

The Harvard Law School Record

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PRICE TEN CENTS

PLANS BEGIN FOR NEW YEAR BOOK

Portrait Sitzings Start This Week In Gannett House

Production activities for the Year Book got under way on Monday with the commencement of portrait sittings in Gannett House. Norman Studios of Boston is doing the photographic work for the 1948 edition of the Year Book. Appointments for individual sittings are being sent out to students at the present time, and the Committee requests that all adhere to the scheduled time as closely as possible.

In contrast to previous practice of dedicating the volume to a person noted in the field of law, the book will emphasize the general theme of American liberty, with some of the documents contributing to the American heritage prominently displayed.

To help in the amplified emphasis on activities, students are requested to turn into the Committee photographs they have in their possession having any bearing at all on law school life. The person who submits the best photograph will receive a free copy of the Year Book.

As to the portraits of the individual students, each student will receive four 5x7 proofs within a week after the sitting. From this number the student is to select the one which he wishes to appear in the Year Book, and to return all proofs. Students can order copies of any poses; all orders turned in by December 1 will be filled before the Christmas vacation.

Because of the unfortunate result last year, the Committee attempted to work out a program whereby there would be no charge for this year's sitting. However, the increased cost of producing the book and doing the photography makes any attempt to absorb the sitting fee without raising the cost of the book prohibitive. The Committee regrets this situation, but declares there is no alternative but to require each student to bear the cost of his own sitting fee, fixed at one dollar.

World Court Seen Long-Term Aid In Settling International Disputes

By RICHARD WINCOR, 3L

One of the most important agencies of the United Nations is the International Court of Justice at The Hague. Although this most recently created forum for international arbitration has been available for over two years, it has as yet to render its first judgment and the only case which has been submitted to it is the Corfu Channel dispute. This hesitation of the large powers to risk an adverse ruling in litigation at The Hague is characteristic of the entire history of similar attempts to promote peace by providing for arbitration of national disputes.

There have been instances in the past of experiments with international arbitration. Grotius describes how Cyrus chose the king of the Indians to act as arbiter with the king of Assyria, and how mediation was part of the priestly function of the Gallic Druids. In medieval Europe, states occasionally submitted their differences to the Pope. It was not until late in the eighteenth century that modern arbitration took shape.

In 1794, Britain and the U. S. set up three mixed commissions under the Jay Treaty, and settled disputed points on maritime seizure and river boundaries. In 1872 the Alabama Claims Arbitration

INFORMAL DANCE

The Law School Committee of the Phillips Brooks House presents an informal dance, the Equitable Extravaganza, Saturday evening from 8 to 12 p.m. Set-ups will be provided for those persons bringing their own refreshments. Music will be furnished by Hal Reeves and his orchestra.

EVATT CITES U.N. BEGINNING

Lists Main Developments At San Francisco Meeting

Speaking before a large audience Friday night in Sanders Theatre, Dr. Herbert Vere Evatt delivered the first in the series of three Oliver Wendell Holmes Lectures; his topic was "The United Nations: Its Formation at San Francisco." In listing the major achievements of the conference, Dr. Evatt laid particular emphasis on three points.

First, the delegates supplied the omission of the Dumbarton Oaks resolutions (which had been framed by the Big Four as the groundwork for the San Francisco Conference) in regard to a statement of the principles and purposes of the new world organization.

Second, the General Assembly, which under the Dumbarton plan, was given very narrow powers, managed to pick up some ground. The broadening of the power of discussion and recommendation which the delegates won for the General Assembly at San Francisco, Dr. Evatt regarded as one of the most significant of their achievements. Over the initial opposition of the Soviet Union, the conference finally decided to give the Assembly the widest powers of discussion and recommendation, extending to all matters within the scope of the charter, except when such matters were actually being considered by the Security Council. Dr. Evatt attached particular importance to the role which the Assembly could play by such discussion in influencing world opinion, even though it had no final power but that of recommendation to the Security Council.

Third, the conferees added tests for the election of the non-permanent members of the Security Council, where the Dumbarton and Yalta formulae had omitted to detail any standards for such selection.

ordered Britain to pay us \$15,500,000 for violations of neutrality during the Civil War. Britain paid. By the end of the nineteenth century, many of the powers were ready for further experiments in settling legal disputes peacefully.

The two Hague Conferences, 1899 and 1907, created the "Convention on the Pacific Settlement of International Disputes" and the Permanent Court of Arbitration, which still exists and nominates judges for the present International Court of Justice.

After World War I there was established the distinguished Permanent Court of International Justice, literal parent of the present court. At the outset many basic questions presented themselves. Should judges be elected regardless of nationality, or elected to represent states? What substantive law will be applied? Should jurisdiction be compulsory or optional?

