All in all, we are hoping to balance our budget this season," smiled Bingham, "but we won't be surprised if something unexpected comes along to push us back into the red."

The Harvard Law School Record

Published weekly on Wednesdays for twelve weeks of each term by *The Harvard Law School Record Corporation*, Austin Hall, 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 \$1.10 each at the Law School; \$1.15 each mailed. Business and Editorial Offices, Austin Hall, Cambridge 38, Massachusetts. Telephone KIRKland 7600, extension 133.

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CHANGES OF ADDRESS should be sent to the RECORD office, Austin Hall, Cambridge 38, Massachusetts, at least three weeks in advance to insure prompt delivery.

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

Editorials

If it is possible that any changes and improvements are to be made in the arrangement of Langdell Hall, we should like to point out one addition which is much needed and could be easily effected.

At present there is no room which provides a special place where students may visit, where Ames partners may discuss their cases, and where class members may continue discussing the hypothetical cases before them at the end of the period. As a result, most students use the reading room for this purpose, thus raising the noise level and bothering men who are studying. The Root Room's formal decor seems to discourage talking, and many students find it a quieter place to catch forty winks than the reading room. Those who are considerate enough to go out in the hall to talk must stand up or sit on the stairs, adding to the congestion when classes change. Kendall House is not handy enough to be used for this purpose.

Finding a spot for such a room presents a problem. The room above the new Treasure Room (corresponding to the typing room at the south end of Langdell), or the entrance hall of Austin are suggested as possibilities.

This room need not be a lounge of the heavy-plush-chair-and-leather-couch variety. A few plain wooden reading room chairs, some tables, and a coke and cigarette machine would adequately furnish a place in which fellow students could become acquainted and which would be conducive to out of class discussion. Faculty members might even drop in occasionally for a bit of social contact with their students.

J. P. L.

Letters to the Editor

To the Editor of the RECORD:

I wish to argue with Mr. Cain's test for the denial of the usual liberties to artists and their art.

"Decency requires that where God is mocked someone should act." (5 HARVARD LAW RECORD, No. 1, page 2.)

Decency seems to be a synonym for fundamental religion in Mr. Cain's vocabulary. Even if we grant that it is not, any definition of a standard of conduct that is based on the word "decency" is too vague to lend itself to satisfactory application.

If Mr. Cain and the city government are interested in decency, why not start out in Scollay Square? It would probably be more "decent" to retire Miss Keith or to turn the Old Howard into a moving picture theatre than to refuse serious dramatists a chance to present an analysis of a very unhappy man. I would prefer to preserve the historic monuments and add a new play to the limited number that the city has to its credit.

You can't find a better ready-made plot than the story of Judas and anyone interested in just good theatre would be attracted by the play and probably be too far gone to suffer morally from it. The same applies to those interested in the story of Christ as history or literature.

Above all, it is true that Judas was bad and died in the end. To an audience not tuned to an excessively high frequency, the elements of the plot would come through, crystal clear.

Perhaps all of us could see and enjoy "Dear Judas."

SECOND YEAR STUDENT

To the Editor of the RECORD:

While it is doubtful that the present drive to enact federal income tax legislation extending the benefits of community property states to all married couples will immediately affect unmarried students, nevertheless, this problem should be considered by them since it will put them in an unequal status with married persons.

There is no reason to use this technicality to the detriment of all. If there is present inequality in the tax law giving an advantage to residents of such states, the change suggested does not eliminate the inequality. It merely eliminates the inequalities between married persons but continues the inequality between married and unmarried persons. If there is a loophole in the tax law the change should be made the other way, namely, to remove this advantage for federal income tax purposes only from residents of states subject to such laws. The latter direct approach is a better solution as it does not emphasize the inequality between persons of married and unmarried status.

In the event that community property benefits are extended to all married persons and federal revenues fall below the needs of the government, unmarried persons will be hit doubly hard. An inevitable result will be increased rates. Then, since the income base is taxed differently, their proportionate increase will be greater since they cannot spread their base and derive the benefits as such.

The present law makes adequate allowances for married persons by granting them credits for dependency and larger exemption for their marriage status. This is enough.

