

The Harvard Law School Record

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TANEY, THORPE CLUBS TO ARGUE AMES FINALS

Justices Will Hear Labor Board Case In Langdell Court

The Taney Club will oppose the Thorpe Club in the final round argument of the Ames Competition tomorrow evening in the Langdell Court Room at 8 p.m. The bench is composed of Mr. Justice William O. Douglas of the United States Supreme Court, 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.

Oral advocates for the Taney Club are Robert W. Culbert (Drexel '41) of West Collingswood, New Jersey, and James F. Lovett (Michigan '41) of Detroit, Michigan. The Thorpe Club's oral counsel are George I. Meisel (Western Reserve '41) of Painesville, Ohio, and Paul N. Temple (Princeton '44) of Denver, Colorado.

Of counsel on the brief for the Taney Club is Leonard K. Simmer (Swarthmore '39) of Roslindale, Mass. Counsel on the Thorpe Club brief are Lawrence C. Dargan, Jr. (Southern Methodist '42) of Dallas, Texas, Robert Krone (Harvard '44) of New York, N. Y., Saul G. Marias (Harvard '45) of Brooklyn, N. Y., and Charles H. Oldfather, Jr. (Nebraska '41) of Lincoln, Nebraska.

The case is before the United States Circuit Court of Appeals for the Ames Circuit in an action brought by Local 3131 of the A.F.L. against the N.L.R.B.

The union is faced with the problem of getting a court to review a N.L.R.B. certification proceeding which it believes to have been conducted improperly under the terms of the Wagner Act. However, the Supreme Court held seven years ago that the Board's certification of a bargaining representative was not

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CULBERT



TEMPLE

EVATT CONCLUDES HOLMES LECTURES

Dr. Herbert Vere Evatt concluded his three lectures in the Oliver Wendell Holmes series on the United Nations with a sharp criticism of the major world powers for not yet having concluded the peace settlements with the former enemy nations. Citing the lack of these peace treaties as one of the foremost causes of suspicion and hostility among the delegates, Dr. Evatt said that the sooner the matter was resolved, the sooner the representatives would find themselves extricated from the paradoxical position of maintaining a peace which does not yet exist.

While Dr. Evatt strongly emphasized that the United Nations was still in its infancy, and that many observers had been overly optimistic for premature success, he acknowledged that greater progress might have been made since its inception. In addition to the lack of peace settlements, he censured the reckless and irresponsible use of the veto by the Soviet Union as an item which impeded the progress of the organization.

Nevertheless, in spite of the defects which posed such difficult problems for the delegates, at the conclusion of his final talk, Dr. Evatt again reaffirmed his belief in the progress of the UN, and expressed his encouragement in finding his large audience so sincerely interested in the organization's future.

LAW WIVES PARTY

The Harvard Law Wives have announced that they are sponsoring a cocktail party after the Harvard-Princeton game on November 8. Tickets will be \$2.00 a couple, according to Bradley Kellogg, party chairman, and are now on sale at Kendall House.

The party will be held from 5 to 7:30 p.m. at Kendall House, and a light supper will be served at 7 o'clock. There will be dancing to the record-player. Students in all terms are invited.

H.L.S.A. TO AIM AT EXPANSION

Campaign to be Conducted To Get Active Members

The Harvard Law School Association is expanding the number of its active members. With the adoption of a new constitution at its annual meeting on June 3, 1947, the Association voted to conduct a campaign to convert as many as possible of its 18,000 members to active status. The purpose of this drive is to build an organization to advance the cause of legal education, to benefit the Harvard Law School, and to promote mutual acquaintance and good fellowship among the graduates.

Every member of the Law School automatically becomes a member of the Association upon graduation, but membership is divided into two classes, active and inactive. To become an active member, it is necessary to pay \$5 annually or obtain a life membership for \$50. If a member falls in arrears for more than two years, he is returned to inactive status and can regain his active membership only by paying all his back dues. Realizing the financial burden of such payments on the younger graduates, the Association offers a special rate of \$2 a year for active membership to all new alumni at graduation; and these dues remain in effect for five years.

Treasurer of the Association, Reginald Heber Smith, LL.B. '14, stated in his Annual Report for 1947 that these dues "are in substance gifts to the School" . . . they "enable the Association to do its work properly, give its members a fair return, and at the same time leave a surplus that can be devoted each year to the benefit of the School." As part of the fair return, active members will receive free copies of the Quinquennial Catalogue which will be published in May of 1948. Due to the war, this catalogue is almost a decennial since the last

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SOHN ADDRESSES WORLD LAW GROUP

Mr. Louis B. Sohn, lecturer in law, opened the current year's activities of the World Law Group with a talk on "The History and Background of the Civil Law." He cited the major accomplishments which have taken place in this field from the first rock tablets of 2700 B.C. to the present modern codifications as evidenced by the Brazilian Code of 1916.

Group chairman Howard F. Shattuck, Jr. revealed that the principal portion of the year's program would consist of an examination of various civil codes. While in previous semesters the main emphasis of the group was on certain aspects of international law and organization, Shattuck expressed the belief that the current inquiry would help attain the main purpose of the group—to acquaint students with ways of foreign lawyers, and their approach to legal problems.

For the next session, Mr. Renaud Savarit, a graduate student, will discuss the development of the French Civil Code, and the organization of the French Judicial System.

