

The Harvard Law School Record

VOL. 7 NO. 5

CAMBRIDGE, MASS., WEDNESDAY, NOVEMBER 3, 1948

PRICE TEN CENTS

NEWS IN BRIEF

MASSACHUSETTS BAR EXAMINATION

Notice has been received of the following results in the Massachusetts Bar Examination held on July 2, 1948. There were 97 graduates of the Harvard Law School who took the examination for the first time. Of these 73 were successful, or 75.2 per cent. In addition, the two men who took the examination for the second time and the one man who took the examination for the third time were all successful. A total of 596 persons took the examination. Of these, 199, or 33.4 per cent were successful.

HOUSING DIFFICULTIES

University Vice President Reynolds has announced that the married students living at Jarvis Field to be displaced by the construction of the Graduate Center will get top priority in obtaining other University housing units.

It is estimated that 40 families now living at Jarvis expect to be attending the University after next June. These include the families of 8 present first and second year law students. Most of the families will find lodging in the 138 temporary apartments operated by the University in the Cambridge area.

The difficulties encountered by the students at Jarvis Field are small compared to those of students with families presently living at Harvardens. Drafts will be trained at Fort Devens beginning next June, and all students now making their homes there will be required to evacuate by June.

Housing for students with families looks even more grim for those entering in October. Formerly Harvardens served as a reception center for families while they looked for other facilities. But, in October neither Harvardens nor the apartments vacated by graduates (Continued on page three)

RED FEATHER DRIVE BEGINS

Students To Solicit For Community Chest

Within a week, the students at the Harvard Law School will be asked to contribute to the Greater Boston Community Fund, sponsors of the 1949 Red Feather Campaign. Chairman Albert J. Millus, 2L, who will conduct the drive here, has enrolled a staff of student volunteers to help him in classroom solicitation of pledges.

Traditionally, Harvard has been known as a co-operative institution, and this year alert campaigning is expected to net more for the Drive than ever before. The Fund is seeking a total of \$6,950,000, some \$350,000 more than last year.

"The services provided by the Fund are almost literally innumerable, since over 300 organizations are its beneficiaries," said Millus. "Students living away from home might especially note that the 'Y's, with their myriad of free and necessary services, the Traveler's Aid Association, and several recreation groups, including the Community Sailing Association, have shared in the proceeds. The hospitals of Greater Boston, which absorb surplus patients when Stillman Infirmary is overcrowded, are its principal concern. The Fund enables them to continue their visting nurse services for out-of-town students, in spite of the very high cost."

This single campaign, meeting the needs of the 48 different communities of Greater Boston, is aimed at vitiating the necessity for sponsoring scores of drives in each individual city for each organization represented.

(Continued on page four)

BOCK VETOES DECISION OF COMMITTEE

Hygiene Department Continues Charging Students Extra Fees

Dr. Arlie V. Bock, chairman of the Hygiene Department, released a three-page reply Monday to the Student Hygiene Committee's report of October 7, in which he disapproved of most of the committee's recommendations.

Dr. Bock began by pointing out that the Committee in basing its report on the year 1946-1947 had chosen a time when the Hygiene Department's income was exceptionally high due to the increased number of students attending the University in the immediate post-war rush, and to the fact that most of the University at that time was on a three-term basis. "These unusual conditions no longer exist, and are not likely to again," he added.

In answer to the committee's major suggestion that all extra fees, except night calls and charges for lengthy stays at Stillman Infirmary, should be abolished, Dr. Bock stated that such fees had to be maintained to protect the department from visits at odd hours.

The report recommended that the amount of outside medical service borne at the expense of the individual student should be reduced by a tie-in with Harvard Medical School. Dr. Bock pointed out, however, that since the specialists work only part-time for the University and have practices of their own, they would have to be paid an additional fee. In conjunction with this, he pointed out that an attempt had been made to establish specialist services free of charge; abuse of this privilege by too frequent visits led to the imposition of a very nominal charge per visit, and the number was almost immediately reduced to 15% of former visits.

The Department vetoed the suggestion that students who regularly visit private doctors be excused from all medical charges, stating: "The successful operation of the whole system of (Continued on page four)

Faculty Picture



Above is the latest available group picture of the Harvard Law School Faculty, which we print for the benefit of students who may not yet have had an opportunity to become acquainted with the entire staff, and for the benefit of alumni who may want to see whether their former instructors have changed.

Front row, left to right: Seavey, Scott, Morgan, Dean Griswold, Vice-dean Hall, Chafee, Hudson, Magruder; second row: Putnam, Howe, Casner, Davis, Powell, Glueck, Dodd, MacLachlan; third row: Kaplan, Cavers, Sohn, Mentchikoff, Minkin, Llewellyn, Pulling, Treadwell; fourth row: Braucher, Freund, Brown, Baker, Fuller, Gardner, Berman, Maguire, Field; fifth row: Hart, Dimmitt, Cox, Amory.

Seminar In Comparative Law Covers Development Of Soviet Legal System

All U.S.S.R. law students take a course entitled "The Law of Bourgeois States," in which Socialist Law is compared and contrasted with Capitalist Law. Harvard has now met the Soviet challenge with the introduction of a brand new course in Comparative Law called "A Comparison of Soviet and American Law."

Professor Harold J. Berman, the originator and instructor of this course, proceeds on the theory that if we are going to live with the Russians it is important to understand their legal system. He also believes that by studying Soviet law we will gain valuable insights into our own law, "since here is a country which faces similar problems to those which confront us, yet whose legal system meets those problems in a much different way."

Professor Berman disagrees, however, with the Soviet approach to the comparison on the ground that the terms "socialist" and "capitalist" are inadequate descriptions of either system.

The course begins with an examination of Marxist theories of law as they have been developed in the Soviet Union. The validity of the Marxist analysis of law as an instrument of class domination is tested both by American and Soviet examples. Professor Berman believes that "dogmatic" Marxism is a poor basis for a legal system, since it is exclusively a critique of Bourgeois Law and does not offer any criterion for choosing between alternative legal solutions. Marx said that Bourgeois Law must be overthrown, and that in the future classless socialist society, law as such would "wither away." Since 1936 Soviet jurists have discarded the "withering away" idea, and are now building a legal system based less on Marxist theory, and more on traditional law and the need for stability and authority.

