

The Harvard Law School Record

VOL. 5 NO. 6

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NEWS IN BRIEF

Court Tours

Thirty-five members and guests of the Harvard Chapter, Student Lawyers Guild, participated in a court room tour conducted by the Honorable Charles E. Wyzanski of the U. S. District Court. Before the afternoon session, the Judge briefed the group on the cases which were coming up and afterwards he explained in detail the rulings of the court, with particular emphasis on evidence rulings.

The Harvard Chapter of the Lawyers Guild intends to continue scheduling court room tours, the next one to be held at the Massachusetts Superior Court, Tuesday, November 18, at 1:45. Attempt will be made to schedule two or three judges presiding at different sessions if a sufficient number of students are interested. Those desirous of attending tours please call the chairman, Irwin Barkan, Kirkland 5937.

Legal Aptitude Tests

An estimate of the effectiveness of the recent experimental legal aptitude tests given to the first year class in the Law School will not be available until next summer. Vice-Dean Hall announced that two-thirds of the entering class volunteered to take these exams and 350 completed papers have been forwarded to the College Entrance Examination Board Association in Princeton, N. J., for analysis. The results of these tests will be compared with the marks of these students on the June examinations.

Training Film

The Student Board's training film on the Ames Competition will be released early in December, according to Stanley Freedman, 2L, its director. This is the Board's first use of an orientation movie to explain the workings of Moot Court. Leading roles in the film are played by James B. Henry, Jr., 3L; Eugene L. Wyman, 2L, and Richard J. Jennings, 2L. Others in the cast include: Gerald W. Brownstein, 3L; Winston R. Cornell, 2L; Melvin L. Milligan, 2L; John N. Couture, 3L; Stanley B. Gomberg, 2L; Roger C. Henselman, 2L; Charles W. T. Thompson, 2L, and Maurice Shire, 2L.

Student Politician

Sixth term member, Martin J. Hansberry, a graduate of Boston College '42, was recently elected to the Waltham Council.

A. V. C. Representatives

Law Students will represent Harvard and Cambridge Chapters of the American Veterans' Committee at the A.V.C. Mass. State Convention at Springfield on November 14, 15, 16. Delegates from the Harvard Chapter are: Arnold Rivkin 3L, New England Regional Chairman, who will speak on the Marshall Plan; Russel Jackson Jr. 3L, Chairman of the Harvard delegation; William Hungate 3L, and George Dysart 2L. Representative from the Cambridge Chapter is Endicott Peabody 3L.

King's Bench

Officers of King's Bench for the fall term are as follows: Patrick D. McGee, chief justice; James W. Frey, associate justice; Clifford Cordes, scrivener, and Herbert Hansen, justice of the exchequer. The Council of Justices includes Sheldon B. Guren, James J. Kalled, Herbert Ascherman, William Lee Blum, and James Felt.

Law and Medicine

Despite unassuming protestations that his first lecture in the "Relations Between Law and Medicine" series would be unspectacular because of its intro-

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Four Fifth Term Clubs to Argue In Quarter Finals

Four fifth term clubs will meet in the quarter-finals of the Ames Competition during the next few days. Tomorrow evening at eight in the Langdell Court Room, Powell Club counsel will argue against the Blackstone Club. Next Tuesday, the Jeremiah Smith Club will strive to eliminate the Pow Wow Club. The records and briefs relating to these arguments can be obtained in the Langdell reading room a few days in advance of the sessions.

The Honorable Edward F. Hanify, Massachusetts Supreme Court Justice, will preside as Chief Justice at the first argument tomorrow evening. His associates will be two Boston lawyers, Brooks Potter, Esq. and Lawrence Coolidge, Esq. The case at bar concerns a beneficiary's attempt to surcharge a trustee for speculative investment of trust funds and touches on the problem of amending a testamentary trust.

Oral counsel for the Powell Club are Chester B. McLaughlin, Jr. and William C. Brewer. Of counsel for the brief are Donald McSweeney, C. Gorham Phillips, L. Richardson Preyer, Fred W. Bynam, Jr., and Richard W. Palmer. Oral counsel for the Blackstone Club are Frank Padgett and Dow Votaw. Collaborators on the brief are Otis Erisman, Walter B. Williams, James H. Barnett, and Theodore H. Eberle.

Chief Justice for the second argument on November 18 between the Pow Wow and Jeremiah Smith clubs will be the Honorable Vincent Brogna, Massachusetts Supreme Court Justice. His colleagues will be two Boston lawyers, Herbert Ehrmann, Esq. and Thomas H. Eliot, Esq. The case involves a choice of law question, the essentials of which were taken from one of Prof. Freund's recent examinations in Conflicts. It concerns an alleged Swiss national previ-

(Continued on page three)

Northwestern Law School Endeavors To Provide Well Rounded Education

A new and revolutionary system of legal education is being adopted at Northwestern University in an effort to broaden the scope of legal education and at the same time produce a well rounded product ready to meet and cope with the every-day problems of business and law. The system consists, in the main, of a vertical integration and grouping together of related courses normally taken over a series of years in the law school routine.