Law students who contemplate a few years in a single status prior to getting established in practice should consider its future effects on them. I don't know whether any constitutional question is involved, but maybe some advanced students can dig one up.

ISADORE M. MACKLER, IL

Off the Record

As various poets might have greeted the first appearance of a woman professor at Harvard Law School—

As A. E. Housman might have done it:
*With rue my heart is laden,
For manly profs I had;
And who would think a maiden
Would teach this Harvard lad!*

As Louis Untermeyer might have done it:
*God, we don't like to complain,
We know this school is no lark;
But why—why learn Sales from a dame,—
Aren't we enough in the dark?*

As Robert Burns might have done it:
*What tho' the female's lore we learn,
Face hodden skirt, and a' that?
Let fools for manly lectures yearn—
A Prof's a Prof for a' that!
For a' that, and a' that!
Their frills and show, and a' that;
The sex is but the guinea stamp—
The Prof's the gowd for a' that!*

As Robert Burns probably would have done it:
*Then let us pray that come it may,—
As come it will for a' that,—
That sense and worth, o'er a' the earth,
May bear the gree, and a' that.
For a' that, and a' that,
It's comin' yet, for a' that—
The law profs the whole world o'er,
Shall all be men for a' that.*

As Ogden Nash might have done it:
*A woman Professor?—
I'd rather caresser!*

As Edward Lear might have done it:
*There was a young teacher of Sales
Of the sex which paints its nails,
Said she to her class,
I'll stand for no sass,
From mere inferior males!*

J. S.

As an extra starter, not on your scorecard,
John Donne: *Do not ask for whom the belle tolls.*

Legal Primer: The Woodcarver

Instead of making the study of law a bitter and lonely experience, children, appreciate the arts. Look at your classroom desk. See how prettily some great woodcarver cut his initials? He took time out from listening to the professor, and created this masterpiece. He is destined to go far in the world of art, children, and the fact that he flunked out of law school should not be held against him.

—L'AVOCAT

A Faculty for Humor

Prof. Freund in Conflicts: "Were you outraged at the result of the Dorrance cases? Or did you spare yourselves the shock by not reading them?"

Credit for last week's article on John W. Sterling was omitted. The author was Eli Goldston, board member.—Ed.

Gallery

CHARLES M. EWING

Young Lawyer



Young Boston attorney, Charles Miller Ewing, who just finished his second term as a Lecturer on Law at Harvard, has reached the conclusion that teaching is hard work. It is not that he doesn't enjoy it, but he has discovered that there are many time-consuming, brain-wracking features of pedagogy which he had never realized existed when he was a student or practicing lawyer. Most arduous, of course, is the task of marking blue books. But even before that, the requirements of collateral study, organization and particularly the preparation of exam questions are surprisingly demanding.

When Dean Griswold suggested that he try his hand at teaching at Harvard last year, Mr. Ewing had already experienced a varied career with the law in the few short years since his graduation from Harvard College in 1937. President of the "Bugle" while at Harvard Law School, he became a law clerk for Judge Calvert Magruder when he was graduated in 1940.

After this interesting and valuable experience Mr. Ewing went to Washington in 1941 to work with the War Production Board, where he was associated with the board's legal staff under John Lord O'Brian, prominent Buffalo and Washington attorney. During his year and a half there he saw the board grow from an infant agency to a colossus, but believes that it managed the transition more efficiently than most of the war-born agencies. He attributes this to a strong centralization of the legal division which prevented the lawyers from being directly and completely under the individual control of the heads of other departments with whom they might be working.

Although his work with the WPB was primarily legal, he had ample opportunity to see how the country's production was channeled and to observe how quickly the agency's orders and directives would be reflected in production figure changes. Much of his work was in conjunction with conferences between manufacturers and the military, as he was concerned primarily with priorities and the Materials Control Plan. However complicated any problem might be in scope, it usually broke down finally into the allocation of but three materials: steel, copper and aluminum. With prospective production and consumption figures before them, the lawyers had to draft effective orders and contracts to conform to the stipulated budget of these materials.