While not officially a League of Nations organ, the Court was essentially a creature of the League. Member states of the League were to use it and the Court's mode of enforcement was to be through the Security Council, though no state ever refused to comply with

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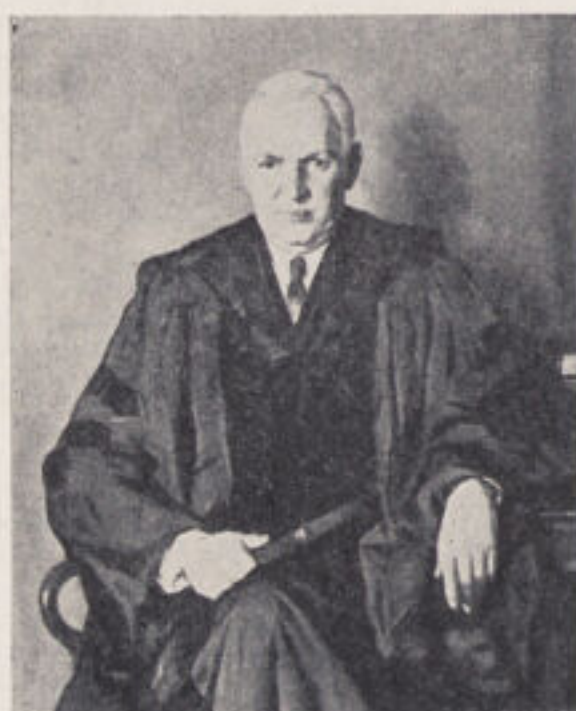
DOUGLAS TO JUDGE AMES FINAL WITH GOODRICH, MAGRUDER



JUDGE CALVERT MAGRUDER



JUSTICE WILLIAM O. DOUGLAS



JUDGE HERBERT F. GOODRICH

The Board of Student Advisers has announced that Mr. Justice William O. Douglas of the United States Supreme Court will act as chief justice of the bench for the Ames finals on October 20. The two associate justices will be Judge Herbert F. Goodrich of the United States Circuit Court of Appeals, 3rd Circuit, and Judge Calvert Magruder of the United States Circuit Court of Appeals, 1st Circuit.

Students Report Yale Law School Has Small Classes, Many Courses

Last summer, when theories on legal education were being discussed on all sides, the RECORD thought it would be a good idea to inquire into the ways other law schools went about achieving their broad objectives. A committee of three Harvard students, Roger Schafer '47 (Sept.), Arthur Spiegel, 3L, and Joseph Logan, 3L, offered to go to New Haven and report on the highly controversial situation at Yale. The committee has attempted to discount the loyal attitude shown by every Yale student and professor with whom it talked, and to report factually what it saw and heard during a two-day visit at the law school, not making any comparison between Harvard and Yale. The following is the first part of this report, which will be printed in three installments.

Probably there is no other single factor as important in influencing the type of education offered by Yale Law School as the matter of size. All told, Yale has some 450 students and the average course has thirty members. The relatively small population with its ratio of one professor to every twenty students, to a great extent accounts for the teaching methods, the curriculum, the very atmosphere.

LAW SCHOOL GIVES APTITUDE TESTS

Vice Dean Livingston Hall announced last week that legal aptitude tests will be given to first year students next Friday afternoon, October 24, from two to five o'clock. These tests are part of a plan in which several law schools are cooperating in a new effort to develop a type of aptitude examination which will be reliable.

Harvard has tried using aptitude tests in the past and has found them unsatisfactory. Yale and Columbia have regularly used legal aptitude tests, but are not convinced that the type of test which they now give is very helpful. The tests given this week have been developed by the College Entrance Boards Association, at Princeton, in an effort to improve upon existing methods of determining legal aptitude.

Vice Dean Hall does not know yet how the results of these tests will be used. They will not be made available to the students or to the faculty in considering what mark to give a student, or be used in any way until the results have been tested and proved reliable. If the tests do prove dependable, they may be used in the future to provide information for the admission committee or might be used in a border line case, to determine whether a man should be dropped. Mr. Hall warned that if this test is to help future students it must have a fair trial, so all first year students are urged to take it and to do as well as they can, even though the test is not compulsory.

After a very few minutes conversation with student or faculty, one is made aware of Yale's express, overt aim of training men for leadership. As asserted by their Dean, Wesley Sturges, "The objective of our system is to train lawyers for what they actually do after graduation. Men of the legal profession predominate as directors of private and municipal corporations, churches, universities, and government agencies. The work of lawyers involves much more than strictly legal decisions. To prepare men for being leaders in these various fields we think they should have a broad training in economics, sociology, and psychology as well as law."

However the broad aim of training for leadership is not allowed to obscure the necessity for learning the trade of law; at Yale they feel that they have achieved this latter objective satisfactorily. The Dean is urging his graduates to go out and hang up their own shingles from the outset rather than joining an established firm as a clerk.

The formal tool for achieving the twin objectives of leadership and independence is the curriculum. Over and above the subjects required in the first term, there are seventeen courses and twenty-two seminars being offered in the Fall of 1947. From the second term on, all subjects are elective, which means that at the end of four months of legal training the student has the choice of taking any of approximately thirty-nine courses, except those few having specific entrance requirements. Even this is not an accurate indication of the variety of the curriculum, since if there is demand for a course in a field not offered, the faculty will readily provide it.

In setting up the curriculum, the faculty promotes the ideal of as much student participation and individual instruction as possible. Two methods are relied on to achieve this end: the first is the liberal range of the subject matter; the second, and probably more important, is the relatively small size of the classes.

