

The Harvard Law School Record

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NEWS IN BRIEF

LEGAL AID ELECTIONS

The Legal Aid Bureau has elected nine second-year men to its membership. They are: David Alter (C.C.N.Y. '47), William H. Berman (Harvard '46), Wallace E. Cowan (N.Y.U. '47), Marvin Finkelstein (Harvard '47), William K. Glikbarg (Stanford '47), Jerry Hamovit (Rice '47), John S. Holten (Minnesota '47), Frank Rinaldi (Harvard '47), and Donald Zimmerman (C.C.N.Y. '47).

David Alter is alumni-gallery editor of the RECORD, and Cowan, Hamovit and Rinaldi are members of the RECORD staff.

POUND GIVES SEMINARS

Roscoe Pound, university professor emeritus, has consented to conduct weekly seminars on the topic of *Selected Problems of the Legal Order*. These seminars, the first one of which will be held at 2 o'clock this afternoon in Langdell Hall, will last through March and April. Thus far, 65 students have signed up.

LAW WIVES

Tonight at 8 o'clock in Kendall House, the Law Wives will show color movies of the scaling of Mount McKinley, Alaska, by a group including members of the Boston Museum of Natural History, various scientific groups and a Hollywood camera team. One of the climbers, Mrs. Bradford Washburn, will speak. Husbands of Law Wives and their guests are cordially invited to attend this meeting at 8 p.m. sharp.

RECORD

William K. Poindexter (Missouri '46) of Kansas City, Mo., this week was elected associate editor of the Harvard Law School RECORD. He has been serving as copy editor. Bernard A. Friedman (Illinois '47) of Jackson Heights, N. Y., was named copy editor; David Alter (C.C.N.Y. '47) of New York, N. Y., was recently elected alumni-gallery editor, replacing Frank Rinaldi (Harvard '47) of Mt. Vernon, N. Y.

REGIONAL CONFERENCE ON LEGAL EDUCATION

The National Student Conference on Legal Education plans a series of regional meetings to exchange student views on legal education, and to create closer contacts between students of the

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Give February Class 5 LL. M's And 226 LL.B's

Ten Magna Cum Laude As Last Mid-Year Class Is Graduated From HLS

Bachelor of Law degrees have been awarded to 226 February graduates, and at the same time five men received their LL. M's. Ten men graduated with A averages and 47 with B averages, making a total of one quarter of the class having an average of B or better. The ten A men received their degrees *magna cum laude*, and the 25 B men with averages of 72 to 75 received their degrees *cum laude*. One hundred and fifty-four students, or 67.5% of the class, graduated with "C" averages and 15 men received "D" averages. Two men failed to graduate.

Those who received their degrees *magna cum laude* were: John F. Arning (Harvard), Leon C. Baker (Brooklyn College '46), Eastman Birkett (Dartmouth '42), Hugh Calkins (Harvard), William C. Garrett (Stanford '43), Eli Goldston (Harvard, A.B. '42, I.A. '43, M.B.A. '46), Cecil B. Highland, Jr. (West Virginia '39), Cyrus A. Neuman (Michigan '43), Jerome G. Shapiro (New York University '46), and Harry F. Weyher, Jr. (North Carolina '46).

Recipients of degrees *cum laude* were: George H. Allen (Yale '42), Sumner T. Bernstein (Harvard '44), Richard A. Carr (Swarthmore '42), Carmie R. Daffoe, Jr. (Reed '46), David A. DeWahl (Minnesota '46), Stanley A. Freedman (Harvard '43), Joseph J. Geehern (Harvard '40), Wade Hampton (Harvard), Roger C. Henselman (Harvard '42), James J. Higginson (Harvard '44), Robert B. Hodes (Dartmouth '46), Cloyd Laporte, Jr. (Harvard '46), Leland J. Markley (Colgate '44), William S. Moorhead, Jr. (Yale '44), George B. Munroe (Dartmouth '43).

Mahlon F. Perkins, Jr. (Harvard '40), Roswell B. Perkins (Harvard '47), Jerome L. Rappaport (Harvard), Harry H. Riddick (Alabama '43), Charles G. Rodman (Pennsylvania '43), Charles C. Smith (Harvard '41), Felix T. Smith, Jr. (Williams '42), Ashby M. Sutherland (University of the South, A.B. '42; Harvard, I.A. '43), Nelson F. Taylor (North Carolina '42), and William Ziegler, Jr. (Harvard '46).

Harvard Grad Performs Varied Tasks As General Counsel of United Nations

The following report was written by Abraham H. Feller, LL.B. '28, general counsel and director of the Legal Department of the United Nations.