In 1942 the Navy changed its mind and took Mr. Ewing, who had studied Naval R.O.T.C. at Harvard but had not been able to pass the vision tests, immediately after law school. He was assigned to the Production Division of the Bureau of Aeronautics in Washington. His duties carried him to all parts of the country in liaison with aircraft manufacturers and often his old agency, the WPB.

After his discharge late in 1945, Mr. Ewing stayed with the government for a while in the newly-formed and short-lived Office of War Mobilization and Reconversion, headed variously by Byrnes, Vinson and Snyder. He found that the new agency ranked as an unwanted stepmother and errand boy among the older agencies. Instead of being supervisory it became saddled with minor problems primarily.

After a short stay he returned to Boston and secured a job with Hemenway and Barnes, a Boston firm which he finds just the right size for a young lawyer. Now a partner in the firm, he has worked on a production rather than a salary basis. In spite of this he believes that practice in Boston is easier and less demanding in time than in New York or Washington. He is not the stranger to his wife, the former Esther Sawyer of Buffalo, that budding barristers in those cities are to their families. On the other hand he believes that students today are attending law school under a much greater strain than in pre-war days and that their success in spite of family, transportation and housing pre-occupations is remarkable.

E. S. McK.

Sub Judice

EVIDENCE AND THE ADVERSARY SYSTEM . . .

A singularly fruitless appeal to the highest Maryland court illustrates the truth of the classroom warning that evidentiary problems are grounded in the adversary system litigation. O'Donnell owned a racehorse named "Rounco" and Sanner owned a nag named "Flying Kilts." By racing "Rounco" under the name of "Flying Kilts," the owners were able to pick up a few extra dollars. The jury convicted them of obtaining money under false pretenses and on appeal they raised three evidentiary questions, first, that the Daily Racing Form Chart was not a "regular business entry" and testimony derived from it was therefore inadmissible; second, that a certain witness referred to his notes without first saying that he could not remember what was in them; and third, the permitting of testimony as to the contents of a telegram when the telegram was not produced.

The Court of Appeals made short shrift of these old classroom favorites, pointing out that even though the trial court admitted the testimony based on the Daily Racing Form Chart, the defendants' counsel failed to move to have it stricken and hence "in the absence of such a motion there was nothing for us to review." The second point pertaining to the refreshment of a witness' memory was likewise easy since it developed that the appellants' counsel was the one who requested a specific date and asked the witness to refer to his notes. The remainder of his testimony was delivered in a satisfactory manner from memory. The third point was even less troublesome for the objection was based to this leading question: "Did he say in the telegram just come to New Orleans?" "Objection was made to this question, but the trial court apparently did not rule on the objection, and the question was not answered. There is, therefore, nothing before us." Conviction affirmed. *O'Donnell v. State*, 53 A (2d) 688 (June 11, 1947).

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SPELLING IT OUT: VOTING MACHINES

The Court of Civil Appeals of Texas recently sustained the use of voting machines in Dallas County against a vigorous constitutional attack by a taxpayer. A few machines had been installed sometime in 1936 and more were added as time went by, but many years slipped by before taxpayer Reynolds brought his suit. The Court found it expedient to use the following language in the course of its opinion:

"From the record before us we are unable to gain a satisfactory understanding of the nature and mechanism of voting machines in question but it is fairly clear that, when an elector presents himself as a voter in an election, his name is registered by the authorities, his qualifications as an elector are determined and, if he is found to be a qualified elector, he is provided with a number which indicates the position he should take in the line of voters. When he reaches the machine, he enters, closes a curtain which isolates him completely and encloses him in the machine. The names of the candidates are in some manner revealed to him and he is provided by a means which he is enabled to select the candidates for whom he wishes to vote. When he had done this, he pulls a lever and the machine automatically registers his vote in accordance with the selections of candidates made by him. At the same time a serial number is revealed on the outside of the machine but no number is impressed, printed, or stamped upon a paper ballot, or ballot of any other substance, nor is it otherwise registered or shown that the elector voted for any particular candidate or measure. The evidence shows that the number furnished the elector when his qualifications have been determined does not necessarily correspond with the serial number revealed by the machine when he casts his vote. In fact there seems to be no relation whatever between the two numbers. According to the testimony, it frequently happens that more than one machine is being used and that voters receiving their numbers enter either of the machines, usually selecting the one which appears to be most available and in which they can cast their votes with the least delay. The testimony shows that on some occasions, after receiving their numbers, voters leave the premises and do not vote at all. Since each machine carries its own series of numbers, there could not be any connection between the numbers furnished the electors upon their qualifications being determined and the numbers registered by either of the machines. It follows therefore that it is not possible to determine the candidate for whom any particular elector cast his vote nor whether he voted for or against any candidate or measure involved in the election." *Reynolds v. Dallas County*, 203 S. W. (2d) 320 (June 2, 1947).