The subject matter of the curriculum shows an interesting choice of "bread

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Born on October 16, 1898, in Minnesota, Mr. Justice Douglas obtained his LL.B. at Columbia Law School in 1925, where he was on the editorial board of the *Columbia Law Review*. From 1925 to 1928 he was a member of the Columbia Law School faculty; and from 1928 to 1934 he taught at Yale Law School.

Mr. Justice Douglas participated in the bankruptcy studies conducted by the U. S. Department of Commerce from 1929 to 1931. In 1936 he succeeded former Dean Landis as Chairman of the Securities and Exchange Commission. He held this post until his appointment as Associate Justice of the Supreme Court in 1939.

In his work as co-editor of many law casebooks, Mr. Justice Douglas has concentrated chiefly on the law of partnership, business units, and corporate organization. His law review articles are also chiefly concerned with business associations.

Judge Goodrich is an alumnus of the Harvard Law School, class of 1914. While he was here, he served on the

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TAFT ACT HIT BY PRESSMAN

Outlines Labor's Stand Before Lawyers Guild

The Taft-Hartley Labor Act was discussed by Lee Pressman, general counsel for the C. I. O., at an overflow open meeting of the Harvard Lawyers Guild in the Langdell court room last Wednesday evening. Dean Griswold introduced the speaker, recalling that Mr. Pressman had worked under him on the *Law Review* during student days. He pointed out that Harvard Law School is well represented by leading voices on both sides of this fundamental issue since Senator Taft is also a Harvard Law graduate.

In summarizing C.I.O. criticism of the Act, Mr. Pressman stated the opinion that it nullifies both the National Labor Relations and Norris-LaGuardia Acts and can be used further to undermine union activities. He said that since unions now find themselves bound to consult lawyers at every stage in collective bargaining, they refer to the act as the "full employment for lawyers plan."

Mr. Pressman then turned to the Act to point out certain critical provisions. He said that in 1946 it took six months for the Board to complete a certifying election, but under the new act, successive employer complaints could delay an election indefinitely. He contended that the loose term "union coercion" opens the way to employer

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Editorials

The RECORD is proud of the Harvard Law School, of which it is a part. We claim that Harvard is the best law school in the country when judged by traditional standards. At the same time we oppose any attitude of complacency towards its possible shortcomings, or of any pride that prevents it from inquiring into different ways of doing things, with an eye to adopting them here. It is in accordance with this policy that we are publishing an article about Yale Law School.

Since we have attempted to keep editorial comment out of the feature article, and since it *prima facie* presents a glowing account of the Eli's institution, we shall mention here what we believe to be several shortcomings in the Yale system.

Of primary significance is Yale's highly selective admission system. A large proportion of the students at Harvard would not have been admitted to Yale. Their chance at a legal education would have been summarily cut off on the basis of their undergraduate records. It remained for Harvard to expand its enrollment to the most inconvenient extreme so that as many qualified veterans as possible would have an opportunity to receive a legal education in a top ranking law school. Yale expanded, but considered its small school advantages too great a sacrifice to give up completely. In addition, it is obvious that the large faculty-student ratio must result in high operating costs, which, if not covered by a healthy endowment would mean high tuition and further obstacles to those wishing to study law there.

The wide variety of courses offered at Yale does not please all the students. A man who wants to study fundamentally legal courses must often take two or more courses to be sure that he covers a given field of law, and this results in duplication of certain material. It is also possible for a man to get an LL.B. from Yale and take very few courses which are traditionally considered a necessary part of a lawyer's training. By following such a plan the student may do most of his work writing papers on relatively small points of law, acquire a high scholastic average on the basis of these papers, and not take many regular course examinations. This sort of a curriculum is excellent for certain students who know just what they expect to do when they graduate, but presents a difficult problem for the student who is in no position to judge which courses will do him the most good.

Nearly every case where Yale compares favorably to Harvard is directly attributable to its small school advantages. The most significant of these aspects is the personal relationship of student and professor. In class the instructors discuss the cases with students they know as individuals and not as mere occupants of particular seats. This relationship seems to result in better preparation for class, and greater interest in the classroom discussions. These results are certainly worth-while objectives for Harvard, where the faculty seems to throw up its hands at the two thousand enrollment and not even try to get to know the students. If an instructor were to learn the names of one-third, or even one-fifth of the members in his class it would have a tremendous psychological effect on the rest of the students. They would appreciate their teacher's effort to get along without the chart, take more interest in class dis-

cussion, and in general be more apt to do their share in overcoming the disadvantages of large classes.

J. P. L.

HOW MUCH IS HALF A PICTURE WORTH?

The overflow crowd in Langdell Courtroom last Wednesday night was given a good demonstration of why Lee Pressman is general counsel for the C.I.O. That organization would have a hard time finding a better advocate. The man is likeable, interesting, and extremely convincing. His platform technique is superb.

The audience was also treated to an extremely well-put statement of organized labor's attitude toward the Taft-Hartley Act. This is what the Guild intended to present, and what Mr. Pressman was kind enough to do, and everyone present appreciated this opportunity to learn more about this labor-management controversy. However, a good many students were troubled by the lack of balance in this program.