As related by Acting Dean Harold Havighurst, Harvard LL.B. '26, the curriculum of the school is divided into seven groups (corresponding roughly to terms at Harvard) of a total duration of some twenty-nine months based on the inclusion of the summer term as a permanent unit of the school year. Thus, attendance of summer school is compulsory for students at Northwestern. In demanding this, the academic time required for a degree has been increased by almost a half-year, but in actual calendar units, the school has reduced the normal time of three years by approximately the same span.

Yearbook Portraits

If for any reason you missed your Yearbook picture appointment, you still have a chance to get it taken. Pictures are being taken in the basement of Gannett House, so drop in Thursday or Friday, November 13 or 14, if you're in first year; Monday, November 17, second year; or Tuesday, November 18, third year. If you can't make it with your class, come any of the four mentioned days between 9 a.m. and 4:30 p.m.

NIEBUHR, O'BRIEN WILL SPEAK ON COMMUNISM, CHRISTIANITY



REINHOLD NIEBUHR



REV. JOHN O'BRIEN

Mather Is Chairman For Forum Meeting At Rindge Technical

The controversial current question, "Is Communism Compatible With Christianity?" will be discussed before the Harvard Law School Forum this Friday by the noted teacher, author and lecturer, Reinhold Niebuhr, and the Reverend John A. O'Brien, S.J., President of the Jesuit Philosophical Society and Chairman of the Philosophy Department at Boston College. Kirtley Mather, Professor of Geology at Harvard and author of "Science in Search of God," will act as moderator for the meeting scheduled for 8 p.m. at the Rindge Technical High School Auditorium.

Father O'Brien is expected to expound the Catholic thesis that Christianity is not compatible with any form of communism. On the other hand, Dr. Niebuhr, Professor of Applied Christianity at New York's Union Theological Seminary and editor of the quarterly, "Christianity and Society," will support one of two alternative views: either that communism in theory is compatible with Christianity, or that communism as a political ideology should not be equated with Christianity as a theological concept. Among several works on Christianity and Ethics, Dr. Niebuhr is the author of "Christianity and Power Politics" and "Does Civilization Need Religion?" The question period at the Forum will be broadcast on WHDH at 9 p.m.

H.L.S.A. TO PUBLISH QUINQUENNIAL

The Quinquennial Catalogue of the Harvard Law School Alumni is scheduled for publication on May 1, 1948. Miss Florence Kimball of the Quinquennial Office states that 11,500 replies have been received from the 17,700 letters sent to the alumni. Follow-up letters to those who have failed to answer were dispatched on October 20th. It is important that alumni return postcard communications immediately even though no change in their address has occurred since 1939, the date of the last catalogue, because only those who reply will be included in the geographical section of the book. This section is widely used by lawyers for the purpose of referring business to Harvard men in various parts of the country.

The price of the catalogue is \$7.50. Active members of the Harvard Law School Association receive copies free of charge and their names are listed in small capitals in the geographical section.

The principal change in the new catalogue from the 1939 edition is that the main lists are alphabetical rather than by classes. In another section of the book, classes will be listed.

The first catalogue was published in 1888 and with some exceptions has been revised every five years. Although information indicates that the oldest living graduate is a member of the Class of 1870, the class membership listings will commence with the Class of 1890.

Courtroom Talk

On Thursday, November 13, at 4 o'clock, two New York lawyers will discuss law practice in New York City in Langdell Courtroom. All students are invited to hear Eli Whitney Debevoise, '25, a member of the firm of Debevoise, Plympton and McLean, and Robert Griffing Zeller of Cahill, Gordon, Zachry and Reindell.

Petrillo's Threat to Ban Recordings Seen to Circumvent Existing Laws

In articles of this type the RECORD intends to go further into the legal issues involved in current news stories than do the daily newspapers, yet not to the extent of a Law Review Note.

Once again James Caesar Petrillo, head of the American Federation of Musicians, is very much in the news, this time with an announcement that his members will stop making recordings on December 31. As before, Americans are asking themselves where Petrillo gets his brazen audacity, whether his actions are legal, and if so, why doesn't Congress pass laws making them illegal? Petrillo is virtual czar of his union's membership of 225,000 members, which includes everyone holding any substantial job as a musical performer,

from the man who blows a bubbler to make "Rippling Rhythm" ripple, to the concertmaster of the Boston Symphony Orchestra. Wielding dictatorial control over this skilled membership, Petrillo has often annoyed the public at large, both by his actions and his manner of accomplishing them.

Actually, it was difficult to find anything illegal in his past actions, and last year Congress moved in to "pass a law." This was the Lea Bill, passed as an amendment to the Communications Act of 1934, which forbade the use of coercion to compel employment of more employees than "needed," and imposed penalties for wilful violations. This was aimed directly at Petrillo and his practice of forcing radio stations to hire certain numbers of musicians, whether or not the station used them to provide music.

