

The Harvard Law School Record

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NEWS IN BRIEF

Ames Quarter-finals

In the second quarter-final argument of the Ames Competition this term, on Tuesday, November 18th, the Jeremiah Smith Club was victorious over the Pow-Wow Club. William C. Murphy and Charles H. Weiland were the oral counsel for the winning club.

The Honorable Vincent Brogna, Massachusetts Superior Court Justice, presided as Chief Justice. Justice Brogna and his associates praised the briefs of both clubs for the extraordinarily effective treatment of the issues.

On Thursday, November 20th, the Casner Club defeated the Langdell Club in the third Ames quarter-final argument. Handling the oral assignment for the victors were John R. Alexander and Richard R. Baxter.

The Honorable Robert G. Wilson, Jr., Judge of Probate, Probate Court of Suffolk County, Mass., acting as Chief Justice, lauded the arguments of both sides. He said they were better than at least ninety-five percent of those heard by him during his seven years on the bench.

Approximately sixty-five persons were present at each argument. The last quarter-final argument for the term will be held tonight at 8 p.m., in the Langdell Courtroom.

World Law Group

The World Law Group, under the leadership of Howard F. Shattuck, Jr., 3L, has held two meetings recently in connection with their program of civil law discussions. Mr. Joseph G. Sweeney, 3L, assisted by Mr. Paul Monnory, II, of Paris, France, lectured on French community property and testamentary dispositions. Mr. Huiert Drion, special student from The Hague, Netherlands, led a discussion on the comparative tort law of several civil law countries. Mr. Warren F. Farr, Boston lawyer, is tentatively scheduled to discuss the Nuernberg Trial and its possible permanent contributions to international law. Mr. Farr will speak from personal experience as a member of the U. S. prosecution staff.

Law and Medicine

Dr. Gaylord P. Coon, a psychiatrist on the Faculty of the Harvard Medical School, delivered the first of his two lectures on the *Medico-Legal Aspects of Lunacy* before an overflow audience in Langdell South Middle. He was concerned solely with the types and symptoms of mental disorders. The purpose of this lecture was to provide a background for his concluding lecture scheduled for today at 4 p.m., in which the legal problems involving the mentally ill will be discussed. Dr. Coon divided mental disorders into two categories, organic psychoses and functional psychoses, and he further subdivided the latter into dementia praecox and paranoia and described the distinguishing characteristics of each. He also commented on the fact that the differing attitudes of the doctor and the lawyer accounted for the unsatisfactory handling of medico-legal questions.

Law Wives' Opera

Forty-five men and women attended the second class in a series of Opera classes sponsored by the Law Wives last Thursday night at Kendall House, where they listened to Puccini's "La Boheme." The music was interpreted by Benjamin Kimball, who was formerly associated with leading European opera companies and who has conducted numerous lectures and radio talks in the Boston area. He usually describes the records and explains simple operatic technicalities.

Mrs. Richard Bush, Law Wives program chairman, announced that the four

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R. BALDWIN WILL SPEAK AT FORUM

U. S. Civil Liberties Will Be Discussed At Meeting Tonight

Operations of the House Un-American Activities Committee, the Federal loyalty checks, and the spread of Communism and anti-Communism will be some of the points to be discussed by Roger Baldwin, Director of the American Civil Liberties Union, in considering the question of tonight's Law School Forum, "Are American Civil Rights Safe?" Professor Mark DeWolfe Howe of the Law School will act as moderator for the program which will be held in Rindge Technical Auditorium at 8 p.m. tonight instead of the usual Friday night meeting time.

In line with its policy to present both sides of current problems, the Forum Board is adopting a new procedure for its program tonight. Though Mr. Baldwin will be the only major speaker, the second part of the program will feature interrogation of the speaker by Judge Elijah Adlow of the Boston Municipal Court; John Saltonstall, Jr., former counsel for the Massachusetts Civil Liberties Union, and Professor E. Merrick Dodd of the Law School.

While advocating a positive vigorous pro-democratic program supporting labor and popular movements, Mr. Baldwin feels that our liberties are not safe in the hands of defenders of the status quo. He believes that our moral leadership is dependent on an expansion of democracy at home and on meeting the appeal of Communism abroad.

Born in Wellesley, Mass., Mr. Baldwin received both his Bachelor and Master degrees from Harvard. Since 1917, when he served a prison term as a pacifist conscientious objector, Mr. Baldwin has been the director of the American Civil Liberties Union.

Pantaleoni Distinguished Himself In Fields of Law and Human Rights

Guido Pantaleoni was born in St. Louis, Missouri, on the 22nd of March in 1900. His father, the senior Guido Pantaleoni, is a distinguished civil engineer who graduated from the University of Rome and migrated to the United States over half a century ago.

After preparatory schooling at the Milton Academy, Pantaleoni attended Harvard College, from which he was graduated in 1921 and entered the Harvard Law School, where he received his LL.B. in 1923. His college career was interrupted by the first world war, when in May of 1918 he enlisted as a private in the Air Service and was detailed to Balloon School at Camp John S. Wise, and later served in France.