It was C.I.O. night in Langdell Hall, and with the help of Moderator Dean Griswold, who kept it from being a free-for-all by effectively preventing questions from the floor from being put in the form of pro-Taft-Hartley Act arguments, it was a nice, quiet, orderly affair. It would be well if the Guild could stage a management night so that we would have a more complete picture of this highly important and interesting problem.

J. P. L.

Letters to the Editor

To the Editor of the RECORD:

Last year the Varsity Squash Team and the Freshman Squash Team of the University used Hemenway Gym as their practice ground, thereby making six of the 12 squash courts unavailable to the student body of the Law School for most of the season.

This year, although there are more law students than ever before, the Athletic Department contemplates following the same arrangements. Already two courts are reserved for varsity practice at all times.

Harvard University points with pride to the fact that it has 71 squash courts. Since the men in the Law School depend heavily on Hemenway Gym for the small amount of exercise that their schedule allows, why cannot the Varsity as easily use some of the other 59 courts? These other courts are located south of the Yard, where those displaced by the Varsity may choose from a greater variety of substitute activities than Hemenway provides, if any are indeed displaced.

I respectfully request that the administration of the Law School give this matter its attention.

EDWARD A. FRIEND, 2L

The question is, has any law student been unable to get a court by signing up a day in advance?—Ed.

Off the Record

Second Term Cowboy

He's broken and saddled the west's wildest nag,
But he felt like the silliest goose
When flipped to the ground like a discarded rag
By a fiery cestui cayuse.

ROGER ANDOVER

Help Wanted, Male

While federal and state courts cry
Their rolls are full of claims,
For truly crowded dockets, eye
The calendars of Ames.

Review Man's Dilemma

When I walked out of that exam,
I called upon the gods to damn
The prof who got me in the jam.

Some weeks have passed; now, with remorse,
To flatter him, myself I force:
He's teaching us another course.

—HAL

Re: Remorse. A fortiori, since grades were issued?

Oh, Pshaw!

George Bernard Shaw's views on the law, recently stated: "I am an author and have to know about copyright law; lawyers know nothing about it. I have to instruct them; left to themselves, they give poisonous advice and take wrong proceedings. As in all the learned professions, most lawyers are not lawyers, but pure practitioners, out of their depth in cases that they have got to deal with every day. They soon lose all sense of law. That is why judges should be retired at 30."

According to Shaw, our future's so glum,
We'd better quit school this minute, my chum.

A Faculty for Humor

Dean Griswold in Taxation: "You've heard of the student who is going through school by the sweat of his *frau*."

Gallery

BENJAMIN J. DAVIS, JR.
Councilman



John Gunther tried to depict the sense of our "U.S.A." by accumulating a mass of particulars. From this potpourri of facts we can find Benjamin J. Davis, Jr., described as "the only Communist on the New York City council . . . a competent and accomplished Negro . . . played football at Williams . . . a graduate of Harvard Law School . . . publisher of the *Daily Worker*." Despite the facts that there is another Communist councilman, that it was football at Amherst, that Mr. Davis is president of the company which publishes the *Worker*, perhaps Mr. Gunther has displayed some insight into the paradoxes of the education of one of America's leading Negroes. But of forty years of education, it was only the first twenty that were formal, academic and legal; the second twenty were dynamic and political.

Born of a middle class family in 1903—his father was editor and owner of the Atlanta Independent—young Davis attended the Atlanta public schools and Morehouse College. From there, with two years at Amherst majoring in History and Economics, he received his A. B. in 1925. So far his education had established the pattern for a college man who was on the football team, debated and played the violin. Entering Harvard Law School he found little deviation from this formal pattern. He graduated in 1928 with a law degree, to embark on what he now considers a more significant education. For the segregation of the South and the 'subtle discrimination' of the North had as yet laid only the seeds of speculation and inquiry.

Perhaps it was the tradition of printers' ink in the family, perhaps it was the well enforced dearth of Negro lawyers in Georgia, but rather than practice law Mr. Davis became editor of a weekly newspaper feature for the Negro press. It was this contact with the areas of social pressures that crystallized his thinking. He decided that the great need for creative work in the Negro community could be best satisfied by the effective means provided by 'the law.' In 1932 passing the Georgia bar, he entered general practice in Atlanta. Within a year he became defense counsel for a young Negro communist indicted under an antebellum statute for inciting insurrection. The State based its charge on membership in the Communist Party and the possession of radical literature. The case reached the Supreme Court (*Herndon v. Georgia*, 295 U. S. 441 (1934) where the court refused to review a conviction due to the failure to properly raise a federal issue. Cardozo, Brandeis, and Stone joined in a strong dissent. On *habeas corpus* proceedings, however, the constitutional issues being duly raised, the statute was held to be in violation of the first and fourteenth amendments. (*Herndon v. Lowry*, 301 US 242 (1936). He thereafter became associated with the defense in the *Scottsboro* Cases. It was here that Mr. Davis felt that he was doing his most important work and it was during this period that he finally embraced Communism.