Petrillo immediately rushed out to test the constitutionality of the Act, calling a strike at a small Chicago radio station and demanding that they hire additional musicians. An information was soon filed, but dismissed by the federal district court in Chicago on the ground that the statute was unconstitutional, violating the First, Fifth, and Thirteenth Amendments to the Constitution. The union had argued that the statute did not identify the criminal act definitely enough to meet the requirements of due process, since no standard was supplied for "employees needed,"

(Continued on page four)

AMES ACTION GIVES STUDENT PRIORITY

Attendance at the next Ames Finals argument will be limited as far as possible to Harvard Law students, and the only women to be admitted into the Courtroom will be the wives of counsel.

This decision was made because of the crowded conditions at the recent Finals, according to George Minkin, Faculty Assistant in charge of the Ames Competition.

Minkin explained that the difficulty was due chiefly to the Board's underestimation of the number of students that the argument would attract. He expressed surprise at the large turnout of reportedly non-Law School students since the publicity was confined to the Law School.

Several students had suggested that future Ames Finals be held in places with larger seating capacities than the Courtroom. However, Minkin pointed out that the Courtroom is the traditional and most effective place for the argument, and in addition the only place which affords judges of rank an atmosphere befitting their position.

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

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

Opinions of the Staff

For many months it has been painfully apparent that the argument of those who said that production would render price control a New Deal delusion is something short of the patently demonstrable. Even the *New York Times*, which sought so vigorously to bring an end to the OPA, admitted Sunday that production has done nothing to stop the upward gallop of prices, and that the rise is still incipient.

But the time is past for determining who were the authors of such predictions or for assessing the good or bad faith in which these statements were made. For either action will be taken now or we will head for that economic disaster which seems to hold even the leaders of American business and labor in some sort of trance. That "Newburyport plans," "buyers strikes," and "voluntary price control" are just so many exercises in semantics, yielding nothing in accomplishment, must now have convinced the most ardent believer in such measures.

The answer, at the same time, would appear to be of the same brew that it was in 1942, at the end of the war, and in June of 1946, namely over-all allocation of materials, price and wage control, and rationing of consumer commodities if necessary. Is it really whistling in the dark to ask for such things? We need only reply by pointing out that the alternative to such action is an economic catastrophe with the resulting frustration of our foreign aid plans and all that such a failure would mean in terms of political chaos in Europe.

The presence of this grim alternative needs no elaborate proof. Incarnate, it has advanced to the very doors of Congress. If the legislators dismiss it as just another of the bogey men contrived by those uncomfortable persons who staffed the Roosevelt administration, they will have done about as convincing a job on the problem as Don Quixote did against that windmill of long ago.

MILES G. WEDEMAN.

Letters to the Editor

To the Editor of the RECORD:

I share with your correspondents the regret and disappointment that they could not get into the Court Room for the final argument in the Ames Competition.

In normal times, the Court Room takes care of the largest crowds which we have for events at the Law School. It holds about 650 persons, and probably 700 can be squeezed in for a big event. I recall only one or two occasions in pre-war days, including finals of the Ames Competition, when people were turned away. Thus, the problem at the recent finals was simply another reflection of the difficulties which we all confront in this post-war period. I assume that your correspondents are aware that this is the peak term, and that from now on the total enrollment in the School will steadily decline. Even a year from now, it will be about 540 less than it is now.

We gave some thought to having the finals in a larger hall, but concluded that it should be held at the Law School in the Court Room which was provided for that purpose. The only other thing we might have done was to exclude women. I think there are probably two sides

to that question. My own thought was that there were few "dates," and that most of the women were wives. In the case of married students, the wives are naturally very much interested in the work of their husbands (towards which many are themselves working very hard). In general, in this post-war period, we have tended to think of the wives as being a part of the School as well as the husbands. At any rate, we did not like to exclude the wives. Perhaps we were wrong.

Please let me repeat that we were extremely sorry that so many had to be turned away from the finals argument.

ERWIN N. GRISWOLD, Dean

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To the Editor of the RECORD:

In view of the letters printed in the Nov. 5 issue of the RECORD, it occurs to me that there may actually be a good many men at Harvard Law School who would welcome an opportunity to strike back at the Communists and Socialists who have thus far so largely monopolized Harvard's political life.

The opportunity has arrived. There was formed last week, for both graduate and undergraduate students, a Harvard Young Republican Club. In the words of its initial declaration, "From this time forward, there will be at Harvard an organization around which can rally those students—and they are many—who have 'had enough' of Communist disloyalty and Socialist drive."

On the agenda between now and June are rallies, a registration drive, and constant public opposition to such blots on the landscape as the Harvard Liberal Union, the John Reed Society, the Harvard Youth for Democracy, the Harvard League for Industrial Democracy and the Harvard Committee for Wallace.

The membership fee is \$1 per term. While we hope for an active Law School representation, we know that beyond that point there are many law students who would gladly pay a dollar for the privilege of belonging to such an organization. The money is needed badly, and will be put to instant and aggressive use. Contributions mailed or brought to me at 15 Oxford St., Cambridge, will be gratefully received and speedily hurled into the Battle of Harvard.