Alumni Notes

Alumni are especially invited to forward contributions to this column to the Record office, Austin Hall, Cambridge (38), Mass.

Ex. '11—Daniel M. Lyons was appointed Chairman of the U. S. Board of Parole last month by Attorney-General Clark. He was formerly assistant district attorney of Suffolk County, Mass., and has served as U. S. pardon attorney since 1936. In his new position, Lyons heads a three member board whose sole duties are to grant and revoke paroles of federal prisoners. In this capacity that board will have final jurisdiction in considering the parole petition of Boston's Mayor, James M. Curley, when the latter becomes eligible for parole in December.

LL.B. '24—John L. Sullivan was appointed to the position of Secretary of the Navy on August 21, 1947. He formerly held the post of Undersecretary of the Navy, and before that was Assistant Secretary of the Treasury. Mr. Sullivan makes his home in Manchester, N. H. and has been active as a lawyer both in New Hampshire and in Washington, D. C.

LL.B. '25—Charles C. Cabot, a member of the Massachusetts Superior Court since 1943, has resigned and will return to private practice with the firm of Ropes, Gray, Best, Coolidge & Rugg of Boston. His resignation was effective September 1. Judge Cabot was appointed to that court in 1943 after the death of Judge Frederick W. Fosdick, LL.B. '01.

LL.B. '25—J. Harold Merrick, formerly vice-president and general attorney of Rheem Manufacturing Co. Inc., has been elected president of Storagewall, Inc.

LL.B. '26—Howard C. Spencer has been elected vice-president, general counsel, and a director of the Home Life Insurance Co. Formerly he held the position of general counsel.

LL.B. '30—Pullman Company has announced the appointment of William J. Butler as general counsel.

LL.B. '31—Benjamin G. Habberton, who since August, 1946 has been head of the Legal Advice Branch of the Legal Division, Office of Military Government for Germany, in Berlin, is returning from Germany to rejoin his Dallas, Texas law firm. He entered military service in the Air Corps in 1942 and served in Europe as a Lieutenant Colonel. After relinquishing his commission he served in Europe as a military government official, holding a key post. The Legal Advice Branch is engaged in passing on the validity of military government procedures, and in providing counsel for its activities.

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Wednesday—Review Day—Oct. 15

Bob Hope - Joan Caulfield

"MONSIEUR BEAUCAIRE"

Barry Fitzgerald - Walter Huston

"And Then There Were None"

From the stage play
"Ten Little Indians"

Thurs. Fri. Sat.—Oct. 16, 17, 18

Joan Crawford - Van Heflin

"POSSESSED"

"SEVEN KEYS TO BALDPATE"

Sun. Mon. Tues.—Oct. 19, 20, 21

Errol Flynn - Barbara Stanwyck

"CRY WOLF"

George Brent - Joan Blondell

"THE CORPSE CAME C. O. D."

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GRADES—(Continued)

low failure rate is, of course, to be expected in view of the policy of the school to make the necessary eliminations after the first year. Despite the reduced total number of members, this class dropped in percentage of honor grades, compared with their first year record, having 23.8% in the first year as against only 21.6% in the second year. The second year's February, 1947 marks were: A's 5.8%; B's 18.0%; C's 46.5%; D's 16.4%; and E's 13.3%. The middle man of the class had a 66 at the end of both examination periods.