Pantaleoni went direct from the Law School to New York, where he was engaged by the firm of Rounds, Dillingham, Mead & Neagle. From there he became the assistant of Emory R. Buckner, U. S. Attorney for the New York District. During this period he prepared the Government's cases against Harry N. Daugherty, Harding's Attorney General, and against Thomas W. Miller, formerly Alien Property Custodian. Later Pantaleoni became a senior associate with White and Case. In 1935 he and his friend, C. Frank Reavis, who had been in the U. S. District Attorney's office at the same time, organized their own firm under the name of Reavis &



JUSTICE FELIX FRANKFURTER

FRANKFURTER TO TALK HERE Will Dedicate Memorial To Pantaleoni Saturday

Justice Felix Frankfurter of the United States Supreme Court, a former professor at the Law School, will be in Cambridge next Saturday afternoon, November 29, to dedicate the Pantaleoni Corner in the Root Room. The Corner is a memorial to Guido Pantaleoni, Jr., LL.B. '23, a member of the New York bar and leading champion of civil rights, who was killed in Sicily during the war while on duty as Lieutenant Colonel in the U. S. Army.

The ceremonies will be at 2:30 p.m., and because of limited space in the Root Room, attendance will be limited to those persons taking part. Following the dedication, at 3:30 p.m., Justice Frankfurter will speak in the Langdell Courtroom and all students and guests are invited. To insure priority for students in the event that the Courtroom cannot seat all those who may wish to attend, Dean Griswold has announced that students only will be admitted until 3:20 p.m., at which time the doors will be open to both students and guests.

The Pantaleoni memorial, consisting of his portrait and a collection of books, which will be placed under it, together with a fund to provide scholarships to the Law School, has been established by contributions from Lt. Col. Pantaleoni's friends.

SCHOOL ANNOUNCES NEW TRAINING PLAN

The inauguration of a new program designed to train students in legal writing was announced today by Dean Erwin N. Griswold. This program will give to a group of fifty students of the fourth term and above an opportunity to do supervised work similar to that now done by those on the *Law Review*. The work will extend through the first nine weeks of the Spring term and consist of four short memoranda and one longer piece of finished writing.

KATZ, ELIOT ADDRESS AVC Criticize Methods Used By Un-American Committee

Former Representative Thomas H. Eliot, LL.B. '32, and Professor Milton Katz spoke at an American Veterans Committee open panel discussion last Wednesday evening at the Winthrop House Common Room. Their topic was "The Investigating Power of Congress—What Should Be Its Limits?" Both speakers offered criticism of the methods used by the Un-American Activities Committee.

According to A. V. C. sources, Mr. Eliot registered his approval of most of the House and Senate standing committees. However, he said that he had come to the conclusion that the Un-American Activities Committee should be abolished. Although he had thought that the procedure of this committee could be reformed, he stated that he was now of the opinion that Congress should not undertake the investigation of ideas.

Other investigations, however, such as the present probe of General Meyers' activities, represents the type of inquiry of which ex-Representative Eliot approves. If such investigatory power is abused, Mr. Eliot attributes it directly to

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The faculty has recognized the need for such training for some time, but the personnel to run it have not been available. The present plan is the result of discussions held by Dean Griswold and Professor Paul A. Freund with third year students F. Douglas Cochrane, Roger D. Fisher, and Joseph H. Flom. A memorandum outlining the plan was prepared, and the faculty, at a meeting on November 18, unanimously decided to go ahead with it. The personnel problem will be met by assigning three senior *Law Review* editors to work as advisers, and the strong possibility that the retiring editors will volunteer their services for this purpose during their seventh term.

Because of the large amount of personal attention which will be devoted to the work of each man, the size of the group must be limited. If more students desire to participate than can be conveniently supervised, a selection will be made by drawing lots, with two-thirds of the places going to sixth and seventh termers, rather than using grades as a basis.

Although the plan is a new experiment for Harvard, similar programs have operated at other schools. Duke and N. Y. U. have tried required courses connected with the publication of intramural law reviews, and an article in the October issue of the *Illinois Law Review* urges drastic changes in the law school curricula in order to make available this type of training.

If this plan proves successful it is con-

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Williston Settles the Law, Applying Dried Eggs on Liquidated Damages

Last week Professor Samuel Williston helped a bare majority of the United States Supreme Court clarify a little of that vague boundary between liquidated damages and penalties in *Priebe & Sons v. The United States*.

Under the Lend-Lease Act, the Federal Surplus Commodities Corporation contracted with plaintiff for a large quantity of dried eggs. There were two "liquidated damages" clauses—one covered delays in delivery and the other (with which the case is concerned) provided a penalty for ten cents per pound for "failure to have specified quantities of dried egg products inspected . . . by the date specified . . ." Plaintiff's deliveries were timely, but a government auditor deducted some \$14,000.00 from the government payments upon discovering that in several cases inspection was not completed on the specified dates. The government could not have been harmed by delayed inspection followed by prompt delivery, because the paper work was such that procurement officials never learned of the slowness in inspection until assembling various vouchers for payment of plaintiff's bills.