WILLIAM A. RUSHER, President,
Harvard Young Republican Club.

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To the Editor of the RECORD:

When your profile of Benjamin J. Davis, Jr., appeared recently in the RECORD's Gallery, I was tempted to inquire why the editor had not chosen a Negro graduate of more orthodox political persuasion like William H. Hastie or Charles Houston, both of whom are active in the civil liberties field, for portrayal. I was afraid that the readers of the RECORD might regard Mr. Davis' political affiliations as typical of those Negro graduates of Harvard Law School. My impulsive hand was stayed by my faith in our law school education as a discipline in which the student learns to take persons as individuals and not as typical of whatever racial group they stem from.

However, Mr. Alan Grant, Jr.'s statement in his letter to the RECORD: "If the Negro wants to end race discrimination he should avoid allying himself with a foreign power, etc."—without quarrelling with the wisdom of this statement—meant to me that either our educational process has failed, or what is more likely, there are persons who are impervious to its influence. If Mr. Grant wishes to criticize Mr. Davis for his personal choice, that is one thing. For him to generalize from that fact and deliver a sermon on Negroes and Communism, that is quite another.

If Mr. Grant repudiates my interpretation of his remarks, I shall acknowledge my error. However, the implications of his letter fall so well into the popular pattern of attributing to minority groups as a whole the unpopular positions of a few of its individual members, that I must be convinced by further word on his part.

WADE H. MCCREE, JR. 3L

Off the Record

Luck?

Last week's University Theatre advertisement proclaimed "Mother Wore Tights"—"Second Chance." By deadline time, neither the U. T. nor THE RECORD had heard from the Watch and Ward Society.

Jobs Wanted—but Good!

St. Ives, the lawyer's patron saint,
Might use some help to guide his crew.
With prices high and wages low,
There's need for saintly patrons, too.

A Faculty for Humor

Prof. Katz, in Administrative Law (when a student said he did not know what railroad connected New York City and Boston): "If they told you in first year that the law is a jealous mistress, they did not mean that jealous."

Gallery

MURRAY SEASONGOOD

Public Servant

"If you don't hear, let me know. Only I hope it won't be like the time when two men met and one said of a speaker, 'Did his voice fill the hall?' 'No,' the other replied, 'emptied it.'" So Murray Seasongood opened his first class in Municipal Corporations. The lectures were sparked with anecdotes, and with examples of day-by-day operation of municipal government drawn from a wide background of experience.

Forty-four years after graduating from the Harvard Law School, Prof. Seasongood came back to teach a course in Municipal Corporations this past summer. He has been teaching it at the University of Cincinnati Law School for over twenty years, using the second edition of his own casebook.

When the subject of local government is brought up Seasongood's face grows serious, but his eyes light up with enthusiasm. It is a subject of infinite interest to him, as he has demonstrated by many books and articles, and speeches on the subject in over 100 cities in many states. He gave the Godkin Lectures at Harvard in 1932, printed by the Harvard University Press as *Local Government in the United States—a Challenge and an Opportunity*.

Seasongood's entry into politics was accidental. A group of some 50 young men had formed the Cincinnati Association, holding meetings to discuss local affairs. At a meeting in the fall of 1923, Seasongood made a critical speech denouncing a proposed city tax levy and going into the defects of the city's form of government and of the Cox-Hynicka machine, one of the most corrupt in the history of American cities. Two cub reporters were present and broke the story in the morning papers. The affair would have ended there, but the papers and machine decided that Seasongood was a good target. Their cries of "Bolshevik," "Visionary Idealist" and "Sabotaging the Government" were loud and long. His blood pressure was up. Seasongood decided to fight back. He was in politics.

Mr. Seasongood conducted a one-man fight against the extra tax levy and the measure was defeated in a campaign that aroused great interest. The next year he and five others (two of them women) fought a campaign for the "Birdless Ballot." They intended to shoot the rooster and the eagle off the ballot and make people vote for men and not for the birds of political organizations. In 1925 they wrote and put through a new council-manager charter in the city.

Now, thought Seasongood, he could leave the scene. But he had asserted, "If you make your government a decent affair, you can get good men." Now people began to say, "Practice what you preach." So in 1925 he ran for councilman and was elected mayor. In January, 1926, the new administration, with Col. C. O. Sherrill, as City Manager, took office and within a few years Cincinnati's reputation had changed from that of the worst governed to one of the best governed cities in the country. Seasongood was re-elected in 1928, also with the highest vote, and went back to his law office in 1930.

For some years Seasongood has been trying to arouse interest among University students, men and women, in local government. The fundamentals of local government and a new public morality should be taught in the universities, he thinks. There are limitless opportunities for service.