Of the candidates for a degree in September, 1947, 61 qualified; and one failed to do so. The distribution of final averages were as follows: A's 1, or 1.6%; B's 10, or 16.0%; C's 43, or 69.5%; D's 7, or 11.3%; E's 1, or 1.6%. These averages were computed over the whole three year period. They reflect a surprising drop in honor grade percentages, compared with second year averages. The man who ranked 31st in this class of 62 finished up with a 65. The class graduating in June, 1947, had: A's 3.4%; B's 13.4%; C's 75.6%; and D's 6.9%; while that of February, 1947, had: A's 5.6%; B's 14.0%; C's 74.7%; and D's 5.6%. No statistics were revealed for the fifth and sixth terms, as rank lists are only computed at the end of the first and second years and on graduation.

Those men who chose to repeat the first year had considerably more success than any previous group, 14 out of 21 getting a 60 average or better; 60 being the required average for repeaters. The highest average was 65; and the average increase over their previous grades was four points. The percentage of repeaters who redeemed themselves in the three previous classes were: October, 1946—42%; February, 1947—35%; and June, 1947—40.6%. Thus, for the whole period that this newly instituted policy has been in operation, of a total of 131 persons making a second try, 57, or 43.5%, have passed. One possible explanation of the sharp increase in this marking period to 67% may be found in the smaller number of persons who elected to repeat during the past term than has been the case in the three preceding terms.

HEMENWAY GYM OPENS ITS SEASON

Hemenway Gymnasium is ready for action! Just a few steps from Langdell and Austin Libraries, and open from 11:30 to 6:30 each weekday and until 1:00 o'clock on Saturday afternoon, Hemenway is an ideal spot for a quick work-out between case readings.

In addition to the 12 coveted squash and handball courts which students used last winter and spring, Hemenway boasts a newly finished top floor. One of the two rooms is large enough for two basketball courts, and when the space is not so utilized, volleyball and badminton can be played there.

The other room is for special exercise and it is equipped with medicine balls and standard muscle-building devices. Joel Taylor, one of the assistants to Mr. Fradd, Assistant Physical Training Director, is in charge of the top floor and he will work closely with the Phillips Brooks House Law School Committee and the intra mural basketball and volleyball teams in assigning the use of Hemenway floorspace. Each afternoon at 5:00 o'clock, Joel will conduct an exercise class for those who want to work their bodies as well as their minds.

To use Hemenway facilities—courts and exercise room—it is necessary for the student to acquire a Harvard Athletic Participation Ticket. This ticket, priced at \$20 for two terms, entitles the holder not only to the advantages of this gym, but it is an authorization to make use of all university athletic facilities.

On the first floor of Hemenway, Charlie Dale is on duty. Here, reservations for squash and handball courts can be made a day in advance. In return for a payment of fifty cents a month, students may secure lockers and daily towel service.

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SOUTHERNERS HOLD FORUM—(Continued)

The first meeting of the Southern Law Students' Club was held last Wednesday evening, with job opportunities in the South the main topic of discussion.

Professor David Cavers called on his ten years' experience as a Professor at Duke Law School to review the different kinds of practice now open to southern lawyers. He stressed the opportunities available in the small law firm as opposed to hanging out a shingle or starting in a "law factory." Especially in the southern town of one to two hundred thousand population, the young lawyer can find a satisfactory professional life. In addition, the southern city of this size offers the lawyer a chance to play an active role in the community, without the necessity of entering politics, or rating at the very top of the legal profession.

Following Professor Cavers' talk, various students reported on the results of their vacation research concerning the numbers of lawyers, kinds of opportunities, salaries, libraries, and so on, that they found available in certain southern cities. David Freeman spoke on Columbia, S. C.; Jack Matthew reported on Jacksonville, Fla.; Bob Steiner on Montgomery, Ala.; Gene Lippert on Winston-Salem, N. C.; and Harvey Lee on Jackson, Miss., and Chattanooga, Tenn.