Plaintiff lost 2-1 in the Court of Claims. The majority relied strongly on the contract's description of the arrangement as "liquidated damages." Plaintiff now enlisted the aid of Professor Williston and successfully petitioned certiorari, commenting that the Government's brief "which almost entirely misconceives the issue presents one point which would be pertinent if sound. The Government states, or at least implies, that the rule to be applied in distinguishing between liquidated damages and a penalty in the case

of a Government contract for war supplies should be different from the rule applied in a contract between private persons."

Last week's Supreme Court decision upheld plaintiff's contentions that: unless Congress otherwise directs, government contracts follow the rules of general contract law; since the government used the notice of inspection only for payment purposes, it could not possibly be harmed by delayed inspection followed by prompt delivery; that the ten cent forfeiture could only have the purpose of an *in terrorem* effect of encouraging prompt preparation for shipment; and the clause therefore is unenforceable, having violated the principle that a true liquidated damage clause must be a reasonable forecast of probable damage.

Justice Black, with whom Justice Murphy agreed, dissented because he thought government contracts needn't harmonize with "elusive and uncertain principles of 'general contract law'." Justice Frankfurter, with whom the Chief Justice concurred, dissented in a brilliant double-implication play. First he implied power to use "appropriate terms and conditions" into the Lend-Lease Act. Then on the basis of the implied words he implied the power to use the controversial "tariff of deductions for non-performance of each step in the ultimate goal of the contract." A third implication was not made by Frankfurter that an astute procurement officer would use heavier "tariffs" for late delivery than for late inspection if he wished to sustain them as liquidated damages. Here a single schedule was used for both purposes.

E. G.

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Editorials

Work on the *Law Review* is valuable training for those students who achieve the requisite high scholastic standing. In writing up a Note or Comment the *Review* man must investigate to the very core an extremely narrow point of law, often in a field which he has not studied in his regular work. When faced with a problem about which he knows almost nothing, he becomes thoroughly familiar with the question after about a week of independent research and is able to discuss it with a professor who is expert in that particular field. This is the sort of thing that a practicing attorney must do when faced with a case involving a point of law which is new to him, and an opportunity to do such work in school where he receives worth-while criticism gives the student confidence in his ability.

This same training now will be available for a much larger group of students, and the faculty's decision to promote an experimental organization for this purpose merits the appreciation of everyone who is interested in Harvard's maintaining its position in the field of legal education. Those *Review* men who conceived the plan in its present form and offered to furnish the necessary manpower to get it started also deserve congratulations.

The actual value of this training will depend on how much effort is extended by those who participate. The difference between a really first-class piece of writing and a merely passable one represents a considerable amount of time and thought spent on seemingly picayune points of sentence structure and organization of material. If the student does not extend his efforts to the limit, the most valuable aspect of this work is not realized. It is also true that the best possible work will not be produced unless it is submitted for criticism to a person accustomed to the highest standards.

Although the assurance of immediate publication cannot be offered as inducement for the members of this new group of legal researchers the ultimate advantage of this type of training should be sufficient incentive for them to do their best work. An understanding of these advantages by those who join the organization will insure its success and this group, now experimental, will mark the beginning of what should certainly come to be an important phase of legal education at Harvard Law School.

J. P. L.

Letters to the Editor

To the Editor of the RECORD:

That future Thomas Committees will be able to recruit counsel from the present Harvard Law student body would seem indicated by the recent letter in the RECORD calling for men who would "welcome an opportunity to strike back at the Communists and Socialists who thus far so largely monopolized Harvard's political life" to "rally" against the "disloyalty" and "drivel" of these labelled organizations which oddly enough include the "Harvard Liberal Union" in the number one position. Such discriminating appeals are familiar from the lips of Mr. Thomas or the late Senator Bilbo, but this one surprisingly issues from a Harvard Law student, one who presumably has not taken Professor

Morgan's course on Evidence but who has sufficient intellectual stature to hold the position of President of the Harvard Young Republican Club.

Now the problem of stopping the worldwide spread of Communism is simple in principle but complex in operation. There is available on one hand the technique of Mr. Hitler for which there is much to be commended. Proceeding directly to the root of the matter he succeeded in killing or driving out all the German Communists and Socialists, slaughtering 15 million Russians, and laying waste the better part of that country. An alternative method however, would be to use our economic system to bring real prosperity to the people we are saving and to use our political system to help them attain the freedoms we hold dear. Well-off people with a vested interest in the status quo simply do not become communists. This method has the incidental merit of leading to the kind of world in which we would all like to live. It is however a direction that requires realistic planning and enlightened leadership.