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AMERICAN PRESS TO BE TOPIC OF FORUM



LAWRENCE E. SPIVAK



THOMAS L. STOKES

STUDENT ADVISERS APPOINT NEW MEN

John E. Massengale, III, President of the Board of Student Advisers, announces the appointment of six new members to his staff. The five second year men and one third year man were selected for the Board as the result of their grades on the recent examinations. They are: Robert G. Bailey, 3L (U.C.L.A. '44); John R. Hally, 2L (Tufts '47); David R. Herwitz, 2L (MIT '46); Harold W. Horowitz, 2L (U.C.L.A. '43); Bernard W. Nimkin, 2L (Harvard '43); George J. Solomon, 2L (C.C.N.Y. '47).

The present officers of the Board, in addition to President Massengale, include: Second Year Chairman, C. Duane Aldrich (Harvard); First Year Chairman, James W. Perkins (Harvard '45); Second Year Facts Chairman, Alan Palwick (Harvard); First Year Facts Chairman, Samuel O. Pruitt (Washington and Lee '41).

Thomas L. Stokes, Washington correspondent, and Lawrence E. Spivak, Editor and Publisher of the *American Mercury*, will appear on the Harvard Law School Forum platform this Friday night with Professor Zechariah Chafee, Jr., of the Law Faculty as the third member of a panel which will discuss the question "Is the American Press Free and Responsible?" Professor Arthur M. Schlesinger, Sr., of the College history department will act as moderator for the meeting scheduled for 7:50 p.m., October 31, at the auditorium of the Rindge Technical High School.

Each member of this group has spent many years in the field of American journalism. One of the country's well-known reporters and columnists, Stokes, has been Washington correspondent for the Scripps-Howard chain since 1936. His column appears daily on the editorial page of the *Boston Traveler*. In recognition for his outstanding contributions to journalism, Stokes received a Pulitzer Prize award in 1938. The author of "Chip Off My Shoulder," Stokes

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Editors Work Without Time Clocks But Labor Mightily For "Bugle"

Now that examination grades have been distributed, the third term members of the *Harvard Law Review* have been selected and have started on their tasks in the publication of that journal. The daily chores of the "normal" student are child's play in comparison with the burden which the new "Review man" shoulders upon entering Gannett House.

The *Review* neophytes usually start work by reading the advance-sheets of recent state court decisions. This is much like reading a casebook, except that the cases are not abstracted, and one case may cover various fields of law. The sheets are read with an eye to the selection of interesting cases for notes in the next issue of the *Review*.

All those reading advance-sheets then meet and offer their suggestions. A number of cases are tentatively selected and noted in a "prelim book," where the name, citation, and possible questions on points of law are listed.

The next major assignment of a *Review* staff member is to select from the "prelim book" an interesting case for further research. The average time spent in writing a "prelim" is eight hours, for the law in point must be studied thoroughly and recent law review articles scanned to avoid possible duplication. In addition, the "prelim" writer gives his opinion on the significance of the case and its possible implications.

The next step to be taken is the write-up of a case. On the basis of the "prelims," some cases are defi-

nately selected to appear in an issue of the *Review*, while others are passed over. The normal time required to write up a case is eight days. As a rule, the person who prepared the "prelim" will not undertake this stage of the work on a case, so that a fresh point of view will be obtained. This system also enables the men to diversify their work by spending time in different fields of law.

Two other jobs which a first-year man may be given are writing note "prelims" and checking footnotes. The note "prelim" is similar to a case "prelim" except that the former is longer and deals with a recent development of the law rather than a discussion of a single case. The thoroughness of a note "prelim" is borne out by the fact that the initial research period covers three days, compared to one day for a case "prelim." Not much time is spent in the other possible assignment of footnote checking, but all articles are checked for technical accuracy before the edition goes to print.

A newcomer to the *Review* does not follow a definite schedule of apprenticeship. His initial assignment, whether reading advance-sheets or preparing "prelims," depends upon the stage of development of the pending issue when the neophyte joins the staff. The officers who delegate the work try to give each man a taste of the various operations necessary to the publication of an issue.

There is no time-clock at Gannett House for "logging in and out," but a

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Yale Admission Procedure Screens Applicants For Varied Capabilities

This article, continued from last week, is concluded in this issue instead of running into three installments as announced.

Although the curriculum is the important feature for students now at Yale, to those who would like to go, the admissions system is of equal concern.

Although Yale added to its faculty and increased the size of its student body after the war, applications for admission were about ten times the number which could be accepted in the entering classes three times a year. In an effort to choose the best men from among those who got their applications in before the deadline, Yale made use of the rather complicated system which it adopted several years ago.

The Admissions Committee bases its preliminary screening on undergraduate records, scholastic and extra-curricular; and during the past two years it has usually taken a Phi Beta Kappa key to open this first door. The elect are then invited to New Haven for an interview and legal aptitude test. During the interview the student is commonly led to express a belief in some theory, policy, or idea, and then the conversation is suddenly turned into an argument and the applicant is forced to support his position. The aptitude test is designed to evaluate the applicant's "legal mind," and the combined rating of undergraduate record, aptitude test, and interview is supposed to indicate the predicted average of this applicant at Yale Law School. This system usually provides a basis for eliminating about half the applicants. The final cut must be made in a less scientific manner, but the same competitive method is used to de-

cide on the eighty or so men to be admitted.