Mr. Seasongood has been able to combine the avocation of politics with the vocation of law practice, heading a law firm with sixteen lawyers. He has been president of the Cincinnati Bar Association and very active in the A. B. A., Cincinnati Legal Aid Society, a member of the House of Delegates, Chairman of the Special Committee on Civil Service, Municipal Law Section. He has served as president of the National Municipal League, National Association of Legal Aid Organizations and Hamilton County Good Government League. He has been a trustee of the Rosenwald Fund, member of the U. S. Supreme Court's Committee to Frame Rules on Criminal Procedure, has been a vice-president and member of the Ohio Certification Commission, Ohio Commission for the Blind, Hamilton County Charter Revision Commission, President of the Cincinnati City Planning Commission, etc., and is now on the Council of the Harvard Law School Association, and is a member of the Visiting Committee of Littauer Center and also of the Department of Government of Harvard College. He is life Secretary and Treasurer of his Harvard Law School class (1903). Three days ago he was appointed to the President's Loyalty Review Board.

"I seem to find time to do all the things I want to do and lead a happy life too," he stated.

H. K.

Sub Judice

SIDELIGHT ON THE "PAPER-COVERED CASEBOOK" CONTROVERSY • • •

The Court of Appeals for the Second Circuit recently upheld a Federal Trade Commission cease and desist order directed against certain publishers of lawbooks, among them The West Publishing Company, Callaghan & Company, and The Lawyers Co-operative Publishing Company. The companies had been engaged in a friendly price-fixing arrangement through the offices of the American Association of Law Book Publishers, and the case makes interesting reading if only for its setting down of the facts of life in the lawbook publishing field.

The case has apparently been long in the mind of the Federal Trade Commission, for among the many findings of fact are such collectors' items as this: "On April 27, 1932, Baker, Voorhis and Company sent a notice to the trade calling attention to the activities of J. J. Sanders, who had started in the lawbook business by telling lawyers that he could undersell any dealer, and stated that the entire lawbook business would be better off if this type of individual were not encouraged. The Lawyers Co-operative Publishing Company replied to this notice, stating: 'You may rest assured that we will not be of any assistance to this fellow.'"

In reviewing the order of the Commission, the Court found that there was substantial evidence to support the findings and that the order complained of was not "vague and uncertain." The Court went on to observe that "If it be true, as petitioners argue, that what they did was the result of economic necessity created by the peculiar conditions inherent in the business of publishing and selling lawbooks, they are, indeed, fortunate in that each of them will still be free independently to decide for itself what business methods to pursue and each may find that its competitors have independently followed a like course. The order does not forbid anything not the result of concerted planning and makes abundantly clear what may not be done by way of agreement to fix prices and discounts and to stifle competition." *Callaghan & Co. v. Federal Trade Commission*, 163 F. (2d) 359 (August 19, 1947, C.C.A. 2nd).

TO LOWER THE HOLY RELATIONS OF HUSBAND AND WIFE • • •

A recent case in the Supreme Court of Appeals of Virginia is grist for the mills of the re-staters and reformers of the Law of Evidence. H. N. Meade was indicted for forgery of his wife's signature to a deed of real estate, and was convicted and sentenced to two years in the penitentiary. The principal question on appeal was the competency of Mrs. Meade to testify as a witness against her husband without his consent. The couple had separated in 1945 and Mrs. Meade had settled in Akron, Ohio. In June, 1946, Mr. Meade had his attorney prepare a deed to property owned by the couple, telling him that Mrs. Meade wanted to have them executed secretly and "in the nighttime." Accordingly, the attorney picked up Meade one evening between 10:30 and 11:00 and drove to a certain address and, when the automobile horn was sounded, a woman appeared and identified herself as Mrs. Meade and acknowledged the signature on the deed as her own. The attorney requested identification and was shown a Social Security card issued to Mrs. Meade. He then handed the woman two packages of money and a check.

Mrs. Meade heard from her Virginia lawyer that a deed purporting to convey her property had been executed and recorded, whereupon she came immediately to Virginia and an investigation ensued which resulted in the indictment in the case.

At the trial, defense counsel vigorously objected to Mrs. Meade's testifying against her husband. On the appeal, the court investigated the statutory alterations of the common law rule (neither husband nor wife competent as witness in a criminal action against the other, except where the crime was committed against the one testifying) and determined that the only modification intended by the legislature was to permit such testimony where the other spouse consented. Mr. Meade had not consented, hence the court held that Mrs. Meade was not competent as a witness against her husband. "A lack of good reason may be ground for the legislature to change the law; but we must construe the law as it is." The Court found support for its adherence to the letter of the law in some language of the Supreme Court in *Bassett v. United States*, 137 U.S. 496:

"We do not doubt the power of the legislature to change this ancient and well-supported rule; but an intention to make such a change should not lightly be imputed. It cannot be assumed that it is indifferent to sacred things, or that it means to lower the holy relations of husband and wife to the material plane of simple contact (sic) . . ." *Meade v. Commonwealth*, 43 S.E. (2d) 858 (September 3, 1947).

Alumni Notes

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

LL.B. '88—Bancroft G. Davis, a member of the Massachusetts Bar for more than 60 years, and an authority on mining law, died in Boston on October 22.