The Republican Party is no longer a minority opposition party. It has a majority in Congress and, if their present leaders don't make too many speeches, it will probably capture the presidency in 1948. Such a position calls for responsible policy making.

None of us are so perfect that we have never made a mistake, so the Republican Club might begin by examining present problems and policies of their party. For example they might recall that their leadership solemnly assured the American people that if O. P. A. were removed production would rise and prices would fall. They poo-pooed administration warnings that the removal of O.P.A. would cause prices to increase, cause labor to demand increased wages, and seriously retrain our foreign relief program which seeks, for one thing, to stop the spread of European communism. In reading Senator Taft's recent speeches blaming the administration for high prices because they removed controls too quickly, allowed labor to demand wage increases and are giving unexpectedly large foreign relief, one can only feel that the Senator is no longer writing with the intellectual candor that must have marked his work as editor of the *Harvard Law Review*.

Or the Republican Club might re-examine their present policies as compared with their strikingly similar program of the twenties which began with the Palmer raids, continued with the "Open Shop" drive against labor unions and the reduction of income taxes, and wound up in 1929 with the highest tariff in history just in time to usher in world depression and despotism during which communism spread faster and wider than in any previously chaotic period. Quare, whether their present policies are made with a realistic view to avoiding the same sort of thing in the future?

Finally the Republican Club might consider the formulation and adoption of a positive program that could give hope to the world. They might re-examine the thinking of their great leaders like Mr. Lincoln, Mr. Roosevelt or Mr. Willkie and see whether therein there is no viewpoint to guide them. Quare whether this is not what one would expect from political leaders who have had the privilege of a Harvard Law School training?

GEORGE SPIEGEL, 2L

George Bernard Shaw said recently that lawyers are "pure practitioners, out of their depth in cases that they have not to deal with every day." He added that "they soon lose all sense of law."

He was asked in a letter by Comment Editor N. B. Taft for advice on how law students could better the profession. His reply:

MR. BERNARD SHAW REGRETS THAT HE IS UNABLE TO UNDERTAKE ANY EXTRA LITERARY WORK AT PRESENT. HIS TIME IS FILLED UP FOR MONTHS TO COME.

I have never been an examined law student, and therefore cannot throw any light on the subject of your letter dated 15/10/47.

In all the registered professions the supply of masters falls short of the demand, and has to be filled up by practitioners who can do only what was done last time. The legal profession is no exception.

G.B.S.

Ayot Saint Lawrence, Welwyn, Herts, England
19th October 1947

Off the Record

Drivers' Dilemma

To risk a two-buck parking fine,
Or miss that class at ten past nine.

A Faculty For Humor

Prof. Scott, in Trusts: "Take the broader, the more enlightened view—the view I take."

Coincidence?

Our own Dr. Gallup reports that more new, shiny, high-priced cars leave law school parking lots at 6 p.m. Monday and Wednesday than at any other time during the week.

Schedule note: Government Regulation of Business, Monday and Wednesday, 4 p.m. to 6 p.m.

Gallery

CALVERT MAGRUDER

Circuit Court Judge



The Judges took their seats, and a member of the Taney Club leaned over to whisper to his wife.

"That's Goodrich on the right, Douglas in the center, and Magruder is on the left."

"Magruder? I thought he taught Torts! Isn't this a labor case?"

The law student gave his wife a condescending look. "Look dear, he's up there because it is a labor case, and . . ." The explanation was cut short as counsel for the appellant began to speak . . .

Few men are better qualified to decide a labor relations case than Calvert Magruder. As a lawyer Magruder has watched labor come up from the ground floor. He went to Washington in 1934 as General Counsel for the earlier National Labor Relations Board set up under the N.R.A. In that capacity he participated in drafting the final version of the Wagner Act and the committee reports which recommended its passage. He remained for a while as General Counsel to the permanent N.L.R.B., and later served as General Counsel to the Wage and Hour Administration. Perhaps it was his excellent work in the labor field more than any other factor, that led to Judge Magruder's appointment to the First Circuit Court of Appeals.

When President Roosevelt announced this appointment in 1939, a fellow member of the Harvard Law School Faculty prophesied: "Magruder will make an excellent Judge, but it will ruin him as a Professor." Few New England lawyers would dispute that the first part of this prophecy has been fulfilled.

With the second part of the prophecy, however, most of Professor Magruder's students would take strong issue. He does not go all out for either the Socratic or the straight lecture method, but manages to combine the two in a proportion popular with his first year classes. His classroom comments, much like his opinions, are given in a simple and direct manner. There is no indulgence in rhetorical flourishes, and the student who gives a long-winded answer is usually brushed aside by an abrupt "Yup." A breezy sense of humor is responsible for some of the best quips to come out of the first year.