After a short perusal of Marxist, Leninist and Stalinist conceptions of law, several lectures are spent in comparing the historical development of Russian law with that of Western (including Anglo-American) law. Russian law developed directly out of the law of the Eastern Roman Empire, whereas in the West there was a transformation of Eastern Roman law in the 11th and 12th centuries. Nevertheless, because of the common ancestry of Russian and American law, and because of the influence of German, French and English law on (Continued on page four)

FORUM LISTS SEMINARS IN LAW FIELDS

Session Will Begin With Morgan Talk On "Legal Ethics"

The two-day "School for Young Lawyers" to be presented by the Harvard Law School Forum will open next Wednesday, November 10, and will continue through Armistice Day, November 11. Thirty practicing lawyers will discuss the scope of various fields of law, as well as the characteristics peculiar to different size law firms.

Professor Edmund Morgan will address the opening plenary session at 4:10 p. m. Wednesday on "Legal Ethics."

Students attending the School will be allowed to choose five seminars from a list of 20 to be offered during five periods, each lasting one hour and 15 minutes, Wednesday evening and all day Thursday. Representatives of large, medium and small firms, as well as men engaged in individual practice, will lead discussions on such subjects as Trusts and Estate Planning, Insurance, Labor Law, Corporation Law, Administrative Tribunal, Opportunities in a Business Firm, Lawyers in Government and Politics. The problems involved in the lawyer's work such as Interviewing Technique, Trial Work and Law Office Management will also be covered.

Among the many prominent attorneys who will speak on the various fields of law will be Mayo A. Shattuck on Trusts and Estate Planning, Vance Kirby on the Lawyer in Government and in Tax Counselling, and Thomas H. Eliot on Politics. At the final plenary session on Thursday at 8 p. m. Judge Samuel Leibowitz will speak on Trial Techniques.

Registration tickets for non-Forum members will go on sale at \$1.00 each tomorrow though next Wednesday in Langdell and Austin Halls, as well as in (Continued on page three)

N.Y.C. ALUMNI OUTLINE PLANS Canvas Opportunities For Recent Graduates

Elected last spring as President of the Harvard Law School Association of New York, Mr. Bethuel M. Webster, in a letter to the editors of the RECORD, stated that the placement office of that organization is now engaged in an intensive campaign of interviewing graduates and canvassing law firms, lawyers, and business organizations for openings in the New York locality. The Placement Office, now under the direction of Mr. John F. Reddy, Jr., is situated at 56 Beaver Street in the downtown area of New York. Here, graduates and upperclassmen may obtain listings of firms with employment openings, and gain an idea of placement prospects in the city.

Mr. Webster made a point of requesting financial support from the Harvard Law School alumni, since there is a staggering problem now facing the Association in the placement of recent graduates from the accelerated classes. The specific problem now is to place 30 members of the June 1948 class, 86 members of the September 1948 class and to prepare to place the members of the January 1949 class.

In addition to its placement program, the Association is backing plans to provide better living quarters and more scholarship assistance for law students. It will also aid the Harvard Law School Fund, chairman of which is John B. Marsh, '10, former president of the New York Association.

Drs. Mead, Zilboorg, Fletcher To Talk On "American Sex Standards" Friday



Dr. Margaret Mead

"American Sex Standards" will come under the critical examination of a panel of experts at 8 p. m. this Friday, November 5, when the Law School Forum will present its fourth meeting of the current season at Rindge Tech Auditorium. Dr. Margaret Mead, Dr. Gregory Zilboorg, and Dr. Joseph Fletcher will discuss the topic from the viewpoints of the cultural anthropologist, the psychiatrist, and the theologian, respectively. The moderator will be Kirtley Mather, Professor of Geology at Harvard.

Dr. Mead is well-known for her two best-sellers, *Coming of Age in Samoa* and *Keep Your Powder Dry*. Since graduating from Barnard College in 1923 and receiving her doctorate from Columbia in 1929, she has spent about half of her time on expeditions, living among various South Sea peoples, in the course of which she has had to learn the use of seven primitive tongues. Miss Mead is a specialist in education and culture, mental hygiene, family life, and cross-national relations, and is at present with the American Museum of Natural History in New York. It is expected that she will examine and compare our present American sex standards and mores with those of other present and past societies. It is of added interest that Dr. Mead will be the first woman to participate in a Forum meeting.

Professor Joseph Fletcher brings to the Forum an extremely varied clerical career. Since his graduation from West Virginia University, he has done graduate work at Yale, London University, and the Berkeley Divinity School, and has served as research director for the Episcopal church, acting as dean of the Cathedral of St. Paul in Cincinnati, and dean of the Graduate School of Applied Religion (Continued on page three)

The Harvard Law School Record

Published weekly on Wednesdays for twelve weeks of each term by *The Harvard Law School Record Corporation*, Austin Hall, Cambridge 38, Massachusetts. Subscription price: \$2.00 per term mailed, \$4.00 per year (24 issues); student subscription \$1.50 per term mailed. \$1.00 per term distributed at the Law School. Individual copies \$.10 each at the Law School; \$.15 each mailed. Business and Editorial Offices, Austin Hall, Cambridge 38, Massachusetts. Telephone Klrkland 7-7600, extension 447.