It is possible at Yale to base the grade given at the end of each course not only on the final examination but on classroom recitation and written work where required. With classes averaging around thirty, it is not difficult for the professor to form a clear impression of the student's ability at oral recitation; and it is also possible for him to read papers submitted by each member of the class. Although in most cases the weight assigned each item is not made explicit, in at least one class the announced policy is to mark 40% on the basis of the paper; 30% on the basis of class work and the remaining 30% on the final exam.

Not all courses require papers, and it is possible to get through Yale writing but one or two. However, the average graduate will have written approximately ten papers in his three years of legal education. Classroom recitation is expressly emphasized; in at least one course the importance of recitation is so great that if someone is unprepared for three successive times during the term he is asked to drop the subject.

The distribution of the marks shows that 50% of the class has over a B average, with 10% of the class in the A bracket.

Because of the high ratio of faculty members to students, there is inevitably a great deal of faculty student cooperation in extra-curricular activities. Many

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Editorials

The Taft-Hartley Act may or may not be unfair to labor unions. Since it provides some additional machinery for adjudicating labor disputes, it is a step in the right direction.

Labor disputes today constitute a paralyzing threat to the smooth functioning of our society. Strikes are a form of self-help capable of bringing an economy to its knees. In pre-war capitalist France and in post-war socialist England, failure to provide an authoritative, effective means of resolving labor disputes has meant fewer shoes, less coal, less housing, less national security.

We may not agree on what is the right way to settle a wage-increase demand, because of the conflicting philosophies characteristic of our time. But we can agree that controversies must be settled without waste, and that neither a union nor an employer has a right to stop the production of goods while the dispute is being settled. Society has a paramount conflicting claim to the uninterrupted operation of the factory or mine. No strike has not eventually been settled. It is the job of lawyers to provide machinery for making such settlements intellectually and not violently, by due process and not by anarchy.

Mr. Pressman of the CIO in a recent speech in Langdell Court Room has said that the Taft-Hartley Act is a full employment act for lawyers. Let us hope that it is the forerunner of many full employment acts for the use of legal machinery in the solving of labor disputes. Labor-management problems affect society too deeply to be left to voluntary arbitration and self help.

Existing labor legislation undoubtedly is one-sided, and does not sufficiently recognize labor's claims. But even the Taft-Hartley Act is a step in the right direction. Instead of correcting its one-sidedness by stepping backward, the lawyer should see that the correction is another step forward, which will better recognize labor's claims judicially, but will help establish authoritative adjudication.

R. H. W.

Letters to the Editor

To the Editor of the RECORD:

This is an open letter to:
Chairman J. Parnell Thomas (R., N. J.)
House Un-American Activities Committee
Washington, D. C.

Dear Sir:

Two years ago I packed all my free enterprise made belongings into a carpet bag and left my happy little bourgeois home in the great American middle west to come to Harvard Law School, an institution that I had always felt certain would stay as far away from the Kremlin as I have stayed from a B average.

Naive little fool that I was, it was some time before I realized that I had stumbled into a veritable hotbed of subversive activity. But perhaps I do myself an injustice. So clever were these diabolical demons in their insidious schemes that wiser students than myself were lulled into a state of complacency by a school that on the surface appeared to be as American as French-fried potatoes.

Only occasionally did I encounter some little eyebrow-raising incident—here a kind word

for workmen's compensation—there a casual concession that perhaps everything a labor union did wasn't necessarily bad.

But two years of reading the Boston newspapers has opened my eyes plenty. I see Un-American activity everywhere I look and it's not my eyebrows that are being raised anymore, it's my hair. It's standing right on edge this very minute because open warfare has broken out up here.

What makes me so hysterical about the whole thing is that you keep pattering away down there in Washington with a bunch of small fry from Hollywood when you could be up here striking at the very core of the problem.

My first big shock came when the University installed party line telephones in all the dormitories.

Then came that awful day when I became convinced that one of my former professors was taking his orders directly from you know whom! It seems that on one of our exams last term the following question was raised: "Would a statute punishing by fine and imprisonment any unflattering statement, publication, idea, thought, or dream about our government or its administration be constitutional?"

Well, Sir, I didn't know whether or not that statute was constitutional but you can bet I defended it with all my red, white, and blue-blooded American fervor. "Anyone who doesn't like the way things are run in this country ought to go back to you know where," is what I always say.

And Sir—I know you won't believe this—but do you know that I flunked that exam? Now can you deny that any professor who would dare give a failing mark to an exam which displays such 100 per cent Americanism is a you know what?

It was my own trusted roommate who delivered the worst blow of all just the other day. Honestly, it's got me so upset and angry I see red all the time. He was pounding away furiously on his typewriter and, more to practice my counter-espionage work than for any other reason, I sneaked up behind him to see what he was typing.

You can imagine my horror when these frightening words jumped out at me: "Now is the time for all good men to come to the aid of the party!"

So for God's sake, Sir, hurry on up here before it's too late!

Patriotically yours,
K.G.W.

To the Editor of the RECORD:

The following telegram was received on the day you printed the editorial *HOW GOOD IS HALF A PICTURE*, concerning Mr. Pressman's recent discourse:

Cincinnati Ohio 22 Oct. '47
Regret Full Schedule Arranged For Boston Visit Next Week Prevents My Accepting Kind Invitation Of Harvard Law School Chapter Of Lawyers Guild.

ROBERT A. TAFT, U.S.S.