Magruder was born in 1893 in Maryland and attended St. John's College at Annapolis. Incidentally, years later, the Judge was offered the Presidency of his alma mater. From St. John's he went to Harvard Law School where he finished his first year with a 79 average. In the next two years his average dropped to 78 and 77, respectively, mainly because he stopped reading cases in order to work on the *Law Review*. Judge Magruder was still able to graduate among the first six in his class. He had accepted an offer from a Baltimore firm, but during final exams he was told the partnership was dissolving and would not need his services. Judge Magruder replied that he was reserving the right to sue them for damages, but Professor Frankfurter saved him from this early litigation by recommending him as clerk to Justice Brandeis. The great Justice's method had profound influence on Judge Magruder. Brandeis reached out in every direction for facts that would bear on the problem, and Magruder, like him, is insistent in getting factual background for his opinions. He likes to obtain from his clerks "the latest wrinkle of law school teaching."

Judge Magruder spent a year in the Army in 1917 and then took a position under the Admiralty Counsel of the U. S. Shipping Board

even though, as he says, "I didn't know port from starboard." In 1920, Professor Magruder began teaching at Harvard Law School, pinching in Insurance and Partnership, although he had never taken those courses himself. (He says he learned a good deal that first year.) Every time a Professor took a Sabbatical leave, Magruder was called upon to teach the professor's course. In 1925 he was appointed a full Professor, and five years later became Vice-Dean.

Professor Magruder's many contributions to legal literature include a standard casebook on Partnership, and "Emotional Disturbances in the Law of Torts" (49 Harv. L. Rev. 1033). It was in this article that Judge Magruder made his classic *bon mot* that law students prize. In commenting on the decisions denying women damages for mental distress and humiliation because of immoral proposals, the Judge summed up the cases by saying: ". . . The view being, apparently, that there is no harm in asking."

J. S.

Sub Judice

THE MEN IN HER LIFE * * * *

The Court of Errors and Appeals of New Jersey recently approved a decree setting aside, for want of testamentary capacity, the will of a militant feminist who left her entire estate to the New Jersey branch of the National Women's Party.

Miss Louisa F. Strittmater spent an apparently normal life with her parents until their death in 1928, when she was thirty-two years old. Her affection for them persisted until 1934 at least, yet four years later she wrote: "My father was a corrupt, vicious, and unintelligent savage, a typical specimen of the majority of his sex. Blast his wormstinking carcass and his whole damn breed." In 1943, she inscribed on a photograph of her mother, "That moronic she-devil that was my mother."

Louisa became interested in the National Women's Party in 1925, but her interest was not overwhelming. Between 1939 and 1941 she worked one day a week as a volunteer file clerk in the New York office. During this period she expressed her intention of leaving her entire estate to the Party. She executed her last will in October 1944 carrying out this intention, and died about a month later. The will was contested by the relatives.

In affirming the decree setting aside the will, Vice Ordinary Bigelow expressed regret that there was but one medical expert at the trial, Miss Strittmater's personal physician, who testified that in her opinion Louisa was suffering from paranoia of the Bleuler type of split personality. The Vice Ordinary felt that the characterization by the Master who heard the case was not strong enough since he merely observed that the proofs demonstrated "incontrovertably her morbid aversion to men" and "feminism to a neurotic extreme." The Vice Ordinary added, "She regarded men as a class with an insane hatred. She looked forward to the day when women would bear children without the aid of men, and all males would be put to death at birth." The Vice Ordinary and the Court *en banc* affirmed a decree setting aside the probate. *In re Strittmater's Estate* (May 15, 1947, 53 A. (2d) 205).

BOTTLE OF "BUD" PLEASE * * * *

A rather routine trade-mark infringement suit in the District Court for the Western District of Pennsylvania presents some interesting background material for lovers of good old Budweiser beer, and affords a rather startling example of how long your laches can be. In 1876 one Carl Conrad began putting out a beer in St. Louis which was an imitation of beer manufactured in Budweis, an old city in Bohemia. Conrad turned over his rights to Anheuser-Busch and after many years of intensive advertising, Budweiser became firmly established. In 1905 the DuBois Brewing Company of DuBois, Pennsylvania, began putting out DuBois Budweiser; and although the bottles and label used were different, Anheuser-Busch instituted a trade-mark infringement suit in 1908 against DuBois. The suit was discontinued with DuBois' consent in 1909 and was not started again until 1940. Anheuser-Busch asked to be excused for the delay because of the illness of its president until his death in 1913, then because of the approach of the 18th Amendment in 1919, then because of the "dry" period, and finally, after 1932, "the plaintiff moved slowly," although notice of intention to begin this action was given several years prior to 1940. The Court held that neither laches nor estoppel would bar the suit since Anheuser-Busch had never failed to make clear its disapproval of DuBois' activities. An injunction restraining DuBois from further use of the word "Budweiser" or "Bud" to describe its beer was granted. *Anheuser-Busch v. DuBois Brewing Co.* (September 9, 1947, 73 F. Supp. 338).