While at the Law School Davis was one of the founders of the *Harvard Law Review*. After graduating he became associated with the Chino Copper Co., and traveled extensively in the West and in Canada. During this time he became an authority on mining law, and later lectured on the subject at the Law School. His Boston law offices were at 82 Devonshire Street.

Ex. '02—Leslie D. Pierce died October 29 in Rutland, Vt. He was prominent for many years in the insurance business, and was associated with Stephen C. Dorsey in Rutland. Pierce was a former vice-president of the Bethel, Vt., National Bank.

LL.B. '09—Albert A. Schaefer, professor of law and government at Massachusetts Institute of Technology, died in Melrose, Mass., on October 23.

In 1913 Schaefer became associated with the Boston law firm of Ropes, Gray, Boyden & Perkins, and specialized in trial cases until 1935. During World War I he was appointed by President Wilson as director of enforcement for the New England fuel administration. Professor Schaefer first became associated with M. I. T. as a lecturer on business law in 1930. He became assistant professor of business law in 1931, associate professor of law and government in 1935, and professor in 1940. He had been preparing a text book on industrial law.

Schaefer was also a director of the Puerto Rican fellowship program, a new educational activity for Puerto Rican engineers.

LL.B. '22—George C. Barclay has been re-elected chairman of the Trust Division of the New York State Bankers Association.

LL.B. '31—On January 1, 1948, Raymond L. Smith will become Judge of the Twentieth Judicial Circuit of Allegan and Ottawa Counties, Mich. Since 1940 he has presided over the Municipal Court in Holland, Mich.

LL.B. '32—Isadore H. Y. Muchnick has been elected to the Boston school committee in a contest that created considerable interest among Boston residents. He was supported by teachers' groups, and the success of the campaign has added a new factor to Boston's notably volatile politics. Muchnick has been a practicing attorney in Boston for 15 years and is now serving his third term as city councillor.

LL.B. '33—Paul W. Mahady was elected to the position of Judge Advocate of the American Veterans of World War II at their convention in Columbus, Ohio. He is presently engaged in the practice of law with the Latrobe, Pennsylvania, firm of Mahady & Mahady, and is a Professor of Business Law at St. Vincent College, Latrobe, and Seton Hill College, Greensburg, Penn.

LL.B. '34—The Irving Trust Co., New York, has announced the election of Albert N. Webster as vice-president in charge of its personnel division. Webster was formerly with the American Viscose Corporation in Wilmington, Del., where he was engaged in formulating and administering employee relations policies.

LL.B. '46—Percy Don Williams is now teaching at the School of Law, University of Texas, at Austin.

LL.B. '47—Jerome Howard Tick is with Rein, Mound & Cotton, 84 Williams St., New York City.

AMES—(Continued)

ously resident in France, and now sued in the Ames court.

William A. Rusher and Thomas M. Stanton will deliver the oral argument for the Pow Wow Club and the brief writers include Richard H. Crook, Jr., David A. Fowler, James G. Hurley, J. Howard Marshall, Jr., Robert M. Thomas, and Walter S. Avery. Oral counsel for the Jeremiah Smith Club will be William C. Murphy and Charles H. Weiland. Those who worked on the brief are M. Roland Nachman, Jr., James R. Murphy, James E. Thomas, George D. Webster, John P. Egan, Jr., and Jacob A. Walker, Jr.

N'WESTERN—(Continued)

a seminar dealing in case studies of particular industries. In the sixth group, called "Trade and Finance," courses are given in Credit Institutions, Sales and Credit Transactions, Commercial and Investment Paper, Real Estate Transactions and a seminar in the drafting of legal instruments. Like Group III, Group VI is of ten weeks' duration.

Finally, Group VII is concerned with "Government and Public Services" and covers: Government Finance, State Taxation, Federal Taxation, Conflict of Laws and International Relations, Public Utility Regulation, and a seminar selected from courses offered on Agriculture, Communications, Insurance, Patents, Protection of Health and General Welfare, the Power System and Transportation. This group is offered to students either in the fall term of eighteen weeks, or in the spring term of fifteen weeks.

Administration

Outside of the curriculum proper, Northwestern varies in many other respects from Harvard in administration of the school, moot court work and social activities. To begin with, admission to the school is similar to the Harvard system of classifying a college on the basis of previous law school records of students from that school and admitting candidates on the basis of this special correlation. In some cases, however, particularly where the students live close by, personal interviews are required. Examinations are held at the close of each term and the student given a grade for the term's work. In individual courses, 55 is passing; after two terms the student must have a 65 average to stay in school. For a degree from Northwestern, a total average of 68 or better in all subjects is required. Normally about 5% of the first year class is dropped for academic deficiencies, of a class of 175 men. This, plus normal separations, results in a second year class of 150 and a third year class of 125.

Extra-Curricular

Concerning student organizations, as already pointed out, Northwestern has no formal Legal Aid Bureau but does demand such work from each student as a course requirement. In the field of law review work, interested students, called "competitors," begin writing case notes in competition with each other during their third and fourth terms. These notes are submitted for publication in the *Illinois Law Review*, Northwestern's legal publication, and selection of the "competitors" for places on the *Law Review* is made on the basis of scholastic standing and the number of case notes accepted for publication in the previous two terms.