MILES G. WEDEMAN President
JEROME SHESTACK Editorial Manager
LESTER J. TANNER Business Manager

EDITORIAL BOARD

HOWARD MONDERER News
ALVIN SILVERMAN Features
JOSEPH SCHURMAN Current Case
RICHARD A. HOLMAN Articles
ARTHUR S. FRIEDMAN Alumni-Gallery
SYDNEY ROTHSTEIN Comment
PAUL J. KIRBY Secretary

BUSINESS BOARD

RICHARD M. CHAPMAN Advertising Manager
ISADORE M. MACKLER Treasurer

STAFF

David Alter, William H. Berman, Arthur Brody, Arthur S. W. Chantry, Wallace E. Cowan, Samuel Dash, Kenneth R. Frankl, Bernard A. Friedman, Benjamin Geshin, Maurice H. Goetz, Harvey Greenfield, Jerry Hamovitz, Homer H. Hewitt, III, Irving D. Isko, Perry B. Leff, Julius Levinson, Richard Marshall, Raphael Mur, Paul A. Nurick, William K. Poindexter, Frank R. Rinaldi, David Sheddoff, Jerry Wagner, Harold Weinstock.

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

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.

Editor for this issue . . . Arthur S. Friedman

Editorials

After over a year of discussion and investigation by students and the Hygiene Department, the solution to the problem of student dissatisfaction with the cost and character of medical care is unsolved. In the summer of 1947 the Record investigated the situation, which resulted in the creation of a student committee, drawn from various parts of the university to study the question. Following many months of work, the committee published its findings a few weeks ago, outlining its criticisms, plans at other universities, and suggestions. Now the Hygiene Department has rejected in the main the recommendations of the committee.

A reading of the committee's report did not give the impression that drastic measures were being urged. If anything, the report seemed somewhat cursory, not very thorough, and too concerned with a few limited objectives which the committee hoped would prove acceptable to the Department. The reply of the Department seems to indicate that nothing short of an entirely new approach will produce much change.

Although the committee at this moment may be discouraged at its failure to achieve even a narrow program, it should take heart from the indication that the only effective reform may be an overall one. Such a renewal of effort will probably not only entail a large job of research and analysis, but also the equally important one of putting ideas across.

It is to be hoped that the reply of the Hygiene Department does not close out the matter, and that some group, if not the present committee, will devote its energies to bringing about a more inclusive solution to the problem of medical care in the University.

M. W.

Letters to the Editor

To the Editor of the RECORD:

Harvard University's memorial to its war dead has now been under consideration for over two years. The recommendation which has emerged from the University War Memorial Committee is a plaque listing the names of the dead, to be placed in the Memorial Church—at a cost of \$60,000 to \$75,000. This recommendation has been approved by the directors of the Harvard Alumni Association, one of the parent bodies of the University Committee. The directors of the Associated Harvard Clubs, who must also approve, will meet on November 19.

We feel that a plaque is a hopelessly inadequate memorial—that the decision of the Committee is in effect a decision that Harvard shall have no memorial at all to those who died in World War II. We are convinced that only a living memorial can adequately symbolize the ideals of the war dead. A University Student Activities Center is preeminently such a memorial. Giving impetus to extracurricular activities, one of the most valuable and neglected aspects of Harvard education, the center would provide the milieu in which students would lend their efforts freely to their own interests and in so doing would develop their personalities along the lines in which they can contribute the most. All the schools of the University would have the Center for their use; its offices, meeting rooms,

and auditorium would serve the extracurricular interests of the College, the Law School, and the other graduate schools. To the extent that any memorial can adequately commemorate the dead, this would do so. A gesture is no substitute.

In the report of the University Committee, we are told that Harvard cannot afford a significant war memorial drive—an activities center on the Memorial Hall plan would cost about \$1,500,000, including endowment. But Yale has announced its \$10,000,000 memorial drive, and Dartmouth has already realized \$1,500,000 in its \$4,000,000 memorial campaign for the Hopkins Center. Why should the generosity of Harvard's 100,000 alumni be estimated at 75 cents apiece?

We are renewing our request that the Associated Harvard Clubs authorize a poll of all Harvard alumni in order that the measure of the gift may be decided by the giver. The support our committee has received from alumni throughout the country and the almost unanimous preference for a living memorial by veterans polled at Harvard encourage us to believe that an unsatisfactory result can be avoided if only the alumni are permitted to express their choice.

We cannot urge too strongly that alumni and students of the Law School, who feel that a democratic choice by alumni is the best guarantee of a lasting tribute, write immediately to the Secretary of the Associated Harvard Clubs and urge a poll of alumni on the leading proposals. The Secretary of the Associated Harvard Clubs is: Mr. Archer O'Reilly, Jr., 724 Pierce Building, St. Louis 2, Missouri.

Only an impressive showing of alumni feeling can alter the present recommendation and give Harvard a fitting war memorial.

HUGH CALKINS, 3L (Harvard '45)

For the Alumni Committee for a University Memorial Activities Center.

To the Editor of the RECORD:

Having taken some five sets of examinations under the hawk-like eyes of Harvard's proctors, I should like to suggest that the Honor System be instituted at the Law School. My reasons are as follows:

(1) We are being trained for the practice of a profession in which character and integrity are a *sine qua non*. It is incongruous with that requirement to have examinations given under rules that doubt the trustworthiness of each individual to do his own work honestly.

(2) When a man enters a graduate school, he is seriously enough interested in the subject and his own development to desire to display his own talent.

(3) The Honor System can work most effectively. I have seen it in excellent operation at my own undergraduate school, Williams, where it serves as a commendable asset to students, faculty, and college. It would be interesting to know how many admissions to the proctored Law School are largely determined by marks given at other institutions where honor is at a premium.

(4) An incidental point—with possibly one or two exceptions (objective-type or true-false tests), I have seen no examination in the Law School where my neighbor's opinion (or mine to him) would have done either of us any good.

Perhaps the proposed Harvard Law School Student Association could undertake as one of its major functions the installation and administration of the Honor System. In any event, the opprobrious method of giving examinations now in force should receive the "due repose" which is its due.

EDWIN L. GASPERINI, 3L.

Off the Record

See the eager Law Scholars crowding the bulletin board! They are A and B students. They are so very worried. They are waiting for their grades. They show signs of strain and fatigue. They mumble and fret, they grumble and sweat; alas, no grades yet!