Alumni Notes

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

Francis B. Sayre, LL.B. '12, S.J.D. '18, United States Representative on the United Nations Trusteeship Council, and Norman Amour, LL.B. '13, Assistant Secretary of State for Political Affairs, were featured speakers on American foreign policy at the annual meeting of the Academy of Political Science in New York City.

For over a quarter of a century two of the three members of the State Board of Law Examiners of New York State were Harvard Law School graduates. John Kirkland Clark, LL.B. '02, president from 1921 to 1947, during which time 45,000 candidates were examined for admission to the New York State Bar, was succeeded in 1947 by Philip J. Wickser, LL.B. '11, an associate of Clark on the Board since 1921.

LL.B. '12—Daniel J. Lyne, a partner in the Boston law firm of Lyne, Woodworth & Evarts, has been elected a director of First National Stores, Inc.

LL.B. '27—Cyril Coleman, who was vice-chairman of the commission which drafted a new council-city manager form of charter for the city of Hartford, Conn., was on Nov. 4 elected Mayor of that city for a term of two years beginning January 6, 1948.

Ex. '35—Willard B. Cowles is now located at the Law School, University of Nebraska, Lincoln, Neb.

LL.B. '36—John Adams Bross was married to Mrs. Joanne Bass Field in Baltimore on October 26.

Eugene J. Beneduce, LL.B. '40; John R. Maguire, LL.B. '41 ('40), and Laurence S. Collins, LL.B. '40, have recently

formed the firm of Beneduce, Maguire & Collins, for the general practice of law. Offices are at 140 Cedar Street, New York City.

LL.B. '40—Donald R. Bryant, chairman of the New Hampshire Junior Bar conference for 1948, has recently become associated with the Dover, N. H., firm of Hughes and Burns. He was formerly associated with the Manchester, N. H., firm of Laflamme and Nourie.

After graduation from the Law School Bryant served as a law secretary to the Massachusetts Supreme Judicial Court until April, 1942, when he entered on active duty with the U. S. Navy.

LL.B. '41—Carter H. White was recently appointed corporation counsel for the City of Meriden, Conn., where he is now serving a two-year term in the Connecticut state senate, representing the City of Meriden. He has also been appointed by the Governor as a member of the State Highway Safety Commission.

LL.B. '42—The engagement of Miss Barbara Drew and Henry Phipps Hoffstot, Jr., both of Pittsburgh, has been announced.

LL.B. '43 (47)—Lawrence M. Levinson was married recently to Miss Zoe Webber at Chestnut Hill, Mass. Levinson served with the Army for four and a half years, and was released with the rank of major.

LL.B. '47—The engagement of Miss Harriet Farnsworth Gulick of Brookline, Mass., to Philip Hosmer Ball, Jr. of Deerfield, has been announced. Ball is practicing law in Greenfield, Mass.

A.V.C.—(Continued)

the men in charge of the committees. He suggested that Congress could do much more in the way of housecleaning and pointed out that the *New York Herald-Tribune* and *Washington Post* were to be commended for their exposures of legislative abuses.

In conclusion, Mr. Eliot stressed the government's power under the terms of the Loyalty Order to destroy whole organizations by publicity without giving them the opportunity to answer subversive charges. Under *McGrain v. Daugherty*, 273 U.S. 135 (1927), he said that there were virtually no limits to the scope of legislative inquiry.

Professor Katz commented that there is too great a tendency today to identify legislative abuse of power with inquiries against the Reds. He cited many examples where other persons in addition to alleged Reds have had their reputations ruined by irresponsible tactics of congressional committees. Pointing out the need for Congress to reform its investigating procedure, Mr. Katz expressed the view that although judicial remedies may be available in particular cases, they are not adequate for effective protection against abuse. He also stressed that the job was primarily the responsibility of Congress itself.

"There are statutes which provide for publicity as well as fine and imprisonment as a form of punishment," Mr. Katz said. He indicated that after a trial or hearing where the evidence supported the charge, publicity of the facts could be a form of sanction. However, he felt that the Thomas Committee was adopting this mode of punishment without giving the accused a fair hearing similar to those required by the statutes authorizing publicity sanction for other offenses. He suggested that if Congress wished to make membership in the Communist Party unlawful, and to use publicity as a form of sanction, it would be fairer and more honest to face up to the issue directly. To do this, it would have to meet the problem of drawing a statute making such membership unlawful, taking full account of the fundamental constitutional limitations and providing for the usual form of judicial procedure to determine violations.

NEWS BRIEFS—(Cont.)

remaining classes will be held on December 11, December 18, January 8, and January 15. There is a thirty-five-cent charge for each lesson. At the next meeting, Wagner's "Tristan and Isolde" will be played.

Touch Football

This week the Trover Boys and the Amblers, each with a record of six wins and one loss, will clash for the touch football championship of League No. 1. If the Benedicts defeat Chancery in League No. 2, there will be a playoff between the Benedicts and the Counselors; otherwise the Counselors will represent their circuit. The winning clubs of each league will meet later in the week to decide which one is entitled to the P.B.H. Law School Committee prize.