The Lawyers Guild at Harvard Law School does not function as a forum for the discussion of national policies. It is our purpose to present, without recourse, single speakers who will tell how they are thinking and acting in their special fields of the law. However in light of the controversial nature of the Taft-Hartley Act the Guild will continue in its effort to bring a qualified and prominent supporter of this legislation to Harvard.

FREDERICK G. FISHER, JR., 3L
Chairman of the Harvard
Chapter of the National Lawyers Guild

The Book Shelf

A SOUTHERN VANGUARD. Edited by Allen Tate, Prentice-Hall, \$4.50, 331 pp.

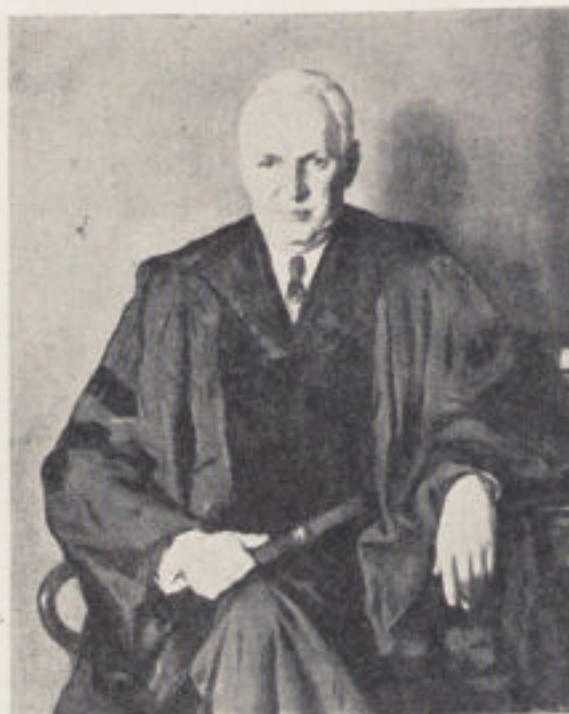
From the title, *A Southern Vanguard*, we are, presumably, to infer that a larger force will follow up the van. While this advanced guard probably travels light for reasons of speed and maneuverability, there is nothing in its composition to aid our intelligence except that the main force will bring with it any heavy artillery, new and secret weapons, or demonstrate some daring strategy. The vanguard, for its part, engages only in brief skirmishes and the countryside does not seem to have been aroused.

The book is a collection of essays, poems, and short stories by men who have, in some way, been a part of the southern scene, either by birth, residence, or inclination; the material does not, however, deal exclusively with things southern. The volume was intended as a memorial to John Peale Bishop (1892-1944), a southern writer of distinction. As such its purpose has been fulfilled; but the fact that it

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Gallery

HERBERT F. GOODRICH
Circuit Judge



Addressing his club not long ago, a prominent member of the New York Bar said that many lawyers prefer not to argue a case before a man who has reached the judge's bench by way of the professor's chair. The classroom, he went on to say, was not the proper place to prepare a judge to understand the practical problems of the business world with which the court so often dealt.

Be that as it may, this attorney's complaint is conspicuously absent among those who practice before the Third Circuit Court Bench of Judge Herbert F. Goodrich. For though Judge Goodrich was in the classroom for some 24 of the first 25 years after his graduation from Harvard Law School, lawyers who have argued before the Judge feel that he is unusually able in appreciating the problems of the practicing attorney. As a matter of fact, members of the Third Circuit Bar consider Judge Goodrich among the foremost jurists on the bench today. As one Pennsylvania lawyer expressed it, "In a few well chosen questions, the Judge gets through the drivel and into the heart of the case. You then have a chance to put over your points before a man who truly understands whatever worth you may have in your argument. But if you don't know your case well, stay away from Goodrich; it would be like reciting unprepared in a Morgan or Scott class."

But to the legal world at large, Judge Goodrich is best known not through his judicial robes, but through his prolific pen. His extensive writings have made valuable contributions to many fields in legal literature, and have just recently won for him the post of Director of the American Law Institute. Especially in the field of Conflict of Laws, the name of Goodrich and Conflict of Laws are as closely assimilated as are the words "damnyankee" to a true son of the South. His writings on the subject are frequently quoted by the courts; recently, the United States Supreme Court quoted Goodrich's text on Conflict of Laws—in reversing the court of none other than Judge Goodrich himself.

Herbert Funk Goodrich was born in Minnesota in 1889. After being graduated from Carleton College he entered Harvard Law School. Here, he worked like blazes, Saturday nights and all. But, says the Judge, he has never regretted it. Starting with the *Law Review*, the work has paid dividends ever since. Perhaps the greatest influence on Judge Goodrich during these years was Professor Beale. Judge Goodrich remembers Beale as a brilliant contentious man whose brilliance increased the more he was under fire. It was Beale who first taught Judge Goodrich the subject of Conflicts, including, the Judge recalls, a number of things which he later had to unlearn.

After graduation, came a short period of practice in Amoka, Minn., followed in 1914 by an instructorship at the University of Iowa Law School. By 1922 he had been promoted to the position of Acting Dean, and had already begun to win a reputation as a legal scholar. The next seven years saw Professor Goodrich at Michigan Law School, on a faculty that included at various times, men like Cooley, Christianity, and Sunderland. Judge Goodrich points to this faculty, incidentally, to show that other schools besides Harvard have had great teachers, but that the value of a Harvard Law education lies in the fact that nowhere else is the level of the student body as high and as competitive.