But who is the smiling scholar in the corner? Why does he whistle happily as he strides across the hall, with nary a glance at the board at all? Is he a sadist? He seems to enjoy hearing the other scholars moan. No, dear children, he is no sadist, he is a D student with two down and one to go. He is accustomed to this now. He has not even bothered to have a special interview with the professor to see why the delay. Two years now, he has lived from day to day. When last seen, he was dancing gaily down the hall, singing: "The worm has turned; let them sweat."

PUBLIUS.

TAXATION BLUES

I hope that I shall never see
Another change in I. R. C.
A change, though Greek to lads like me,
Is clear to some, e.g. E. G.

Gallery

O. JOHN ROGGE



When O. John Rogge is on a speakers' platform the audience views a tall (over six feet), well-built, handsome gentleman; when Mr. Rogge begins his address, the audience is impressed with his spirited, energetic delivery; and when Mr. Rogge participates in off-hand debate with his fellow-speakers, the audience, as those at the recent forum can well testify, is in for some exciting and impassioned repartee. And if one is willing to accept as a definition of "great," a man who causes a large splash in the pond, agreement or disagreement with the man's views aside, it may not be untrue to say that his mother's early hope that John Rogge would some day be a "great" man is not far from realization.

O. John Rogge was born in Cass County, Illinois, on October 12, 1903, the son of a German immigrant farmer. As early as his second year of high school the plan had become fixed for John Rogge to be a Harvard lawyer; he was graduated from the University of Illinois in 1922, Phi Beta Kappa, and finished his LL.B. at Harvard in 1925, a member of Law Review. From Cambridge he went to Chicago where he landed his first job with the firm of Hopkins, Starr & Hopkins, and in the course of the next five years Mr. Rogge did general practice, acquiring at the same time, a good bit of trial experience.

During those five years Mr. Rogge also did considerable reading on subjects which were not peculiarly legal in nature, and it was the influence of this reading which brought him back to Cambridge, as a Research Fellow, for an S.J.D. in 1930-31. Books like Chaffee's "Freedom of Speech," which he characterizes as "an exciting thing that stays with you," Walter Lippmann's "Preface to Morals," and other books in the broad field of the social sciences left their imprimatur, and served to kindle what Mr. Rogge describes as "my crusader spirit."

The fruit of his fellowship work was a thesis on "Law as a Social Science," a paper which treated the law in its context and relations to the other social sciences. That completed, Mr. Rogge was then anxious to teach a course in a law school which broadly would have covered his thesis topic; the absence of any law school interested in such a course for its schedule (the University of Chicago offered to give the course as part of its liberal arts program), led Mr. Rogge back to Chicago where he rejoined one side of his old firm, which had split in 1930. In 1933, in partnership with a classmate, Clarence Hopkins Ross, the firm of Rogge & Ross was started, but within a year Mr. Rogge had returned again to his old firm, where he remained until 1937.

However, in 1934, the tempo of events began to accelerate. In that year he was appointed counsel to the Reconstruction Finance Corporation in Chicago, and took part in the prolonged suit by the R. F. C. against the Central Republic Trust Company and six thousand of its shareholders for the repayment of a large R. F. C. loan. The suit finally ended in 1939.

Then too, as early as 1934, Tom Corcoran, another classmate and one of the original Roosevelt "Brain Trusters," had tried to get Mr. Rogge down to Washington. In 1937 he succeeded and Mr. Rogge went as Special Counsel to the Securities and Exchange Commission; in 1938 he became Assistant General Counsel in charge of litigation.

1939-40 found Mr. Rogge as Assistant Attorney General of the United States in charge of the Criminal Division of the Department of Justice. His determination that the Department could be an instrumentality for bringing honest government into the state and municipal level led to a series of sensational cases against the remnants of the Long machine in Louisiana. Using the novel technique of mail fraud indictments Mr. Rogge successfully prosecuted the leading Long lieutenants, and it may safely be said that the mere prosecution of these suits had an incalculable effect on the elections in that state in 1940,

Sub Judice

OH BRING BACK MY BODY TO ME

Cornelius Broere took his fishing boat out into Great South Bay, Long Island, where he came across the floating body of Charles Amott who had been drowned three months earlier. After some effort, Cornelius succeeded in working a rope under the arms of the corpse, so that he could tow it to shore. There he turned it over to the police, who found \$2,133 in a wallet in one of the pockets. Hoping for a reward, he libelled the money in a claim for salvage of the corpse. Held: Cornelius is entitled to \$400. There were no exact precedents, which is not surprising, but the court applied the rules of Admiralty Law worked out in the salvage of ships. Salvage compensation is not viewed merely as pay but as a reward given for perilous services, voluntarily rendered, and to induce seamen to embark upon such undertakings to save life and property. Public policy encourages liberal rewards to withdraw the temptation of dishonesty. The main point of contention was as to the amount of peril to which Cornelius had subjected his equipment. He testified that there had been a "terrific gale," but the Coast Guard Weather Station reported a maximum wind of 15 miles an hour. In determining the award, the Coast Guard's report apparently was accepted, and the main reason for liberality was Mr. Broere's successful stand against temptation. There was no mention of the fact that the temptation to search a three-months-old corpse would not be great. *Broere v. Two Thousand One Hundred Thirty-Three Dollars*; 78 F. Supp. 685 (E.D.N.Y. 1948).

PIGEONS ON THE GRASS—ALAS

Nine of Hamps' homing pigeons, while on a daily exercise jaunt, alighted on Darby's land and started to eat his growing peas. Discovering the pigeons, Darby shouted at them, but was completely ignored. Darby then got his double-barrelled shot gun and fired five shots at the birds, killing four and wounding a fifth, which managed to get home. Hamps sued Darby for \$200 damages. Held: for Hamps. The Court of Appeal decided that the birds, retaining an *animus revertendi*, were still the property of Hamps, giving him a right of action. The court also held that unless Darby could have found no other reasonable way to chase the birds, he was not privileged to kill them. A finding of fact had been made by the lower court that Darby had not tried a reasonable alternative method and that he should have attempted an everyday common sense thing like firing a scaring shot before shooting to kill. The Court of Appeal held that on the evidence the court below was justified in finding as it did; but Wrotterly, L. J., although not willing to say that no reasonable man could have come to the same conclusion that the lower court reached, commented: "... after four shots from a double-barrelled, 12-bore gun, including two periods of reloading, which apparently killed or wounded some birds, there were still some of the plaintiff's pigeons for the defendant to shoot. . . . Moreover, we know that from one of the plaintiff's own witnesses that after the first four shots, there was such a pause as to be noticed by the witness—and still the pigeons appeared to have lingered within shot of the defendant. This rather remarkable phenomenon may be regarded as throwing, at any rate, some doubt on the suggestion that after one scaring shot, the birds would have flown away and left the defendant's peas alone." *Hamps v. Darby* (1948) All ER 474.

the year in which the good government forces took over the reins of state office.