In 1936 he came to New York as a Party organizer in Harlem and a member of the editorial board of the *Daily Worker*. What had been a point of speculation and then an avocation had manifestly become his vocation: for by 1942 he became Chairman of the Communist Party's Harlem organization and nominee for the City Council. He was elected by the second largest plurality in the city. This fact, Mr. Davis points out, indicates that the Negro vote is not a party vote, but rather one interested in the improvement of its status in the community. In 1944 he became instrumental in withdrawing tax exemption from semi-public housing practicing discrimination. Though he feels that in a sense his ambitions have been realized, in no sense have the ideals for which he works been achieved.

Sub Judice

MAKING AN IMPROPER NOISE * * * * *

"We are in for a profound revolution. Those of us who realize the inevitableness of the revolution, and are anxious that it be gradual and bloodless instead of somewhat bloody. Of course, if necessary, we will have it more bloody . . . and millions more through Eastern Europe at the close of the war are being murdered by those murderous Russians, hurt, being raped and sent into slavery. That is what they want for you, that howling mob outside."

These sentences and other familiar phrases were considered by the Appellate Court of Illinois to be sufficiently provocative to support a jury's verdict of guilty of "making an improper noise tending to a breach of the peace" as against a challenge on free speech grounds. Former Father Terminiello, one of Gerald L. K. Smith's representatives in the Christian Nationalist movement, was billed as the "Father Coughlin of the South" for an appearance at an auditorium operated by the West End Woman's Club. Admission was by card only, but cards had been sent out to a select mailing list along with a letter from Smith which said in part "I enclose herewith a few extra cards. These cards will go like hot cakes! Everyone you see will want them. Therefore, make wise distribution of them."

The majority of the Court held that this laxity in admission policy made the meeting a "public meeting" within the meaning of the applicable ordinance of the City of Chicago. The dissenting judge thought that the city had failed to make a case since the record showed that only those with cards were admitted and hence the meeting could be considered a "private meeting." The majority of the Court considered the speech as transcending the limits of constitutional protection, but the opinion seems to confuse the violence of the mob objecting to the meeting with what was said and done within the auditorium, as the dissenting judge carefully points out. *City of Chicago v. Terminiello*, 74 N. E. (2d) 45 (June 25, 1947).

ONE MOUSE: ONE THOUSAND DOLLARS

A little over four years ago a young lady went into the Spa Sweet Shop at the corner of 108th street and Michigan avenue, Chicago, Illinois and ordered a bottle of Coca Cola. She drank about half of it, remarked to her companion that it tasted odd, and on emptying it she noted that there was a mouse in the bottom of the bottle. The Appellate Court of Illinois recently affirmed a judgment assessing her damages at \$1000. The Court agreed that no particular act of negligence on the part of the company was shown by the plaintiff, but held that the very fact that it was the practice of the company to have its bottles inspected after washing indicated that the company recognized the likelihood or possibility of some foreign substance remaining in the bottle after the washing process. The bottles were inspected at the rate of 264 per minute, which the Court thought was "hardly consistent with the exercise of due care."

Recovery for the plaintiff was also affirmed on the alternative ground of breach of an implied warranty of fitness for human consumption. *Patargias v. Coca-Cola Bottling Co. of Chicago*, 74 N. E. (2d) 162 (June 26, 1947).

OF JEALOUS AUTHOR'S ASSIGNERS * * * * *

Judge Learned Hand recently affirmed a District Court's dismissal of a complaint in a copyright infringement suit involving the motion picture "The Mortal Storm." The plaintiff, purchaser of a "dramatic composition" entitled "The Mad Dog of Europe," alleged that Loew's Inc. had borrowed liberally from his copyrighted scenario. Loew's relied on its purchase of Phyllis Bottome's book, "The Mortal Storm." Judge Hand closed his opinion with a few well-chosen words: "In copyright we have become accustomed to actions without shadow of merit. Apparently the conviction of which authors and composers cannot be disabused, extends to their assignees; that the finest gossamers of similarity can be made to serve. The prizes are large; the security of the foundation often seems to be in inverse proportion." *Rosen v. Loew's Inc.*, 162 F. (2d) 785 (July 23, 1947).

And with this twenty years of radical education he has sought a restatement of the needs of his academic education. The law schools, he feels, should teach not merely the precepts of the law but also the area of social conflicts "where the new law is made." What he calls the "fiction of complete legal impartiality" failed to impress a young Negro practicing in Georgia. And yet he has found his legal training effective in protecting civil rights and carrying out projects on the council.

The paradox of Communist . . . Harvard Law School . . . Negro . . . councilman has become evident to his colleagues on the council. His use of a legalistic jargon, however, has led many to forget the paradoxes—for he is not seldom referred to simply as "The gentleman from Harvard."

S. T.

Alumni Notes

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

LL.B. '11—John Martin Redpath died August 11, at Redland, Md.

LL.B. '21, S.J.D. '22—William E. McCurdy has been appointed as Chief of the Legal Advice Branch, Legal Division, of the Office of Military Government for Germany. He is on leave from his faculty duties at the Law School, and is now in Berlin.