In 1929, Professor Goodrich was invited to take the post of Dean of the University of Pennsylvania Law School. During the next eleven years, he led that law school to a place among the ranking schools in the country. Today, Judge Goodrich still teaches a class at Penn, and also remains connected with the school as the only non-Pennsylvania man to be a Vice-President of the University. Somehow, with all this, he still finds time to continue his writing and participate actively in numerous national and local civic organizations.

Sub Judice

OF PATRIOTISM AND PROFITS * * * * *

A somewhat routine decision of the Court of Appeals for the Tenth Circuit discloses a happy tale of a little group who found the war years pleasantly profitable. Thirty persons living in or near Salt Lake City were sufficiently interested in aviation in 1940 to contribute \$100 apiece toward the organization of a club and the purchase of a clubhouse for the promotion of the interest of aviation. The club was a non-profit affair and undertook to sponsor educational, fraternal, and social activities for its members. Shortly after its organization, being without funds, the club entered into a management agreement with one Jensen to furnish, equip, and operate the club for 20 to 40 per cent of the profits, depending upon the amount realized. Jensen was at all times subject to the directions of the Board with respect to the kind of service to be rendered, prices charged, and general policy of the club.

In the early part of 1942 the headquarters of the Ninth Service Command was moved to Salt Lake City and the Army Air Force established a number of air bases nearby. Facilities for the entertainment of military personnel were soon overcrowded and as a result of a civic appeal by the Chamber of Commerce, the club opened its doors to "Officers Only." The average number of regular members was 212 in 1941, 162 in 1942, and 154 in 1943. Between three and four thousand guest cards were issued in 1942 and between nine and ten thousand cards in 1943. The total revenue of the club during 1941 was \$14,881.70; \$111,606.37 in 1942; and \$268,103.43 in 1943, "the greater portion of which was derived from the bar and slot machines, and the balance from meals, music box, and rooms."

The Court of Appeals affirmed the decision of the Tax Court to the effect that the club was not exempt from income taxes under Section 101 (9) of the Internal Revenue Code, as a club "organized and operated exclusively for pleasure, recreation, and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder," since it was shown that the club had exercised its option to purchase from the manager the furnishings and equipment he had installed (for \$28,000), and had made extensive plans for the improvement of the property. *Aviation Club of Utah v. Commissioner of Internal Revenue*, 162 F. (2d) 984 (C.C.A. 10, June 30, 1947.)

PICKETING AND FREE SPEECH: MASSACHUSETTS VIEW * * *

The Supreme Judicial Court of Massachusetts recently unanimously affirmed a decree enjoining a printers' union from picketing or interfering with the business of the Colonial Press. The union was striking in an effort to force retention of a maintenance of membership clause in a contract under negotiation. It is well settled that in Massachusetts a strike for a closed shop is unlawful. The Court considered it obvious that the provision maintenance of membership is in substance a means to provide union security. "As such, it falls within the principles frequently enunciated with respect to the closed shop."

The question was then presented whether notwithstanding the unlawful purpose of the strike, the union could continue to picket the plant under the guise of the right of free speech guaranteed by the Constitution. Citing all the recent Supreme Court cases on "picketing as free speech," the Massachusetts Court merely said: "We do not understand, however, that that court has held that picketing in support of an unlawful objective cannot be enjoined. Until there is an unequivocal pronouncement to that effect we adhere to the view of the law laid down in our own decisions." *Colonial Press, Inc. v. Ellis*, 74 N. E. (2d) 1 (June 26, 1947).

Judge Goodrich was appointed to the Circuit Court in 1940. He finds the bench stimulating, although the love for the classroom has still remained. One notable advantage of the judiciary, remarks Judge Goodrich, is that in the classroom, students are at liberty to accept or reject what he says, whereas members of the bar arguing before him are hardly so privileged.

Asked whether he thought that any particular type of locality or community was to be preferred in picking a place to start practice, the Judge recalled the advice of Dean Thayer: "A Harvard Law School man should be good enough to practice anywhere; so make up your mind where you want to live, and then go there. No matter where it is, if you're good, you will succeed." Judge Goodrich has seen that work among the thousands of students that he has known. He has also shown it to be true, himself.

J. S.

Alumni Notes

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

LL.B. '87—John Jay McKelvey, a prominent member of the New York bar for many years, and one of the leading American writers on the law of evidence, died at Mount Kisco, N. Y., on October 19.

While at the Law School McKelvey helped establish the *Harvard Law Review*, and served as its first editor-in-chief. From 1894 to 1930 he was successively a member of the New York law firms of Shepard, Terry, McKelvey & Prentiss; McKelvey & Mattocks; McKelvey & Favour; McKelvey & Kennedy; since 1930 he had practiced by himself.

Organizer and for many years general counsel for the National Wholesale Lumber Dealers Association, McKelvey had also been vice-president of the Federal Union Fire Insurance Co. and president of the Toledo Fire and Marine Insurance Co.

The textbook "McKelvey on Evidence," first published in 1897, was reissued at intervals. "McKelvey's Cases on Evidence" appeared in 1932. "Principles of Common Law Pleading" went through three editions between 1895 and 1923.

LL.B. '07—Charles F. Lovejoy, engaged in the practice of law with the Boston firm of Choate, Hall & Stewart until his retirement two years ago, died at Swampscott, Mass., on October 4.