Soon Mr. Rogge's investigators were beginning to turn up information in connection with other well-known political machines, among them the Kelly-Nash outfit in Chicago and Frank Hague's in Hudson County, New Jersey. About the same time, Frank Murphy, then Attorney General, was replaced by Robert Jackson. And then, 1940 was an election year. The concurrences of these circumstances, and the feeling that he was not being given full support in his investigations, led to Mr. Rogge's resignation in December of 1940.

He turned this time to New York where, beginning in 1941, he acted as Special Council to the Trustees of the Associated Gas and Electric Corporation in a bondholders' fight under a Chapter X bankruptcy proceeding.

However, in 1943, Washington called again—this time in the person of Attorney General Francis Biddle, who asked Mr. Rogge to take over the prosecution of the peace-time sedition trial. From the outset, the case was charged with difficulties, not the least among which was a mistrial because of the death of the trial judge, and increasingly doubtful constitutional grounds as the Supreme Court ruled on similar points

(Continued on page three)

Alumni Notes

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

LL.B. '91—Milton B. Warner, of Pittsfield, Mass., marked his 87th birthday on August 26. A practicing attorney in Pittsfield ever since 1896, Warner has served on the City Council and as City Solicitor and United States Commissioner.

LL.B. '03—Thomas W. Swann, Judge of the U. S. Court of Appeals and a former Dean of the Yale Law School, received an honorary degree as part of the fiftieth anniversary convocation, held on October 2, at Northeastern University, Boston. Clarence B. Randall, LL.B. '15, was another recipient of an honorary degree. Mr. Randall is vice-president of the Inland Steel Co.

LL.B. '05—Edmund M. Morgan, Royall Professor of Law in the Harvard Law School, was appointed in July by James Forrestal, Secretary of Defense, as chairman of a committee to prepare a modern and uniform code of military justice for the armed forces. The code is to be prepared in time for submission to the 81st Congress, and will be designed to supersede the Army's Articles of War and the Articles for the Government of the Navy.

LL.B. '21—William I. Aitkin was recently elected Mayor of Lincoln, Neb.

LL.B. '25—Sydney Fairbanks joined the Faculty of St. John's College, Annapolis, Md., this fall.

LL.B. '26—H. Vincent Smart and Carl F. Farbach, Law School classmates, have formed a partnership for the practice of law in New York. Farbach holds still another degree—the S.J.D.—which he earned at the Law School in 1930. He practiced for several years with the

firm of Cravath, Swaine & Moore, and since last April has been with the Hoover Commission for the reorganization of the executive branch of the Government. Smart has been in general practice at 44 Wall St., New York, where the offices of the new firm are now located. He was released from active Army duty on January 1, 1946.

LL.B. '36—Max H. Weinberg is continuing the practice of law as a partner of the firm of Fischel, Kahn, Heart & Weinberg with offices at Suite 1804, 111 West Monroe Street, Chicago.

LL.B. '38—Max Isenbergh is counsel for European operations of the American Jewish Committee, with headquarters in Paris. He was formerly assistant to the U. S. Attorney General.

LL.B. '39—Clyde A. Lewis has been appointed senior vice-commander-in-chief of the Veterans of Foreign Wars. During World War II, he was a B-17 pilot in the Eighth Air Force, and became a squadron commander when the group returned to the United States after V-E Day. He was promoted to major in 1945.

LL.B. '44—Philip B. Kurland, formerly President of the Harvard Law Review, Law Secretary to Judge Jerome N. Frank and to Mr. Justice Felix Frankfurter, and now a partner in the law firm of Kurland and Wolfson, was appointed a Lecturer at the New York University School of Law.

LL.B. '48—Thomas J. Carens is engaged in the practice of law with Francis T. Leahy at 31 Milk St., Boston.

LL.B. '42—David Flower, Jr., an attorney for the Raytheon Manufacturing Co., Waltham, is now teaching a course in federal taxation at the Northeastern University School of Law, Boston.

Student At Business School Demands Fred Allen Award For Quiz Show Miss

Law School men living at the Business School are appraising the possibilities of business student James B. Russell's collecting the Ford car which he alleges radio comedian Fred Allen owes him. Russell bases his claim on a statement made at the opening of each Fred Allen broadcast that Allen will give a prize up to \$5,000 to any of his listeners who loses a quiz show award because he is listening to Allen instead of a "give-away show." Those handling the case are not quite sure how to proceed since Allen has assigned the investigation of this particular claim to the William Morris Agency, a theatrical agency, which smacks more of theatrics than jurisprudence.

When the "B" School's own radio station, WHBS, called Russell on the evening of October 17th offering a 1949 Ford if he could name the song being played, he could not do so for he was listening to Allen. Since the mystery tune, "The Beeches and the Bassets," is an old favorite of his and these words were sung several times during the recorded vocal, Russell would have answered correctly had he been listening, he says.

What hurts Jim most is that he invariably listens to WHBS when it is on, since turning it off usually leads to studying. Only his deeper loyalty to Allen's Alley and Titus Moody's running battles with city slickers made him consider switching his dial for just a half hour that fateful night. A roommate (who would rather be given something than entertained) suggested tuning back to the "B" School station, but Russell, lulled into security by Allen's offer of indemnification, merely sneered, "Stop the noise!"