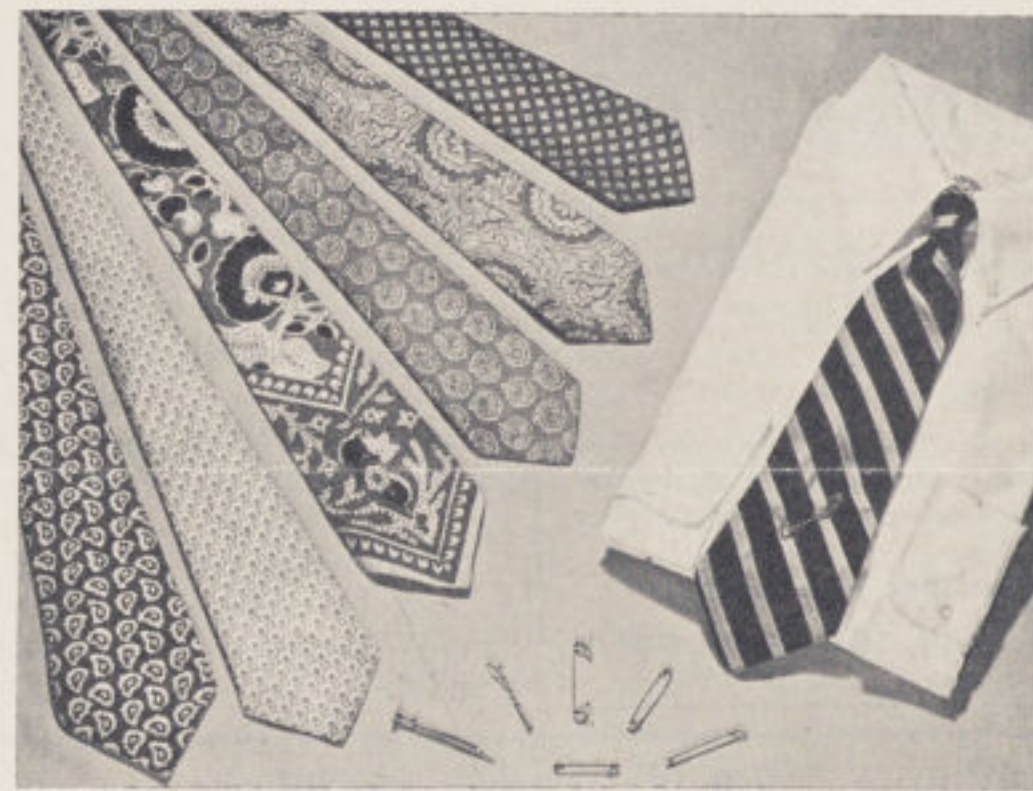
Ramsey Potts, Chairman of the Club, welcomed the new members and outlined some of the future plans of the organization.

The German people must be permitted to work; the German people must be allowed to trade; Germany must be allowed to reestablish consultation with other European nations; any plan for encouraging some measure for German industrial recovery must include safeguards against the resurgence of Germany as a military power.

Bernstein opposed the above policy on two counts. His thesis was that a return of Germany to the status of an industrial power would destroy all of the security safeguards upon which the French and other European nations now rely so heavily. It would be a return to the policy followed after the first World War when Germany was allowed to rebuild her industrial capacity, enabling the rise of Hitler and the Nazi state.

His second reason for opposing the policy of the U. S. was that it would be more economically advantageous to smelt the coal of the Ruhr region and the ores of the Lorraine area in France into steel in France rather than in the Western German industrial area, since it requires three tons of ore for every ton of coal that is used in the smelting process.

As a positive program, Bernstein stated that an international corporation formed for the purpose of employing and administering the Ruhr area would be the most feasible. The stock in this corporation would be owned originally by the U. S. and the sixteen countries that participated in the Paris Conference on the Marshall Plan.



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Calendar

THE LEGAL WORLD
Thurston Club

All members of the Thurston Club are requested to attend the first general meeting of the fall term to be held at Kendall House on Thursday, October 16, at 7:30 p.m. Refreshments will be served.

Law Review Subscribers

Student subscribers to the *Law Review* are reminded that changes of address should be sent to *Harvard Law Review*, Gannett House, Cambridge 38, Mass., to insure continued delivery.