LL.B. '07—State Senator William G. Troy, of Providence, R. I., Democratic floor leader and one of Rhode Island's most colorful politicians, died on October 8. He had been counsel for the state board of elections.

Ex. '14—Herman Samuel Tay died August 7, 1947 at Boston, Mass.

LL.B. '20—Irving Reynolds has resigned as vice-president of the Chase National Bank of New York, and as secretary of the bank's board of directors, to return to the practice of law. He is a member of the firm of Shearman, Sterling & Wright, New York City.

LL.B. '22—Lt. Col. Laurence W. Beilenson, who spent 26 months in China during the Burma Road and Salween River Campaigns, has been decorated by the Chinese government with the Special Breast Award of Yun Hui (Cloudy Banners). He also holds several other Chinese decorations and American awards.

LL.B. '23—The engagement of Miss Nancy Thayer Patten, of Lenox, Mass., and New York City, to Frederick J. DeVeau, of Groton, Mass., and New York City, has been announced. DeVeau since 1925 has been an instructor at the Groton School.

LL.B. '23—Wendell Davis announced the opening of a new law office at 15 Keeler St., Danbury, Conn. He will continue to maintain his connection with Shattuck, Bangs & Davis, 42 Broadway, New York City.

LL.B. '40—The engagement of David D. Scannell, Jr. to Miss Elizabeth Fitz-Simmons, both of Jamaica Plain, Mass., has been announced.

AMES —(Continued)

a "final order" within the meaning of the Act, and that the union must exhaust its rights within the administrative machinery before it can appeal such finding in the federal courts. The union claims that it has no further power of appeal to the Board, and since the Supreme Court denies them access to the courts of law, it turns to the court of equity for redress. In 1945, the Supreme Court had the question before it in the case of *Inland Empire District Council v. Millis*, but managed to dispose of the case without a decision on the merits. Now, the Ames case drafters have put the facts in such a way that the court cannot escape a holding on this question.

The union filed suit in a court of equity claiming "no adequate remedy at law." The District Court denied the Board's motion to dismiss and a special appeal was taken to the Circuit Court, which must decide next Thursday night whether or not the lower court had jurisdiction.

FORUM —(Continued)

is a Phi Beta Kappa graduate from the University of Georgia. Pre-forum conversations with Stokes in Washington, indicate that he holds a view of the evening's question roughly opposite to that of Spivak, and will attack the national press for its overall lack of responsibility.



PROF. ZECHARIAH CHAFEE, JR.

Favoring a general status quo in the American journalistic field will be Lawrence Spivak, long associated with magazine publications. Spivak is also director of the radio show, "Meet the Press." He received his degree from Harvard.

The third member of the panel group, Professor Chafee of the Law School is an eminent scholar who has devoted long study to the journalism scene. Graduated from Brown, Phi Beta Kappa, Professor Chafee is also an alumnus of the Law School at Harvard and has been a member of the faculty since 1916. His many activities in the field of civil liberties include membership on various governmental investigation commissions and the Bill of Rights Committee of the American Bar Association. His many books include "Freedom of the Press," "The Inquiring Mind," "America Now," and the recently published "Free Speech in the United States."

H.L.S.A. —(Continued)

publication was distributed in 1939. In addition, active members will receive each issue of the *HARVARD LAW SCHOOL RECORD* during the next two terms, informing them about news and opinion at the School.

On October 6 of this year dues cards and a copy of the Treasurer's Report which includes the text of the new constitution were mailed to all members of the Association, active and inactive. Deadline for payment of these bills is January 1, 1948, at which time unpaid dues will be considered in arrears. Therefore, if a member now owes two years' dues and fails to pay before the first of the year, he will be retired to inactive status.

The five dollar annual fee which the Association requests this year represents an increase in dues over past years. This is attributed to the changed value of the dollar and increased costs, particularly high printing charges. Although the Association wishes to encourage new alumni to take active status immediately upon graduation, it would impose too great a burden on its income to allow younger graduates to receive free benefits of active membership without any contribution toward expense; therefore the special five-year rate was established.

Since one of the purposes of the Association is to benefit the Law School, much of the income is used for this purpose. This year \$1300 was used for scholarships. As the student body ceases to be aided by the G.I. Bill, there will be increased need to give such financial assistance. The Association also contributed \$2000 toward the bronze bust of Judge Learned Hand, Presiding Justice of the U. S. Circuit Court of Appeals in New York, which the Association and the law clerks of the eminent judge donated as a gift to the School.

BOOK SHELF —(Continued)

is an anthology begs the first general criticism that the book is "uneven" in point of interest and performance.

The critical essays hold up best under close inspection, dealing as they do with cultural, aesthetic, and social problems in literature and literary criticism. Of special note are *William Faulkner's Legend of the South*, by Malcolm Cowley; *Myth-Makers and the South's Dilemma*, by Louis B. Wright; and *The New Criticism and the Southern Critics*, by Robert Wooster Stallman. Mr. Stallman comments on the critical themes of the day which mourn the loss of a tradition, the loss of a culture, the loss of a fixed convention, the loss of a world order. These losses are easily correlated with the present-day political and ideological confusion; for belles-lettres the losses have meant "that the integrity of the individual consciousness has broken down. . . Intellectual chaos . . . has been the background of American poetry."