For moot court work, Northwestern has made only one term available for argument. This work is carried out in the student's second term at school when he is given some four to six weeks to prepare a brief with one other man and argue his case against two opponents. Local lawyers sit as judges in these arguments, and two points of academic credit are granted for such work. It should be here noted that the brevity of mock argument work is in part compensated for by a course in Legal Bibliography given in the first term in which eight written reports are required on various library assignments. In addition to the written work required in the bibliography course, a final examination is held and one hour credit is granted to the student. These two requirements, the faculty feels, are more than equivalent to the training the average Harvard student receives in the Ames Competition. Furthermore, they point out, at Northwestern such work is compulsory with every student, whereas at Harvard Law School it is left to the student's option.

Considered one of the most progressive law schools in the United States today, Northwestern has made a bold stab at reformation in legal education. The organization and objectives of the

entire school may best be summed up by its statement of aims, "... of importance is the assurance of a planned course of study, a greater understanding of the whole picture of legal education and how each part builds into the other, the morale that comes from class unity and the certainty that he is training for competence over the whole field of professional activity."

SEWARD SNELL

NEWS BRIEFS—(Cont.)

ductory nature, Dr. Alan R. Moritz, Francis Gleason Lee Professor of Legal Medicine at the Harvard Medical School, more than adequately satisfied the keen interest shown by the full audience in Langdell South Middle a week ago yesterday.

Touch Football

In the Law School Touch Football League, the Trover Boys and the Counselors lead their respective leagues with four straight wins and no losses. The victorious clubs of each league when the circuit is concluded will play a championship game.

Standings on Friday, November 7:

LEAGUE 1—Trover Boys, won 4, lost 0; Tigers, 3-1; Amblers, 1-1; King's Bench, 0-2; Renegades, 0-2.

LEAGUE 2—Counselors, won 4, lost 0; Benedicts, 3-1; Legal Beagles, 2-1; Arsonists, 2-1; Chancery, 3-2.

LAW UNIT FAVORED IN WELLESLEY TILT

A heavily-favored and star-studded Harvard Law School touch football team was predicted to trounce the Wellesley College Amazons in the Armistice Day classic played at Wellesley campus. This is the first year since 1942 that these traditional gridiron rivals have clashed—it says here.

However, Bachelor captain, "Bullet Bob" Batt was not certain of playing; "Bullet Bob" has been sidestacked for the last two weeks with a complex Legal Aid operation, but he hoped to recover before game time. In spite of this handicap, intricate Bachelor plays were expected with Jurical Jimmy Bell of the Forum as counsel in the huddle. Other Bachelor bruisers expected to see action were Jack Bermingham, Bill Cramer, Len Keyes and Charlie Gordon.

Advance information about the Wellesley aggregation—name, weight, age, telephone number—was unavailable, but Harvard scouts spotting a secret practice by helicopter reported that the Amazons play a wily, deceptive, unorthodox game. All the girls play in the backfield, lining up horizontally behind the scrimmage in what might be called the "lazy I" formation. The ball is snapped to any one of the potential carriers by the opposing center.

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Calendar

THE LEGAL WORLD
Veterans' Attendance

Saturday, November 15, is the last day for veterans to sign their attendance cards for November. This can be done in the main lobby of Langdell Hall.

Law School Dance

The last informal dance of the term will be held in Memorial Hall on Saturday, November 15, from 8 p.m. to midnight. Dancing will be to Gene Dennis' orchestra. Tickets are \$2.40 per couple, on sale in Langdell South corridor.

Yearbook

Proofs of the Yearbook pictures may be picked up from the photographer in Gannett House one week after the sitting.

LL.B. Degrees

All men eligible for the LL.B. degree in March, 1948, should check the bulletin board in the main lobby of Langdell to make sure their names have been included on the Dean's list.

Cardozo Club

A dance will be held at Kendall House on Saturday, November 15, at 8 p.m.

Law and Medicine

The second lecture in the series will be given by Dr. Gaylord Coon, of the Harvard Medical School, on *The Medico-Legal Aspects of Lunacy*, on Tuesday, November 18, at 4 p.m. in Langdell South Middle.

Legal Research

The first in a series of lectures on Legal Research will be delivered by Mr. Champlin in the Courtroom on Monday, November 17, at 4 p.m.

Lawyers' Guild

The discussion group on tenants' problems will hear Louis Loeb, Boston attorney, Nov. 19, at 7:30, at Mr. Loeb's offices, 294 Washington St., Boston.

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Meeting: Friday afternoon, Nov. 14, at 3 p.m. in Kendall House, Professor Milton Katz will lead a discussion of "Loyalty Under the Law." This meeting is limited to members in order to allow student participation in the discussion which will formulate the legal issues involved in loyalty through Presidential order, legislative enactment, and legislative committee investigations.

Harvard Law Wives

Bridge tonight at 8 p.m. in Kendall House. All invited, including husbands.