Informal Dance

The Law School Committee of Phillips Brooks House has announced that an informal dance, the Equitable Extravaganza, is to be held in Memorial Hall, Saturday, October 25, after the Dartmouth-Harvard game. Admission tickets for the PBH Dartmouth-Harvard weekend dance will be limited to 300 couples, so the Committee advises students to buy early. Tickets are on sale Monday through Friday from 1 to 5 p.m. in Gannett House. No tickets will be sold at the door. Set-ups will be provided for those persons bringing their own refreshments.

THE UNIVERSITY WORLD
Kirkland House

Kirkland House presents David Allen in a piano recital Sunday evening, Oct. 19, at 8:30. The program consists of Sonata in B Flat by Schubert, Sonata by Copland, two Preludes and two Nocturnes by Faure.

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Thursday and Friday

October 16-17, 10 A. M. to 4 P. M.

OUTER WORLD
Concerts

Gardner Museum: The following recitals are scheduled for presentation at the Isabella Stewart Gardner Museum: Arthur Schoep, baritone, and George Zilzer, pianist, will be heard on October 16. Hannah Sherman, cellist; Lucille Monaghan, pianist, and Dolores Rodriguez, accompanist, will perform on October 18. The Kraeuter Trio, violin, cello and piano, will play on October 19. Music is at 2:45 on weekdays and at 2:00 on Sundays.

Symphony Hall: Fritz Kreisler, world famous violinist, will be presented at Symphony Hall on Sunday afternoon, October 19.

Theatres

Wilbur: *The Druid Circle*, John Van Druten's newest play about a frustrated professor and two students secretly in love.

On October 20, for two weeks prior to moving to New York, Bernard Straus will present *For Love or Money*, a new comedy by F. Hugh Herbert, author of *Kiss and Tell*. Heading the company will be John Loder and Vicki Cummings.

Plymouth: *An Inspector Calls*, with Thomas Mitchell, is in its final week. On Tuesday, October 21, Harry Rosen will present *Trial Honeymoon*, a new comedy by Conrad S. Smith, for a two weeks' pre-Broadway engagement.

New England Mutual Hall: *Candida*, George Bernard Shaw's famous comedy, starring Anita Welch, will be on stage on October 17 and 18.

Ford Hall Forum

Max Lerner is the guest speaker at Jordan Hall to open the Fortieth Anniversary Season of the Ford Hall Forum on Sunday evening, October 19. The subject will be, "Where is America Heading?"

AMES —(Continued)

first term arguments will be given out during the latter part of this month and the arguments will be held in November.

Facts for the third term courts will be issued late in October and in early November, and the arguments will take place in November and December.

The quarter-final arguments will be held on November 13, 18, 20 and 25. Semi-final arguments are on December 2 and 4.

Cavers Urges Ban on Atom Power

(Continued from page 1)

to the aggressor nation would depend on the ability of the threatened nations, acting individually or collectively, to wipe out the seized atomic facilities by the use of non-atomic armaments. If these armaments were not available in overwhelming numbers to press home an early counter-attack, the plight of the victim nations would be desperate. Realization of this danger would lead to continuing expansion of non-atomic armament.

Fuel Savings Small

Cavers cites the view of Lord Cherwell, Oxford physicist, that the total British saving in national effort if atomic power could be used in place of coal would amount to only 1 1/4% and the view of Professor Marschak, University of Chicago economist, that the savings in our national income would be from 1/4% to 2%. He then states that the savings made possible by adopting his own plan and escaping a non-atomic race would exceed a billion dollars a year, so the net gain would be even less than the cited estimates.

"Is the chance of such a gain worth the running of the risks?" Cavers asks. "In approaching that question, I suggest that the reader restate the issue in terms of a more personal hypothesis. Suppose that you, the reader, were offered an otherwise satisfactory employment in circumstances which gave rise to a real though statistically improbable danger that you and your family would be killed. Would you feel adequately compensated for that risk by the prospect that, over a period of years, your income might rise by perhaps as much as 5% above the level it otherwise would reach? Would even a sure and immediate increase of 5% tempt you? Double that amount? Treble?"