In 1945 Professor McCurdy, on an earlier leave from the Law School, became special adviser to Charles Fahy, former U. S. Solicitor-General and first Director of the Legal Division of the U. S. Group Control Council, predecessor organization to OMGUS. He served in this post for twelve months, then returned to Harvard for another academic year in teaching.

In his new position, Professor McCurdy will be responsible for advising and assisting all agencies of U. S. Military Government in Germany with special reference to the legality, validity and propriety of procedures, documents, programs, agreements and general activities. He also will serve as consultant on all legal matters of official nature for officials of the Military Government organization.

LL.B. '33—Louis M. Brown recently joined the Los Angeles firm of Berger & Irell, which specializes in tax work. Other Harvard Law School graduates in this firm are Lawrence E. Irell, LL.B. '36, and Arthur Manella, LL.M. '42.

LL.B. '35—Walston S. Brown and Robert C. Vincent have become members of the firm of Willkie, Owen, Farr, Gallagher & Walton, 15 Broad St., New York City.

LL.B. '37—Allston Fairchild Dana, associated with the New York firm of Debevoise, Plimpton & McLean, has been admitted to partnership.

LL.B. '37—Simon Lazarus, Jr., has been made assistant secretary of Federated Department Stores, Inc., with main offices in the Federated Building, Cincinnati, Ohio. Lazarus was formerly with Paxton & Seasongood.

LL.B. '42—Sidney Werlin, a clerk for the Supreme Judicial Court of Massachusetts from April, 1946, to March, 1947, became associated in September with the Boston firm of Friedman, Atherton, King & Turner.

LL.B. '44 ('47)—Francis T. S. Lavery is with Baldwin, Todd & Lefferts, 120 Broadway, New York City.

LL.B. '45—Arthur T. von Mehren was married on October 11 to Miss Joan Elizabeth Moore, of Buffalo, N. Y.

LL.B. '45 — Philip B. Kurland, with Richard F. Wolfson, announces the formation of a partnership for the general practice of law, under the name of Kurland & Wolfson, 39 Broadway, New York City.

LL.B. '47—Paul J. Woodman is with Penney, Penney, Buerger & Seimer, Buffalo, N. Y.

STUDENTS CHECK HYGIENE CHARGES

Tomorrow evening, October 23, at 7:00, the University Student Hygiene Committee will hold its third meeting. Arising from widespread dissatisfaction with existing facilities and services in the hygiene department and taking its keynote from the series of articles appearing in the Harvard Law School Record during the summer term, this all-university group is taking steps to determine whether the average Harvard student in the college and the graduate schools is getting \$15 worth of protection for his \$15 per term charge.

Thus far the committee is composed of representatives from the Harvard College Student Council, the Business School Student Association, the Graduate Advisory Council, and is being supported by the Harvard Crimson. Dow Votaw, 3L, of the Phillips Brooks House Committee, and Bernard Marcus, 3L, of the RECORD are representing the Law School.

AMES —(Continued)

editorial board of the Harvard Law Review.

After graduation Judge Goodrich became a member of the University of Iowa law faculty, where he taught till 1922, when he transferred to the law faculty of the University of Michigan. He left Michigan in 1929 to become dean and professor of law of the University of Pennsylvania. Judge Goodrich served as dean until 1940, when he was appointed to the bench.

Judge Goodrich has been closely connected with the American Law Institute, of which he is an assistant director. He has written many law review articles summarizing and explaining the work of the American Law Institute.

Judge Magruder was graduated from Harvard Law School, *cum laude*, in 1916. While at the Law School, he served as Note Editor of the Harvard Law Review.

For one year after graduation, Judge Magruder was secretary to Mr. Justice Brandeis. In 1919 Judge Magruder became attorney of the U. S. Shipping Board. From 1920 to 1939 he was a member of the faculty of the Harvard Law School, holding the position of Vice Dean from 1930 to 1939. At present Judge Magruder is a visiting lecturer at the Law School.

Judge Magruder has much active experience in the labor field, having been general counsel of the NLRB, and Department of Labor. Also, in 1943, he was chairman of the U. S. Labor Mission to Bolivia.

Aside from his appointment to the Circuit Court in 1939, since 1942 Judge Magruder has been a judge of the U. S. Emergency Court of Appeals.

YALE —(Continued)

and butter," mental discipline, and value judgment courses. Among the courses which provide a foundation for actual practice are: Case Presentation, a seminar on practice in law courts, administrative agencies, arbitration boards, and legislative committees; Moot Court, for which regular course credit is given; and Current Business of the Supreme Court, which attempts to analyze and predict the disposition of current cases before the Supreme Court based not only on the legal questions involved, but also on the influences of social, economic and political factors, and even on the personalities and idiosyncrasies of the individual justices.

Contracts, Torts, Criminal Law, Procedure, and Property are offered to provide the training in "... hard, intellectual discipline" which was emphasized as a *sine qua non* of sound legal education by Harvard's Professor Fuller in a speech at Yale Law School in December 1946.