THE UNIVERSITY WORLD
Concert

The Radcliffe Choral Society and the Harvard and Radcliffe Orchestras will give a concert on Friday, November 14, at 8:15 p.m. in Sanders Theatre. Tickets may be had from Pierian Sodality, Music Building.

Basketball League

Friday, November 14, is the last day to sign up to play in the basketball league being organized by the Athletic Association for Hemenway Gymnasium. Lists are posted in Langdell and Austin Halls. There will be an organizational meeting on Tuesday, November 18, at 4:15 p.m., in Hemenway for all those who are interested.

THE OUTER WORLD
Sargent College

Law School men have been invited to attend an informal dance on Saturday, November 15, from 8 p.m. to midnight, at Sargent College, Cambridge. There will be entertainment, refreshments, and dancing (Bob Norris' orchestra).

Yale Dance

The Yale Law School Student Association is sponsoring a semi-formal dance, Yale Law School Lounge, 22 November, 9:30 p.m. to 2:30 a.m. Tickets may be obtained through the Law School Committee, PBH, Gannett House, \$4.00 per couple. Tickets may also be purchased in New Haven at the door, \$5.00 per couple. Set-ups free.

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Petrillo Threatens Recording Ban

(Continued from page 1)

and it was also argued that the act, in limiting peaceful picketing, was infringing on freedom of speech.

On appeal to the Supreme Court, the decision was reversed, by a 4-3 decision, and the case sent back to the District Court for trial on the merits. In a decision which seemed to avoid some of the issues presented, the majority, speaking through Mr. Justice Black, held that the identification of the crime was definite enough, considering the legislative history of the act and its declared purpose. *U. S. v. Petrillo*, 91 L. Ed. Adv. Ops. 1403 (1947). Consideration of other constitutional questions was postponed until actually raised by application of the act. It may be forecast that the Supreme Court has not heard the last of this case.

The present announcement concerning recordings is merely the latest maneuver in Petrillo's continuing fight against "canned music" and its effect on the employment of musicians. During the war union members refused to make recordings for 27 months, at the end of which time the recording companies agreed to pay the union a royalty on each record sold. These royalties amounted to \$2,000,000 last year. Some of this money is now being used to pay union musicians for free concerts given in the public schools in a number of cities.

Most observers admit that the musicians today find themselves in an unusual position, whereby they make records which thereafter compete with the musicians themselves, who receive no help from outdated copyright laws. The record companies themselves realize this, and several years ago offered to join Petrillo in lobbying for a Public Performance Act, which would provide for royalty payments to the recording artist for secondary use of the records, excluding home use. Petrillo held out for payments directly to the union, however, so that he could decide how to use the fund. Petrillo is less worried about the recording musicians than the local musicians put out of work by the recordings. For example, the top dance bands that do a lot of recording are making good earnings for their members, but the three men who used to play out at the small town dance hall may be out of work because a jukebox has been installed. Only about 5,500 members of the union make records, out of the total 225,000 membership. Whatever his motive, Petrillo is trying to help the vast majority who do not make records themselves but are affected by the easy availability of "canned music."

The Taft-Hartley Act specifically outlaws the type of royalty fund set up in 1944, and this is probably the cause of Petrillo's latest edict. So far, observers are inclined to think that he has no intention of going through with his threat of no more recordings, but is simply getting into a bargaining position for some new demands or for an agreement outside of the Taft-Hartley Act.

Should Petrillo actually attempt to carry out his threat of a permanent ban

on recordings, it is difficult to see any legal obstacles to such action. Neither the Taft-Hartley Act nor the Lea Act would seem to cover this situation, although Petrillo's action may well be designed to circumvent both.

Representative Fred Hartley (R., N. J.) has indicated that Congress may again try to curb Petrillo by passing a law, and he threatens to introduce a bill to compel the continuance of record-making. Such a law would obviously raise constitutional questions. The Musicians' Union, anticipating the possibility of such legislation, has already charged that such an act would violate the Thirteenth Amendment, by imposing involuntary servitude. There are doubts as to the strength of this contention, however, where the compulsion is upon an entire union to supply men, rather than upon a particular individual to supply his own services. On the other hand, it is difficult to see how the union could be compelled to enter into new contracts for making further recordings if it did not wish to do so.

Aside from the legal issues, Petrillo is often charged with trying to stop inevitable technological progress. Undoubtedly he realizes that he cannot stop future advances of this kind, but his answer now is that the situation is unique because musicians are putting themselves out of business. To the musicians, the argument about inevitable technological progress is like telling a man that death is inevitable, therefore he might as well commit suicide now and get it over with!

Whatever the eventual outcome, Petrillo and his Musicians' Union will continue to provide interesting legal arguments, manifesting the more basic economic and sociological problems of a changing society.

S. R. E.

NOTICE

Beginning with the next issue, *THE RECORD* will be distributed on Tuesday of each week instead of Wednesday. The papers will be available at the same places in Langdell and Austin between the hours of 10:00 a.m. and 2:00 p.m.



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