If "intellectual chaos" is the reason for the general poorness of the poems in this volume, 'tis a pity; but the fact remains that the poetry is a collection which might be described as pseudo-metaphysical in which sensitive souls wearing intellectual hairshirts suffer and scratch out a rash of purple adjectives which are supposed to represent the depth-delving plumbings of the pluvius deep. The net result in most cases is a handful of sea-weed.

The fiction, though not outstanding, has some merit. *The Guide*, by Andrew Lytle, is good; *A Long Fourth*, by Peter Taylor, is not bad; *Within the Day*, by Edd Winfield Parks, features the emotional miseries of a young Harvard undergraduate — but you probably have your own troubles.

Mr. Tate, the editor, says in his preface, ". . . I think it is fair to predict from the contents of this anthology that the best Southern writers in the next few years will be writers of fiction." I don't wish to argue with Mr. Tate's prediction, but I think one must consult the leaves of a cup of brew other than *A Southern Vanguard* to find grounds for it.

ROBERT A. BARZILAY, GSAS

BUGLE —(Continued)

week's work on the *Law Review* amounts to at least 40 hours. Most men prefer to put their time in during the week so that they can devote Saturday and Sunday to class work preparation. With this schedule it is no wonder that professors are sometimes greeted with a muffled "Unprepared" when they ask a *Review* man to recite.

Contrary to the system set up by the Board of Student Advisers, men toiling for the *Harvard Law Review* receive no remuneration. The benefits from their labors, however, are many. Few law students have the opportunity to learn as much law as the *Review* editors by virtue of their constant research; the Ames Competition and perhaps a term paper afford the rest of the students their only opportunities to engage in this type of work. In addition, the *Review* man widens his scope of legal knowledge, especially in the more restricted subjects that few men meet in their three years of work at the law school. Finally, it is well recognized that a *Law Review* editor is offered his pick of jobs upon graduation, including clerkships with the highest courts in the nation. While it cannot be said that men from the *Review* automatically become top flight lawyers or professors at the Harvard Law School, there can be no dispute that the editors acquire especially fine training in preparing for their chosen profession.

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Calendar

THE LEGAL WORLD

Law School Forum

Is the American Press Free and Responsible? will be the topic of the Forum of Friday, October 31, with Thomas Stokes, Lawrence Spivak, and Zechariah Chafee, Jr. as the speakers. This forum will be held at Ringe Technical High School Auditorium (Broadway and Trowbridge St.) at 7:50 p.m.

Next Thursday at 9 p.m. radio station WHDH will feature the story of the Harvard Law School Forum on its regular weekly program entitled "The Young Idea."

Law and Medicine

First in the series of the *Lectures on the Relationships Between Law and Medicine* will be given by Dr. Alan R. Moritz of the Harvard Medical School, in Langdell South Middle on Tuesday, November 4, at 4 p.m.

Harvard Law Wives

Benjamin A. Kimball will discuss *Enjoying Opera* at Kendall House tonight at 8 p.m.

On Tuesday, November 4, at 3 p.m., Harry C. Green, speaking for the League of Women Voters, will talk about Reciprocal Trade Agreements.

Lincoln's Inn

Come for Lunch and Punch at The Inn on Saturday, November 1, between 11:30 a.m. and 2 p.m.

King's Bench

Dress-Down Dance is set for Saturday, November 1, at 8 p.m. For members and guests, at Carey Cage.

THE UNIVERSITY WORLD

Football Game

Rutgers will play Harvard on Saturday, November 1, at 2 p.m. at Soldiers' Field. Reserved seats are \$3.00, general admission \$1.50.

THE OUTER WORLD

Ford Hall Forum

Roger Baldwin will discuss *Democracy vs. Communism in the Far East* at the Ford Hall Forum on Sunday, November 2, at 8 p.m., in Jordan Hall. Take Huntington Avenue car to Opera House. Get there early to get in.

Art Exhibits

Present exhibits at the Boston Museum of Fine Arts are a memorial exhibition of the work of Alexander James, prints and drawings by Rowlandson and Gilray (social and political satires), and various recent acquisitions, including an important painting by Claude Lorrain.

Gardner Museum

Thursday, October 30, at 2:45 p.m.: Joseph Battista, pianist; Saturday, November 1, at 2:45 p.m.: Wesley Copplestone, tenor, and Mildred Moore, pianist; and Sunday, November 2, at 2 p.m.: Zinaida Alvers, contralto, is this week's program at the Gardner Museum.

New Openings

Show Boat, that famous musical by Kern and Hammerstein, started a three-week engagement at the Opera House on October 27.

Tennessee Williams' new play *A Streetcar Named Desire* will open at the Wilbur Theatre on Monday, Nov. 3, prior to its projected New York opening in three weeks.

Pearl Primus will star in a new Afro-West Indian musical revue, *Calypso*, opening on Monday, November 3, at the Shubert Theatre.

Eastward in Eden, a play dealing with Emily Dickinson's love for a young minister, will open at the Plymouth Theatre on Tuesday, November 4.

Tickets for the above productions may be obtained from the Harvard Ticket Agency at box office rates. It is open from 1:30 to 3 p.m. each week-day, on the first floor of Phillips Brooks House.