In the field which might best be labeled "value judgment," Yale has courses with such titles as: Law, Science, and Policy; Law and the Industrial Pattern, Labor Relations (as distinguished from the course given on labor law), Political and Civil Rights, and the World Community and Law. These subjects stress the fact that legal institutions are merely instruments for achieving socially desirable results; and consequently these courses try to place the study and use of law in its proper social context.

Moot Court is a required course for all second term students and is the equivalent of Harvard's Ames Competition. Cases assigned are of public importance and are either pending in an appellate tribunal of a State or the Federal Government or have just been decided.

The record on appeal and the opinions of the lower appellate court are made accessible to the advocates. Counsel are not confined in the scope of their arguments to those which were pre-

sented on appeal, but are encouraged to find new bases of attack and defense.

At the conclusion of the preliminary round, the students having the four highest grades are divided into two teams and they argue in the finals. Although the finals are essentially doubles competitions, the single student having the highest number of points wins the grand prize of fifty dollars.

This article is to be continued next week.—Ed.

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Calendar

THE LEGAL WORLD

Holmes Lectures

The final two lectures of the present series on the United Nations will be given by Dr. Herbert V. Evatt, Foreign Minister and Deputy Prime Minister of Australia, on Thursday and Friday. The topic Thursday will be "The Working of the United Nations," and the lecture will be given in Sanders Theatre. Friday's lecture, to be given in New Lecture Hall, will be on "The Future of the United Nations." Both lectures will be presented at 8:30 in the evening and there is no admission charge.

Law School Forum

Roger Baldwin, Director of the American Civil Liberties Union, will speak on the subject, "Should We Curb Political Minorities?" Tuesday afternoon, November 25, at 4:00 in the Court Room in Langdell Hall, instead of this Friday, October 24, as originally scheduled.

Phillips Brooks House

Tickets for all plays and concerts in Boston may be purchased at the Harvard Ticket Agency, located at Phillips Brooks House. Tickets are sold between 1:30 and 3 p.m. daily except Saturday and Sunday. This service is free for Harvard students.

Notice To All Veterans

No books or supplies will be issued to law students after October 24, except

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Community Fund Drive

The Law School Committee announces the appointment of Gale A. Christopher, 3L, as Chairman of the Harvard Law School Community Fund Drive. Pledge cards will be available in all classrooms throughout the week of October 20-25. Students of the Greater Boston area and all others not supporting a Community Fund elsewhere are particularly urged to contribute.

THE UNIVERSITY WORLD

Art Exhibition

The Fogg Museum of Art is currently exhibiting a collection of drawings and water colors by William Blake. Included in the collection, which is being shown for the first time in the United States, are a series of Blake's preparatory studies for both the *Book of Job* and Dante's *Divine Comedy*. The exhibition will continue through November 8.

Lecture

The second of the William James Lectures on Psychology, presented this term by Professor B. F. Skinner of Indiana University, will be given Friday, October 24, at 4:15 p.m., in Room D, Emerson Hall. The subject will be, "Types of Verbal Behavior."

THE OUTER WORLD

Concert

Arlington Town Hall: The Radcliffe College Alumnae of Arlington will present Susan Reed, ballad singer, Friday, Oct. 24, at 8:30 p.m. Tickets are available at Phillips Brooks House.

Ford Hall Forum

Charles Luckman will be the guest speaker at Jordan Hall on the Ford Hall Forum of Sunday evening, Oct. 26. The program begins at 8 p.m. and will conclude with questions from the audience. The subject is, "America Unlimited."

The New World Court Will Aid In Keeping Peace

(Continued from page 1)

a Court decision. In two decades, the Court gave 32 judgments, 27 advisory opinions, over 200 orders, and gave advice to agencies such as the International Labour Organization. This record is impressive, but the shortcomings of the Court were many.

Insofar as structure goes, there was every reason for success. Judges were elected by majorities in both the Council and the League Assembly, so that big powers and the smaller ones demanding equality shared this function. The 15 judges were consistently men of high calibre. Sources of substantive law which they applied were international conventions, custom, law and jurisprudence. Flexible rules of procedure simplified the hearings, and a Registrar's staff represented the Court vis-a-vis sovereign parties and the host government. The machinery was there, but it was not geared to prevent war because of one awkward and rather overwhelming problem—jurisdiction. One aspect of this was the question of what kind of subject matter was suitable for adjudication. Nations tended to confine their notions as to proper subjects to those matters they could take a chance on losing, calling the others "political." But even if jurisdiction over subject matter was settled, it still would not be compulsory.

This is the great stumbling block. No obligation exists under international law requiring States to have disputes arbitrated. They must be coaxed into doing it, and strong military powers are not easily coaxed. The Permanent Court of International Justice made the best of things by providing for optional declarations in which nations submitted to the Court's jurisdiction in disputes with other Members making reciprocal declarations. (Art. 36 of the Statute.) Unfortunately, many of these declarations were too hedged with conditions to be significant, and tended to give the Court a history of fine performances within a magic circle. Outside the circle were issues too hot for adjudication and parties unwilling to bind themselves within it. When German forces invaded The Netherlands in 1940, the Court removed to Geneva where it underwent a protracted liquidation.