The program missed by Russell in relying on the Allen offer was "Spot the Tune's" well advertised, initial broadcast. Listener interest in the "B" School wireless station has not been high enough recently to satisfy its staff. As good business men they decided that they could no longer ignore Hooper statistics showing the great clamor for quiz shows. As super-salesmen they believed that one would "sell" their station. Caught up in the exuberance of the staff was future mogul Bob Hanley, who heedlessly threw his new Ford sedan on the block as the grand prize, all in the name of sweet advertising. Thus on the evening of October 17 at 8:30 P. M. did WHBS go on the air with a bona fide quiz show.

When asked why "Spot the Tune" has had just one airing, John R. Rowe, WHBS Publicity Manager, lamented

that it is difficult to run a give away program when you have nothing to give away. It will be on the air again just as regularly as anyone provides a worthwhile prize. Just why Hanley snatched back his car could not be ascertained officially. However uninformed circles have it that a law school friend taking Property advised him that it was immoral to give anything away unless the tax benefits were clear.

Russell reports that several of the law students, who live at the Business School in order to build up a practice before getting their LL.B.'s, have offered to represent him. Some promise that Russell v. Allen will be as great a precedent in the Commonwealth of Baker as *Poindexter v. Prosser* is in Ames.

B. F.

FORUM SCHOOL—(Con't)

Gannett House. Those holding season tickets for the Forum will be given tickets free of charge at the same times and places. Everyone planning to attend the School is required to register in Gannett House Monday or Tuesday from 10 a. m. to 5 p. m., or Wednesday, 10 a. m. to 12 noon. The program of classes will be available at registration and will also be printed in next week's edition of the RECORD.

LAW OUTLINES

HARVARD BOOK STORE

19 Boylston Street Harvard Square
opposite Western Union

THE BEST BUY

\$61 THE SUIT

\$38 THE COAT

Hunter Haig

OPPOSITE THE LAMPOON

DAUMIER DRAWINGS

FOLIO OF TWENTY-FOUR DRAWINGS
ON "LAW AND JUSTICE"

Each 9 3/4 in. by 14 in., Suitable for Framing

\$5.50

These drawings are parts of the series recently published in the Record. The folio includes captions in French and English.

Orders, accompanied by checks, should be sent to New Press, Harvard Law School Record, Austin Hall, Cambridge 38, Mass. Allow approximately three weeks for delivery.

Subscribe Now

1949 HARVARD LAW SCHOOL YEARBOOK

Bigger, Better and at the SAME PRICE — only \$6.00
\$1.00 down and the rest later

YOU CAN'T AFFORD TO BE WITHOUT

1. The only complete pictorial guide of the law school students and faculty.
2. Thumbnail sketches of your professors.
3. A complete index of colleges, addresses, and phone numbers of every student.

YEARBOOK OFFICE — GANNETT HOUSE

Subscribe from 9-5 Monday through Friday

NEWS BRIEFS—(Continued)

ing students at the end of semesters will be available.

Bar Examinations

Candidates for degrees in February who expect to take their bar exams in February or March should write immediately to their State Board of Examiners requesting necessary application blanks. Many states require submission of forms filled in by the law school; upon receipt of such forms they should be left with the Receptionist in Langdell Lobby.

SEX STANDARDS—(Con't)

in Cincinnati. At Cincinnati Professor Fletcher is lecturer in both trade union history and Biblical literature. He is at present professor of social ethics and theology at the Episcopal Theological School in Cambridge.

Dr. Gregory Zilboorg, author of *Mind, Medicine, and Man*, is presently consultant in Psychotherapy and Research in Butler Hospital, Providence, Rhode Island, and Associate Professor of Clinical Psychiatry at New York Medical College. Born in Kiev, Russia, Dr. Zilboorg was a successful journalist in that country before taking up the practice of psychiatry in this country in 1919.

SQUASH RACKETS

Largest Variety in New England

TENNIS & SQUASH SHOP

67A MT. AUBURN ST. CAMBRIDGE
Opp. Lowell House — Tr. 5417

HOTEL COMMANDER

ACROSS THE COMMON FROM HARVARD

COLONIAL DINING ROOM

★ ★ ★

THE NEW DRUM GRILLE

Ideal for cocktails & late evening snacks

★ ★ ★

PRIVATE DINING ROOMS FOR:

Luncheons Parties
Club Reunions Meetings16 GARDEN STREET
CAMBRIDGE, MASS. TEL. KI 7-4800

ROGGE—(Continued)

arising in other cases. Meanwhile, stimulated by the trial, Mr. Rogge began to feel the need for an investigation and report on the extent of Nazi penetration in America during the pre-war and war years. Initially rebuffed by Attorney General Tom Clark in this proposal, Mr. Clark later acquiesced, and in April or June of 1946, Mr. Rogge went to Germany to study captured documents and interrogate captured Nazi officials.

The result of this trip was an 80,000 word report which involved twenty-four members of Congress by name, and which showed the extent to which this

penetration had been underestimated. The report was ordered kept confidential, but Mr. Rogge's determination that "the public was entitled to know the facts" led him to embark on a nationwide speaking tour. Enroute to one such speech in Seattle, Mr. Rogge received notice of his immediate dismissal from the department . . . the assigned reason, divulging confidential information.

Since that time, Mr. Rogge has gone into the firm of Rogge, Fabricant, Gordon & Goldman in New York; he has also entered the arena of politics with the Progressive Party, of which he is New York State Chairman.

When his time is not entirely consumed by his political and legal activities (a large part of the latter consisting of Loyalty Review Board cases), Mr. Rogge enjoys swimming, golf, skiing, and especially gardening. A. S. F.