NEW BUS SERVICE

The Harvard Wellesley Bus Service has started a special Saturday mid-night run for convenience of students in taking dates home to the Wellesley campus. The bus leaves at 12:10 from Lowell House, and starts the return trip from Hazard Quadrangle at 1:15 a.m. Tickets cost \$2.00, take two persons out, one back, and must be purchased in advance at Phillips Brooks House or Eliot House I-45, on Wednesday, Thursday, or Friday afternoons. Single return trip fare is 75 cents.

Yale Law School Uses Selective Admission System

(Continued from page 1)

students are engaged with the faculty in writing new books, planning new courses, or throwing beer parties dedicated to devising new strategies for twisting John Harvard's tail. The camaraderie of the students and faculty is marked, and it is not confined merely to *Law Journal* men.

The formal instrument for promoting extra-curricular activities is the Yale Law School Student Association. This organization was begun in the spring and summer of 1946. It is a democratic unit run by an Executive Board of eleven members, four elected from the third and second year classes respectively, and three from the first year. The charter also provides for the creation of sundry committees: social, veterans, athletic, dormitory, curriculum and others as the need arises. The vital interest in these committees can be seen at a glance at the bulletin board which is covered with notices of pending activities.

Other activities initiated by this organization include:—The Yale Reporter, an annual similar to our yearbook, selling at \$3.25; the Yale Law School Forum which was inaugurated by a debate on the Harvard system vs. the Yale system.

The dining hall in the Law School building is run by the Student Association, which also provides the coke, cigarette, and candy vending machines in the student lounge.

The most important function of the Association is to provide a channel of communication between the faculty of the Law School and the student body. The president of the Association meets weekly with the Dean to hash over gripes and prepare the agenda for a monthly meeting of the Executive Committee and the faculty. After the Faculty-Committee meeting the Association reports back to the student body as to the success or failure of current proposals. One of its most resounding successes was the procurement of the liquid soap containers for the men's lavatories, and (we were told) in the women's as well.

One of the most interesting extra-curricular activities at the New Haven is the Barristers' Union which compares in some ways with the Ames Competition. Like the Ames Competition it is a voluntary affair in which teams of two students are opposing counsel, but consists of sham litigation at the trial stage. Facts are taken from an actual record, complaints are filed, parties are served with process, and answers filed all in accordance with accepted practice. Furthermore, witnesses are examined subject to rules of evidence and a jury made up of outsiders renders a verdict. These trials are popular affairs as counsel are anxious to try their hand at influencing a jury.

Two other Harvard Law institutions have their counterpart in Yale's Legal Aid and Law Journal. In each case the undergraduates of both schools perform similar functions, and to the non-professional eye, the greatest difference is in the manner of joining the organization.

As far as the Yale Legal Aid Society goes, membership is completely voluntary. Any student may participate in the work. On the other hand the Law Journal at New Haven is chosen from the top third of the class on a competitive basis. After their first term, the top ten or fifteen members of a class enter the first competition, writing one Note and one Comment during the next term and a half. After this competition is completed, in the middle of the third term, another group from the same class is formed, often comprising the balance of the top third of the class, which does similar work. The editors, who hold office during their third year, are selected from these two competition groups

according to the quality of the material they have written.

Physical Plant

The physical plant of Yale Law School is entirely housed in one building, Sterling Hall. Architecturally it is of the "New Haven Gothic" period, but as to comfort and convenience it is of the twentieth century.

The classrooms and seminar rooms are contained on the first floor of Sterling Hall. The classrooms are smaller than at Harvard, but are airy, well lighted and sound-proof; those visited accommodated anywhere from sixty to one hundred fifty students. Fortunately all classrooms are located on a common passageway and have at least a front and rear door so that there is no difficulty or confusion in getting from one class to another. The Administration offices and Moot Courtroom are also located on the first level.

The professors' offices are on the second floor and the Library is on the third. The Library is attractive, convenient and comfortable. The bookshelves jut out perpendicularly from the walls so that the student has the impression that he is studying in the stacks and his work or sleep is not easily disturbed. Moreover each table has a book rack running its length so that the neophyte lawyer can store any outside books he may be using in a convenient manner and keep the same space for the entire year.

The auditorium, Barristers' Union offices and courtroom and Student Association offices are located on the first floor. The Law Journal offices are on the third floor adjacent to the library.

Classes Attended

Among the classes attended many had parallels at Harvard and seemed to reflect the particular professor's personality, but others were entirely new to the observers. The most striking hour was that conducted by Dean Sturges in his course on Mortgages. The classroom was packed (for Yale) with 70 students. If the Harvard observer closed his eyes he might well have thought that Prof. Seavey was teaching the course, for Dean Sturges' technique was an almost exact facsimile of Mr. Seavey's approach to Torts. For the most part, however, the classes were a familiar combination

of lecture and case discussion, with perhaps an unfamiliar enthusiasm in the student contributions, and it would be unfair to comment on the quality of this instruction after only one or two classes per course even if we were qualified to do so.

Student-Faculty Relationships

Although the long tables and quart-size steins were absent, the general tone at Yale made it seem that student and faculty were all members of a friendly drinking society. In myriad instances there was a first-name relationship between student and teacher. The individual, man-to-man relations resulted in a relaxed attitude; recitation in class was a genial matching of wits.

Outside of class the friendly contacts continue in such curricular work as the writing of papers as well as the variety of social activities in which student and faculty participate on an equal basis. It is difficult to assess the educational value of this camaraderie, but to the Harvard observers it seemed to create a happier group of students than one finds north of the Charles.



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