Before the season closes, Bill Bruckel, who is in charge of the two leagues, hopes to arrange a game for an all-star Law School aggregation with the top Business School performers.

Law School Association

In October, the Harvard Law School Association sent dues cards to all its members with the object of converting as many as possible of the graduates of the school to active status. The returns have been promising: 888 new active members have joined the ranks on an annual basis since October 31; also 31 new active life members have paid in full.

Law School Committee

The Law School Committee announces the appointment of Arthur K. Swanson, LL.M., to the Harvard University War Memorial Committee.

1947 Yearbooks

There are a very limited number of 1947 Harvard Law School Yearbooks still available. They may be purchased at the Yearbook office in Gannett House between 9 a.m. and 5 p.m.

GRISWOLD OUTLINES NEW PLAN

By vote of the Faculty the Law School has decided to inaugurate an experimental program in legal writing during the Spring Term 1948 for interested students in the fourth term and above.

For some time it has been felt that more students should be given the sort of experience acquired by those who work on the *Law Review*, but it has been difficult to find personnel to undertake such a plan. It has now been arranged that three third-year editors from the *Law Review* will administer an experimental program under Faculty guidance. Among the benefits which it is hoped the plan will provide are greater precision in thought and expression, an opportunity for constructive study of many-sided legal problems, and an ability to handle problems in unfamiliar fields with greater facility and confidence. As it is contemplated that a good deal of individual attention will be given to each man's work by the supervising editors, not over fifty men can be accommodated in the coming term.

It is planned that during the first eight or nine weeks of the Spring Term (ending at least a month before examinations) each man will devote about 15 hours a week to the program. As presently contemplated, the principal work will consist of several memoranda on assigned topics and one finished piece of writing of roughly 800 words on which about one month will be spent. The form of the written work will be flexible. Although topics will be suggested, free selection of subject matter will be encouraged and two or more students may collaborate on one topic if desired.

If the group wishes, it is possible that an Intramural Law Review containing the best work will be published for local distribution. It is also possible that good written work may be accepted by state bar journals or law reviews.

A meeting of those interested in learning more about the program will be held in the Courtroom at 5 p.m. on Tuesday, December 2, at which time Professor Freund and a student who has participated in the planning will discuss the program and answer questions about it.

If the number of those interested makes necessary a selection of students, the choice will not be made on the basis of grades, but rather by lot, with some preference given to men in the 6th and 7th terms.

DEAN ERWIN N. GRISWOLD

PLAN—(Continued)

templated that a regular intramural law review will be published here. Students will be encouraged to write on topics of their own choosing. These may include problems of local law from their own jurisdiction, discussion of which may be submitted by them to their state bar journals.

The plan may be extended to include more than the fifty men by having students who have worked on it one term help administer it or perhaps by the hiring of teaching fellows.

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Calendar

THE LEGAL WORLD
Formal Dance

On Friday, December 12, the Law School Committee of Phillips Brooks House is presenting the Law School's Winter Formal. This dance will be held at the Boston City Club, 9 p.m.-1 a.m. Burt Edwards' orchestra will furnish the music.

Law and Medicine

The second lecture on the *Medico-Legal Aspects of Lunacy* will be given by Dr. Gaylord Coon of the Harvard Medical School today at 4 p.m. in Langdell South Middle. This is part of the series on *The Relationships Between Law and Medicine*.

Sales Classes

There will be a Sales class for Section I on Wednesday, November 26, at 3 p.m. in Austin North, replacing the class cancelled for December 20.

On Saturday, November 29, at noon, a Section II class in Sales will be held in Austin North. This replaces the class previously scheduled for Wednesday, December 3.

Law Wives

Henceforth all Law Wives meetings will be held on Wednesday at 8 p.m., in Kendall House.

There will be a duplicate bridge party Wednesday, November 26, at 8 p.m., for husbands and wives.

Griswold Club

A pre-holiday banquet (informal) will be held at the Hotel Continental, Cambridge, on Wednesday, December 3, at 6:30 p.m.

Lawyers Guild

The Harvard Chapter of the Lawyers Guild will present Elwood S. McKenny, of the Massachusetts Fair Employment Practice Commission, at an open meeting this afternoon at 2:30, in Langdell North Middle. The subject of Mr. McKenny's talk will be, "Practice Before a Fair Employment Commission."

THE UNIVERSITY WORLD
Psychology Lectures

Prof. B. F. Skinner, of Indiana University, will give a lecture on *Understanding: Real and Spurious* on Friday, November 28, at 4:15 p.m. in Room D, Emerson Hall. This is part of the William James Lectures on Psychology.

Fogg Art Museum

New exhibits are: prints of German contemporaries of Durer, Indian Sculpture, Chinese Bronzes and Jades from the Winthrop collection, and French paintings.

Sunday Services

Dean Harold Bosley, of Duke University, will deliver the sermon at The Memorial Church on Sunday, November 30, at 11 a.m.