THE LEGAL BUSINESS OF THE UNITED NATIONS

By ABRAHAM H. FELLER

"Just what does a lawyer for the United Nations do?" asked the editors of the HARVARD LAW SCHOOL RECORD.

For a ready answer, I reached into the "IN" tray on my desk, and began a



ABRAHAM H. FELLER

catalogue of the papers in it. Here they are:

An outline of a statement to be filed in the International Court of Justice on the question whether a State can be liable to the United Nations for the death of a United Nations official.

Several letters from governments commenting on a Draft Convention on Proof of Death of Missing Persons previously prepared by the Legal Department of the United Nations.

A memorandum on whether the Secretary-General may waive the immunity of the United Nations by a contractual provision.

The appeal papers for the New York Appellate Division in *Curran v. City of New York*, a suit in which the Secretary-General is a defendant.

A lengthy memorandum on sources of customary international law and another on the principles of law applied in the Nuremberg trials, both prepared for the forthcoming session of the International Law Commission.

The draft contract for the construction of the United Nations headquarters. (This one doesn't fit into the "IN" tray since it is just about the same thickness as the Manhattan telephone directory).

A draft opinion as to whether the United Nations would infringe various patents if it made improvements in some of its purchased or leased equipment.

Ditto as to whether under our Staff Regulations a member of the Secre-

Van Waters Appeal Heard In Langdell

The Court Room of Langdell Hall has become the scene of the much-publicized appeal of Dr. Miriam Van Waters who is seeking reinstatement as superintendent of the Women's Reformatory at Framingham. Dean Erwin N. Griswold, chairman of the special commission appointed by Governor Dever to hear the Van Waters appeal, ordered the move to Langdell Hall because of a shortage of space at the State House in Boston. Through most of the morning and afternoon sessions of the hearing the Court Room is generally filled to capacity with an audience comprised of members of the public and students of the Law School.

The current hearing is the second official examination requested by Dr. Van Waters after being fired by Commissioner of Correction McDowell on the basis of 27 charges alleging violations of state penal laws, and lax administration.

Modern Values Subject Of New Lecture Series

Forum Program Friday Features Philosopher, Physicist, Theologian

The Law School Forum will present William Ernest Hocking, Alford professor emeritus of philosophy at Harvard, Percy W. Bridgman, Harvard physicist, and Walter G. Muelder, dean of the Boston University School of Theology, in a final program this Friday evening rounding out a week-long symposium on *Values for Modern Man*. Lon L. Fuller, Carter professor of jurisprudence at the Law School, will moderate the meeting, which will take place at 8 p.m. in the auditorium of Cambridge High and Latin School. This program is the fifth and final meeting in the current Forum symposium on this topic, running throughout this week. Monday through Thursday evenings, the four preliminary panels of the series are presenting speakers from different fields of learning, who will discuss the same broad problem of values, but through the medium of selected questions appropriate to their special fields.

The Friday meeting will combine the views of the philosopher, scientist, and theologian in a culminating discussion. As is being done at the preliminary panels, the group will approach the topic through questions prepared in advance. The speakers will first debate the necessity for religion as a basis for values in society, and then turn to an examination of scientific technique and rationalism as methods for reaching value-judgments.

Dr. Hocking, author of many works on philosophy and for many years professor of philosophy, will present the philosopher's approach. Dr. Bridgman, who won a Nobel Prize in 1948, has concentrated in research on the field of high-pressure physics, and has written *The*

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Professor Seavey Recollects His Relief From Rigors of Rote In Student Days

This article, by Professor Seavey, is the third in a series describing the law school in earlier days.

Unlike my young friend Austin Scott, I have available no contemporary evidence of my impressions of the Law School of 1901-1904. But they are still vivid. The inscrutable "abiding in law" and all the subsequent mysteries of Pleading; the troubles of Mrs. John of Stiles who with her husband was allowed to recover for harm which the inquest said did not exist; the offer to pay if a flagpole was climbed, revoked just before the climber reached the top; the "consent" given to catch a solid ball but the non-consent to catch the foreign substance artfully buried in the ball; the waifs, strays and deadends, with the whale which escaped, to be again harpooned.

Exciting days, following an inglorious succession of drab years devoted to languages, memorizing dates, listening to discourses, portions of which I was expected to remember long enough to regurgitate at the examination period. In the Law School I found a series of short dramas, with heroes, villains and innocent victims of circumstances, with the hope of a judgment to reward the righteous and deter the contract-breaker or the creator of risk. We were invited, not to memorize, but to reach our own conclusions as to what logical inference should be drawn and as to what would be just.