Oak Ridge and Hanford atomic facilities would largely be demolished under Cavers' proposal. But the waste, he suggests, has already been paid off by shortening the war—and is only a minor part of our total war cost. Further, "it is probable that a very substantial portion of these facilities is now obsolescent, if not already obsolete." To those who would "mothball" the atomic plants as we have treated our excess vessels, the professor says, "This is not an admissible policy. Surely we cannot expect other nations to forego their right to develop atomic armaments if this nation is to preserve intact its capacity to produce atomic explosives. Even to broach such a proposal is to discredit our own good faith. On the other hand, no more convincing evidence of the sincerity of our desire for peace could be afforded than by our willingness not only to dispose of the bombs we have but to demolish our existing facilities for making more as soon as the international control agency had established effective controls."

Present Proposals Unacceptable to Senate

Cavers also doubts whether the currently proposed control systems will be acceptable to the U. S. Senate. Once they appreciated the dangers of seizure, Senators would be reluctant to rely on a "strategic balance" of plants scheme. When asked to help attain the "strategic balance" by building plants in Russia and admitting Communist technicians to our own plants, "given our present relations with Russia, is it unrealistic to suppose that more than one-third of the Senators voting would reject an agreement?"

The author, then, suggests an agreement which prohibits, in addition to the use of atomic explosives for bombs, the existence of facilities for producing nuclear fuels in the quantities needed for industrial power. "If primary plants large enough to turn out atomic explosives in militarily significant quantities did not exist, then, as a practical matter, the risk of seizure would to all practical intents, be eliminated. But the only reason for such primary plants to exist—apart from bomb production—is to provide nuclear fuels for power purposes. No such plants are needed to produce fissionable materials in quantities sufficient to supply all the world's scientific and medical needs. The capacity of plants for these purposes would be so minuscule that there would be little or nothing of military consequence to be gained by their seizure, or by the seizure of the small-scale mines and refineries needed to supply them. That is why the only price the world need pay to escape the mortal hazard of seizure would be the prohibition of atomic facilities for power purposes."

"This prohibition would not have to continue indefinitely. The world would be on probation, and the reward of good behavior would be whatever benefits may flow from atomic power. The more pessimistic one is as to the time which would have to elapse before the ban could be lifted, the more certain he should be of the need to impose it."

Cavers' Proposal Effective and Cheap

If atomic power plants were banned, the danger of secret diversion of output to bombs would be much less since it would take the entire output for years to accumulate a militarily significant quantity. Clandestine production of atomic products would be more easily spotted—both because secret plants would have to be larger and because they would have to be more complete if diversion of half-processed material were not possible.

Cavers sees little real cost to the world in thus abandoning atomic fuel. The costs of industrial dislocation and the increased economic instability if poorly placed nations rushed to industrialize, must be weighed against the small economy in fuel costs. "Perhaps no industrial nation has a less evident need for nuclear fuels than the United States, with a supply of coal equal to its present power demands for the next fifteen centuries." Since Russia, too, is well supplied with fuel, both major powers could agree to the postponement of atomic fuel with little loss.

E. G.

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FALL PROGRAM IS
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The Phillips Brooks House Law School Committee through its chairman, Julius A. Leetham, 3L, announces a fall program including three dances, publication of a current Law School Directory, and a squash tournament.

Last Friday afternoon, the committee ran a "get-acquainted" dance for the first-term students and invitees from neighboring women's colleges. After the Dartmouth game on October 25, there will be an informal football dance at Memorial Hall for the entire school similar to the Harvard-Yale dance last year. On December 12, a top hat, white tie, and tails affair will take place at the Boston City Club, all terms and faculty members invited.

Early in November, Editor Carl Shipley, 3L, expects to publish the annual Law School Directory, which is distributed to all students free of charge. The directory this year will include the usual data: homes, local addresses, phone numbers, and clubs.

As a successor to the successful 16-team softball league which they organized this summer, Thayer Drake, 2L, and George Burditt, 3L, plan to conduct a fall squash tournament at Hemenway Gym.

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