Coach Grille

HARVARD SQUARE
NEXT TO WESTERN UNION

"Where the Law School
Meets to Eat"

FOUR DINING ROOMS

BANQUET ROOM FOR ALL OCCASIONS

RESERVATIONS CALL TR 6-0613

BRING US YOUR CLOTH

SPORTCOAT \$33

SUIT \$51

Hunter Haig

OPPOSITE THE LAMPOON

PATRONIZE RECORD ADVERTISERS

LEARN YOUR
P(RICE)S - Q(UALITY)S
OF BUYING

at

Stonestreets

Mass. Ave. across from Widener

LECTURE No. 1

ALL WOOL

WORSTED FLANNES 11.95

Oxford Grille

"Known from coast to coast as the O. G."

FEATURING DELICIOUS
FOOD, RARE LIQUORS,
AND NOW:

THE CASE OF
MICHELOB AND THE PEOPLE
wherein

Sought: Declaratory judgment
Charge: 10c
Held: Unanimous verdict for Michelob
Opinion: finest, costliest draught beer
made

* SITED AT 36 CHURCH STREET 36

SPEAKING OF WARDROBES

Whether your wardrobe demands are for casual campus wear or the more formal business suit, Duncan Macandrew is ready to fill your needs.

We have recently received a large assortment of worsteds, coverts and flannels to be tailored into business suits and a fine collection of tweeds and shetlands for the more casual occasions.

Custom Suits from \$60.00
Custom Jackets from \$42.00

Duncan Macandrew

CLOTHIERS for MEN

11 Dunster Street, Cambridge

Calendar

THE LEGAL WORLD

Ames Competition

The following is the schedule for the Ames competition:

First Year:
 Round I-A Argument, Round
 III-B Brief Exchange.....November 3
 Round I-B Argument, Round
 IV-A Brief Exchange.....November 4
 Round II-A Argument, Round
 IV-B Brief Exchange.....November 5
 Round II-B Argument.....November 8
 Round III-A Argument.....November 9
 Second Year:
 Round IX and X Facts Is-
 sued.....November 5
 Round III Brief Exchange.....November 8
 Round IV Brief Exchange.....November 9

Special Lectures

Charles P. Curtis, Jr., Esq., of Choate, Hall, and Stewart, Boston, will give two more lectures on "The Responsibilities and Opportunities of the Practising Lawyer," at 5 p. m. in Langdell Courtroom on Tuesdays, November 9 and 16.

King's Bench

King's Bench will hold a meeting and smoker on Tuesday, November 9, at 4 p. m., in Kendall House.

Law Wives

The Harvard Law Wives are sponsoring bridge meetings on alternate Wednesdays, beginning tonight. Regular meetings will be held on alternate Wednesdays, starting next Wednesday, November 10.

Veterans' Purchases

All veterans are required to purchase their authorized books before Saturday, November 6. No authorizations for books will be issued thereafter.

National Lawyers Guild

The Harvard Chapter of the National

Lawyers Guild will hold its first luncheon meeting of the fall term on Thursday, November 4, at 1 p. m. at the Coach Grille in Harvard Square. Mr. Saul Wallen, former director of the War Labor Board and nationally known labor arbitrator, will be the speaker.

Chancery Club

The Chancery Club is holding a record dance on Saturday, November 6, in its Clubhouse from 9 p. m. to midnight.

UNIVERSITY WORLD

Fashion Show

Radcliffe's Signature Magazine offers a fashion show on Friday, November 12, at 4 and 8:30 p. m. in the Rindge Tech Auditorium. Women from ten local colleges will participate in this affair, which is staged by Mademoiselle Magazine and clothed by Bonwit Teller. Tickets sell for 60c, \$1.20 and \$1.80 at the Harvard Coop.

Child Care

Dr. Arnold Gesell of Yale University will give a free, illustrated public lecture on "A Philosophy of Child Care," at Sanders Theater on Monday, November 8 at 8:30 p. m. under the auspices of the Parents Organization of the Harvard Pediatric Study.

Graduate Forum

The Graduate Forum will present to the public on Thursday, November 4, at 327 Emerson Hall, Peter Joralemon, Nathaniel Kidder and Clyde Mitchell speaking on "Malthus 1948: World Resources and Human Survival."

Budapest String Quartet

On Sunday, November 14, at 3:30 p. m. the Budapest String Quartet will present a concert in Sanders Theater. Tickets, priced from \$1.20 to \$2.40 each, are on sale at the Music Building, the Coop, and Phillips Brooks House.

Fogg Museum of Art

A collection of paintings and etchings by Rembrandt will be on exhibit at the Fogg Museum until November 27.

OUTSIDE WORLD

Form Hall Forum

Kurt Singer will speak on "Gravediggers of Democracy" at Jordan Hall, 30 Gainsboro St., Boston, on Sunday evening, November 7, at 8 p. m. Audience participation is encouraged, and admission is free.

Gardner Museum

The Hungarian String Quartet will present a concert on Sunday, November 7, at 2 p. m. Admission is free. The Gardner Museum is located on the Fenway in Boston.

Hunter Haig

CHESTERFIELD
OVERCOAT
\$65

OPPOSITE THE LAMPOON

REVIEW PLANS
NEW REPRINTS

Collected Essays on first year subjects, in addition to the established volumes for second and third year courses, will be reprinted and made available to the student body before Spring examinations, if printing schedules permit the carrying out of present plans. Hugh Calkins, President of the Law Review, announced yesterday. Important articles on Torts and Contracts are currently being collected, and similar efforts are contemplated for the other first year subjects.

Also to become available when a reprinting program undertaken last year is completed in January are bound sets of Volumes 1-60 of the Review, with cumulative indexes. The new cumulative index for Volumes 56-60 which is now ready for delivery, sells for \$3.50. Orders should be sent to the Harvard Law Review, Gannett House, Cambridge, Mass.

SOVIET LAW —(Continued)

Russian law since the 18th century, an American lawyer who found himself in a Soviet court would, if he understood Russian, feel that the was in familiar territory. In vocabulary and in certain basic legal concepts the two systems have a great deal in common.

The main body of the course is handled in a very interesting manner. Professor Berman concentrates on five fields of law, comparing the two systems in respect to each. He traces American legal institutions (e. g., divorce, property rights) backward historically, placing the changes they are now undergoing in the perspective of their development over the centuries, and then gives the same analysis to the Russian law on the subject, showing the type of problem the legal institution is designed to meet and evaluating the success with which each system meets it.