Judges, fellow students—yes, for the first time, the instructors, could be the focus of our criticism. We were no longer treated as sponges, but as people, with brains to be exercised and initiative to be stimulated. Here at last was a proving ground where we could joust in

the hopeless combat with our instructors, and with greater success, against our peers in the bull sessions. The irrefutable logic of the gracious Williston; the nimble side-stepping of Beale with his inimitable and embarrassing dialectic; the genius of the gentle Ames in developing the basic patterns and assumptions of the law; the vigorous analysis of Smith, who predicted in 1902 much that was not discovered by the courts until a generation later. These furnished the catalectic for a mental metamorphosis.

But much as these men did for me, my equally stimulated fellows gave me even more. The murky vault of anachronistic Memorial Hall was my eating place and there our table with its score of law students (including one T. R. Powell), was noted for its noisy after-class discussion from which both heat and light resulted. Almost from the beginning I met regularly with others for review sessions in which fortunately one always differed from the others. We spent long evenings in which work became a pleasure, although having a profit motive.

Worries, yes (I was sure I would flunk in Pleading); dull moments, yes (contingent remainders and negotiable instruments were not my meat). But the dry dust of college history and economics stirred into life. We were participating in solving problems with profound repercussions on human life. We were learning to correct errors, right wrongs, protect the weak and give every man his due. We acquired confidence that as new problems arose we could find solutions. Illusions, it is true; we have found few of the answers. But as I humbly try to pass on the traditions of teaching in the grand manner, I have an

(Continued on page four)

Morgan's Military Code Makes Major Reforms In Armed Forces Procedure

While many may wishfully regard the proposed Uniform Code of Military Justice as of purely academic interest, it promises to become a major center of attention during the current session of Congress.

The American Bar Association sparked by its New York affiliate and armed with the Vanderbilt, Ballantine, and Keefe Reports has been particularly active in attempting to inspire reform in the field of military discipline. Far from satisfied with the Elston Bill which was sponsored by Senator Kern and passed in the Senate as a rider to last year's Selective Service Act, various veteran and bar groups are this time apparently determined to have full public hearings on the measure and the Congressional committees are expected to schedule them in the immediate future.

They believe that many who served in World War II and who had first hand experience with the machinery of military justice were troubled by it. "It was disturbing," states a release from the New York County Lawyers' Association, "to find that the same official was empowered to accuse, to draft and direct the charges, to select the prosecutor and defense counsel from the officers under his command, to choose the members of the court, to review and alter their de-

cision, and to change any sentence imposed. They were shocked to learn that an offense committed by an officer was subject to different treatment and punishment than the identical offense committed by an enlisted man. They were surprised to find that many of the judges, prosecutors and defense counsel partici-



PROF. EDMUND M. MORGAN, JR.

pating in the courts-martial were neither lawyers nor trained in the law, and that, in the naval services, there was not even the minimum requirement that a single law member be on a court."

The Code, which embodies a number of the suggested reforms, was drafted by

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Editorials

THIRD YEAR CURRICULUM

The changes in the curriculum for next year reported by the Committee on Legal Education results in what we think is a well-rounded, highly satisfactory program for the first and second years. Unfortunately, however, little seems to have been planned for the third year.

The third year, it appears to us, is the time for the achievement of two very desirable objectives in our legal education. The first of these is to increase the opportunity for students to participate in small seminars where conditions are best suited for professors to stimulate thinking, teach techniques, use discussion to best advantage and obtain the other benefits that inure to a small class led by a first rate thinker. The second objective is to make available to students the methodologies, approaches and techniques of a large variety of legal subjects. The value in this lies not only in the likelihood of students later engaging in some practice in those fields, but because the ability to analogize from other fields of law, and to approach a problem with the breadth and tools that knowledge of these other fields gives, is something recognized of especial value to those who would practice law.

How does the contemplated third year program provide for the achievement of these objectives? It does not.

The third year man will have two terms at his disposal. Into these will go Business Associations II, Conflicts, Evidence and Taxation. Few would deny that these are "musts" for the third year students. This leaves one course open in each term. One of these openings and perhaps both is bound to be filled by what we might call "near-musts" such as Creditors Rights, Federal Jurisdiction and Labor Law.

This leaves at the most room for one seminar. One course where problems may be discussed with a depth impossible in the broad-scope courses. One course where a student can subject his ideas to a professor's analysis without monopolizing the time of a class of 150 and where the objectives mentioned above can be best achieved. This one course, we believe, is not enough.