Christian Science Organization

The Christian Science Organization at Harvard University will hold meetings during the fall term every Monday evening at 7:30 in Phillips Brooks House parlor. Students, faculty, alumni and their guests are cordially invited.

THE OUTSIDE WORLD
Ford Hall Forum

Dr. George Lawton, psychologist and author, who believes older people can retain mental and emotional flexibility, will tell *How to Keep Mentally Young* at Jordan Hall on Sunday, November 30, at 8 p.m. Take Huntington Avenue car to Opera House.

Dance

Every Saturday evening at 8:30 the Carlton Club invites all students to dance to the music of Harold Donehey's Orchestra at the Commander Hotel. Admission is free.

Senator Taylor

Senator Glenn Taylor (D., Idaho), the "Singing Cowboy Senator," will make two talks in Boston next Sunday, Nov. 29. He will speak in the morning at 10:30, at Community Church at Jordan Hall, and in the evening at 8:00 at the Hotel Bradford.

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Eli Professor Reveals Truth About
That "Situation Down At Yale"

I've been recently subjected to a flood of propaganda and had almost come to the conclusion that I'd made one of those fatal mistakes that determine the whole course of my life by coming to Harvard. It was, therefore, with considerable relief that I read a little article in the September-October, 1947 "Case and Comment" by Fred Rodeli, identified as Professor of Law, Yale University. I presume that Fred Rodeli is merely a gay pseudonym for the famous master, Fred Rodell, whose sharp witticisms and caustic comments are known throughout the limited circle in which such work is known. Anyway, this Rodeli, or Rodell, has dashed off a little number entitled "A Prof Takes a Gander at the Students," in which he displays some of the erudition that has made Yale Law School the *sine qua non* in legal education. A casual reading of this effort (and indeed, a close reading makes it clear that it was an effort) indicates that all is not well at Yale. I have been misled by the hosannahs of our investigating committee, who returned to us bearing tidings of great joy among the Yales. This committee convinced me that everybody loved everybody else at Yale and that the pursuit of legal knowledge was a long, happy communion between a small group of flawless students and a large group of miraculous professors. Not so, alleges this Rodeli, or Rodell. Students are merely necessary evils, and may be classified into the categories (improbable as it seems, these are his categories) of Eager Beavers, Sleepers, Free Riders, and Eager Riders.

Nor can this Rodeli, or Rodell, be dismissed as a mere johnny-come-lately, for he makes it clear that his tenure has been long at Yale by the device of quoting a comment by Thurman Arnold whilst said gentleman was a professor there—it was, to use the polished wit of Rodeli, "during the reign of King Charles the Clark." (Boy, that one rolled them in the aisles when the brother faculty members had an opportunity to rush through the latest off-the-cuff article by the brilliant Rodeli, or Rodell!) So I know, at any rate, that Rodell has had an opportunity to observe for a considerable period of time the antics of the student body, hence is well qualified to represent the viewpoint of the Yale professorship—or at the least, the viewpoint of one of that august body.

Rodeli's second category—the Sleepers—reveals horrible conditions that exist at Yale and presents a striking contrast to the picture brought back by our own investigating committee. The Sleepers do not participate in class discussion (apparently a grouping similar to our category, Law Reviewmen) but write good exam papers. The fact that Rodeli, or Rodell, knows of the existence of this group would give the lie to the impression made on our committee that all members of the Yale student body are active participants in all class discussions—yea, that there is a knock-down, drag-out fight in each class with each student trying to outdo his fellows with brilliant oratory.

Rodeli's, or Rodell's, first category—the Eager Beavers—needs little comment, but I repeat his priceless com-

parison, to wit: "They are so prepared they would make a Boy Scout tear off his merit badges in shame." What wit! What a keen-edged sense of humor! Such hyperbole! Ah, when I think I've missed sitting at the feet of this man and have had to put up with the sly humor of Freund and the boisterous antics of Scott, it cuts my heart out. Really it does.

The third category—Free Riders—describes a species of student not found, to my knowledge, at Harvard. This group of Yales is ably hopped up on "coffee and benzedrine" to pass courses on the strength of a couple of days' preparation with "a canned set of last

year's notes." I was relieved to learn that some fail out, although here again, our committee report has led me astray; I had the impression that no one flunked at Yale, the big trick being to get in.

Rodeli's fourth category—the Eager Riders—is a cross between Eager Beavers and Free Riders. This category seems tacked to the article to make it a four-square set-up, a neat quartet of categories. Members of this group though never prepared, never miss class. On the basis of Rodeli's, or Rodell's figures, it would seem that half the Yales are never prepared. I think this proves that our committee, in its recent investigation at Yale, was misled. The trouble undoubtedly was that, just like the Army inspections run by the Inspector-General's office, the Yales, forewarned of the arrival of the Harvard committee, were forearmed. They took us for a ride.

R. W. C.

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