At San Francisco in 1945 the United Nations decided on establishing a new Court with a new name. This had the advantage of shedding melancholy memories, and also melancholy actualities (e.g. Spain, which would otherwise continue as a member). Few changes in the Court actually were made, beyond constituting it an official U.N. organ, and providing for Judge's overlapping terms and amendments to the Charter. Thus the International Court of Justice is the

Permanent Court of International Justice all over again, subject to the same limitations on compulsory jurisdiction.

The positions taken by certain States have been significant. Venezuela, for instance, argued in the debates in favor of adjudicating "political" issues. Denmark made a declaration of broad submission to compulsory jurisdiction under Article 36. On the other hand, Mr. Gromyko registered his usual dissent.

The U. S. and U. K. have made declarations of agreement to compulsory jurisdiction, but the conditions attached are calculated to spare the signatories embarrassment on vital questions. Some new Members have joined the Court since 1945, but so far its tasks have been extraordinarily light. The Corfu Channel mine dispute between Britain and Albania is pending. An attempt to bring up the Indian minority problem in South Africa was blocked. An alternative provision in the Dutch-Indonesian agreement at Linggadjati for application to the Court's President was found less judicious than amphibious landings.

Yet the Court is not without its possibilities. International arbitration is relatively new. Major disputes between powerful States are not likely to be settled at The Hague at this time, but impartial adjudication of any dispute is a step forward. Criminal jurisdiction over individuals as at Nuremberg has been suggested, but such an amendment has little chance of adoption. Still, lesser tribunals of international law may be available, limited regionally and by subject matter. Out of this should come a growing awareness of law as a way of settling disputes between nations.

Declarations accepting compulsory jurisdiction under Article 36 offer the

best chance for success, if made by the stronger States and without unreasonable limitations. The present political climate is bleak, and yet constant reference to the Court can eventually develop a body of decisions and procedure of great prestige value, if not binding effect. Certainly there is a long way to go. Disagreements, a few injustices and opposite interpretations of authority will cause much gnashing of teeth, as with our own common law. But at least it will be talk, not pitchblende.

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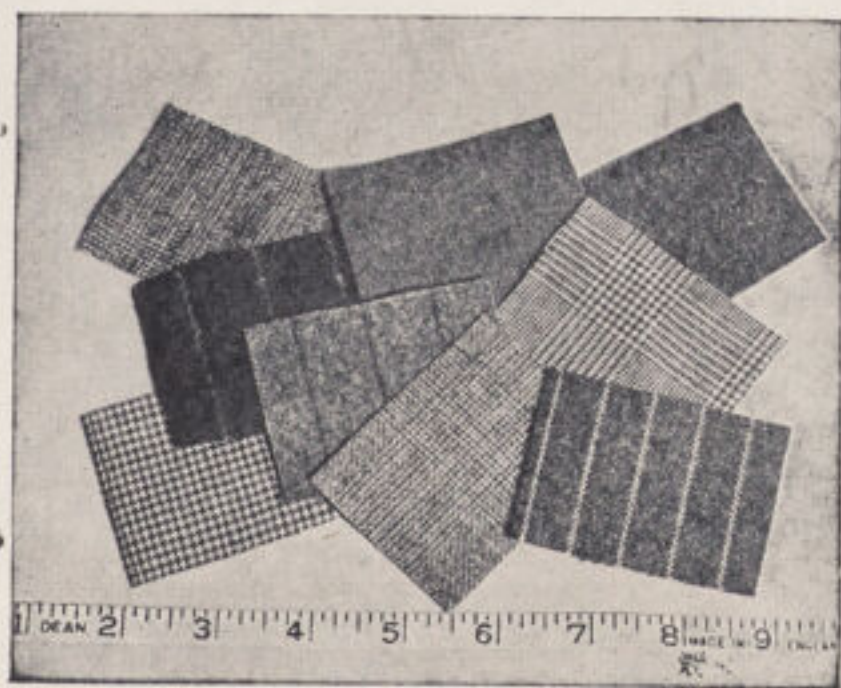
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PRESSMAN—(Continued)

defenses and complaints which are almost impossible to guard against. Since the new Act provides for restraining orders and injunctions against "secondary boycotts," Mr. Pressman believes these sanctions will be used in many legitimate strikes. He further stated that the provision for breach of contract liability in federal courts (they have always been liable in most state courts) encourages such suits as a substitute for collective bargaining. In addition, he claimed, that since the burden of proof for this as well as other complaints rests on the complaining party, employers can once again infiltrate the union movement with agents under the pretext of collecting evidence.

TENNIS TOURNAMENT FINALS

Richard C. Sorlien, third term from Wynnewood, Penn., defeated Richard R. Paige, sixth term from Coral Gables, Fla., in the finals of the Law School Tennis Tournament. Sorlien won the match, played at Radcliffe, 6-1, 6-4, 8-6.

In the finals of the Law Wives Tournament, played as a preliminary match, Mrs. Henry Heyburn defeated Mrs. George M. Burditt, 6-1, 6-1. Both of the matches were hard fought, nearly every game going to deuce.

Sorlien won the prize awarded by the Phillips Brooks House Committee, a large Harvard mug, which can be used for any one of a number of purposes.