In the field of procedure, the emphasis is on the contrast between the Russian conception of the court as a teacher seeking to awaken the litigants' sense of responsibility and to maintain social and economic discipline, on the one hand, and the American stress on adversary proceedings, in which the parties are assumed to be "reasonably prudent men," on the other. In criminal law, Professor Berman stresses the way political crimes are treated in each system, as well as the problem of rehabilitation of criminals. In family law the discussion will focus particularly on the problem of reconciliation, to which the Soviets now devote a whole stage of the divorce proceedings. Special attention is given in the field of contracts to the techniques employed in credit transactions—a problem as pressing in a planned economy as in our own. In examining property law, comparison is made of the legal problems involved in the organization of a river valley in Soviet Russia and in the United States.

Professor Berman, a graduate of Yale Law School, is a visitor from Stanford University, where he is Associate Professor of Law, and where he taught a similar course on the comparison of Soviet and American Law. Next term Professor Berman will teach a course in the Law School entitled "Comparative Law: Comparative-Historical Method," in which critical issues now before American courts and legislatures will be viewed in historical and comparative perspective, with comparisons of other legal systems besides the Soviet. This will be a seminar course, with emphasis on individual-directed research.

M. H. G.

RACKETS RESTRUNG

ONE DAY SERVICE

Air Pressure Machine

TENNIS & SQUASH SHOP
67A MT. AUBURN ST., CAMBRIDGETOURS
CRUISES
AIRLINE-TRAIN
RESERVATIONS
UNIVERSITY TRAVEL CO.
Harvard Square • Kirkland 1650

HYGIENE —(Continued)

medical care . . . is dependent on the size of the participating clientele."

The committee found that medical services cost the Harvard student substantially more than students at other Universities pay. Dr. Bock contended that this comparison "is not reasonable, because Harvard does not possess a University hospital."

Dr. Bock agreed with the committee's suggestion that students should, as much as possible, see the same doctor each time, and thus build up a more personal relationship.

However, he stressed the difficulty of making such arrangements due to the fact that the doctors, having private practices, have a rotating system of duty at the University, and therefore cannot be expected to be present at the same time each day.

Dr. Bock concluded by emphasizing the fact that the staff of the Hygiene Department is ready and willing to serve the students well, but stressed the necessity for intelligent cooperation on the part of the student body.

CORPUS JURIS
FORCED SALE

1st 75 volumes with indices.
Excellent condition.
Never used

B. E. GELERMAN

212 Allston Street AS 7-3709 Brookline 46, Mass.

DALTON-ELCOCK BAR REVIEW

The Fall Review, preparing candidates for the Massachusetts Bar Examination to be held late in December, began Tuesday, October 12, 1948 and will end late in December.

For information write:

Dalton-Elcock Bar Review
Ten Post Office Square, Room 715
Boston, Massachusetts
Telephone HA 6-2850

HOTEL CONTINENTAL

"One of New England's Best Hotels"

Cambridge, Mass.

VISIT PICCADILLY INN FOR RELAXATION,
REFRESHMENT AND REPEAT

Full Course LUNCHEONS—95c and up

Full Course DINNERS—\$1.40 and up

All Beverages moderately priced

Delightfully cool in Summer—Comfortably warm in Winter
Chauncey Depew Steele, Jr., General Manager CALL: KIRKLAND 6100

Catering to the car needs of Harvard men for 20 years

FRANK ELBERY

THE ELBERY MOTOR CO., INC.

(authorized dealer)

sales

FORD

service

offers complete service facilities including a modern body, fender and paint shop to put your Ford, Lincoln or Mercury in first class condition.

360 RIVER ST. (near corner of MEMORIAL DRIVE, Cambridge)
TEL. KIRKLAND 3820-21-22

Imported and Domestic Wines, Liquors, Cordials

HARVARD PROVISION COMPANY, Inc.

92-94 Mt. Auburn St., Cambridge — KI 7-6684

HOURS: 9 A.M.—9 P.M.—MONDAYS THRU SATURDAYS

ALL POPULAR BRAND SCOTCHES \$5.85 A BOTTLE

RED FEATHER —(Continued)

Further, participating organizations are requested to submit their budgets, which are painstakingly studied by a group of leading citizens. This means that the funds are distributed solely on the basis of need and value of services rendered. Such a yearly survey has been found to be most helpful in eliminating duplication of services.

For further information on Community Chest activities call HU 2-8600.

FULL FORMAL ATTIRE
AND ACCESSORIES

Hand Tailored in Our Shops



Ready-Made

Custom

FOR EXCEPTIONAL VALUE,
STYLE, QUALITY & FITTING
— LANGROCKHand made, imported
sleeveless sweaters 1175British imported fine
rib-hose. 3 prs. 575

LANGROCK

20 HOLYOKE STREET

TR 6-9118

New Haven
PrincetonNew York
Providence
Washington

JIM'S PLACE

30 DUNSTER STREET

FAMOUS FOR CHOPS
STEAKS, SEA FOOD

Complete Dinners .50 - 2.00

Visit our new Cocktail Lounge

Complete Air Conditioning

Bella Vista
RESTAURANTLUNCHEON
11:30 — 3:00DINNER
6:00 — 9:00A LA CARTE
9:00 until closing

Visit our COCKTAIL LOUNGE

KIRKland 4311

44 Church St. Harvard Square

FALL AND
WINTER COATS

Burberrys, London, and other English and Scottish made Topcoats, Overcoats, Reversibles and Weatherproof Coats, imported to J. PRESS specifications together with J. PRESS own-make models, assure selection of a coat of real character and worth—sizes now complete for all types.

THREE CATEGORIES OF CLOTHES — TAILORED BY J. PRESS

Ready To Wear
Special Cutting
To Individual Order

based from \$ 75
based from \$100
based from \$140



Gentlemen's Tailors and Furnishers

82 MT. AUBURN ST. COR DUNSTER

CAMBRIDGE