What can be done about it? We are not sure. One possibility is to reduce the hours in courses like Conflicts, Evidence and Labor Law. Whereas the complete subject matter of these courses could not be covered even with an increase in their hours, we think that covering the subject is not nearly as important as teaching the method approach and principles of the course. And these can be taught to third year students in fewer hours or they cannot be taught at all. This has already been done by the Committee with the Business Associations course and might well be done with other courses. With some reduction in hours in this manner room for at least one or two more smaller classes should become available.

However, our purpose is not to suggest a solution. What we do suggest is that the Committee on Legal Education does not stop with the end of the second year. There remains the third year program. And if the Committee considers the third year curriculum satisfactory we should like to hear its reasons.

J. S.

Letters to the Editor

To the Editor of the RECORD:

During this period of intensive fund raising for the new Law School dormitories, it may be appropriate to suggest a policy governing residence in them. Contrary to the present dormitory policy of seniority of application, my suggestion is that the best interests of the School and the students will be served by a policy of giving priority each year to the members of the entering class. The Law School's allotment of about 400 places in the new project will, I believe, suffice to house all the members of the typical entering class who are single and non-commuters.

The object of this system is to make possible the early development of a community, in every sense of that term. In the present pattern, all too many entering law students come to a city that is new to them, a place where they know hardly anyone, and a curriculum that is totally foreign to any academic techniques they may have learned. They must find rooms immediately, wherever rooms can be found, and if any classmates land in the same rooming house, it is purely by chance. There is a welter of impersonality and uncertainty, even confusion.

Of course some become casualties. As a faculty member once pointed out, a large percentage of the casualties here can be attributed to the fact that men attempted to learn law alone, ignoring the resources that they had in one another for the interchange of ideas and discussion.

By the time they reach the third year, the survivors have learned the hard way: they know their class pretty well, they have moved a few times, and they may have a feeling for the study of law. They have also become eligible for rooms in the dormitory by virtue of seniority, but their need for the dormitory is relatively small.

I submit that if all these first year men live in the new graduate center, we may accomplish in one term what has been taking two years. The class will become a cohesive unit and it will remain so. Having "learned the ropes," they will be able to make their arrangements for the second year during the spring. Some will find places in Hastings and the Business School dorms. Others will go to apartments and rooming houses, but they will be able to do so with roommates of their selection and with some knowledge of the neighborhood.

It has been suggested that it is somehow unfair to make people move out of a dormitory, having once been located in it. I think not. They will be moving out for the summer anyhow. Their inconvenience, if any, in not being able to return to the same place is more than outweighed by the advantage to the School and to the members of the new incoming class.

New dorms in themselves are desirable enough. But beyond them is the opportunity to make a new start. I hope that it may be taken advantage of in the autumn of 1950.

EDWARD A. FRIEND, 3L

To the Editor of the RECORD:

When Dean Griswold hailed the entrance of the present second-year class as the beginning of a welcome post-war return to normalcy, many of the new students must have felt that the abandonment of the accelerated seven-term program was of real benefit to the Law School only. With veterans outnumbering non-veterans nearly nine to one, the class could hardly have had a great need for normalcy. Students came to Harvard in spite of having to sacrifice the valuable time gains offered by the continued year-round schedules of some other reputable law schools, because they believed that they would be amply compensated by enjoying the best training for the legal profession available in the country.

But now, with the publication of the revised curriculum, the first "normal" post-war class, the class of 1950, will at best be a throwback to pre-war days. The accelerated post-war classes enjoyed in effect the benefits of the new program. Their three terms of third-year electives gave them a good choice among public law courses and even allowed a fair degree of specialization. The curriculum of the present second-year class thus stands out, not as evidencing the first return to the well-planned, unhurried law school program, but as a pre-war phenomenon caught between two periods of transition. The first period supplied the needs of veterans for an accelerated education, and the second should supply the new tools needed by the lawyer. The class of 1950 will get neither.

The School could cut the number of weekly class hours allotted to the more or less required courses from five to four, and from four to three. That should do no damage to the scope of the subject matter covered; the accelerated classes managed to get along on shorter terms. But the net gain would probably not be more than to allow the individual student to take one additional course.

Or students might be allowed to carry weekly schedules of fifteen or more class hours. But the

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Gallery

THOMAS WALTER SWAN

Judge, U. S. Court of Appeals for the Second Circuit



In 1927 there came to the U. S. Court of Appeals for the Second Circuit a man who had never sat as judge either at the trial or appellate level and who had done very little court work as a practicing attorney. Moreover, he had spent the preceding 11 years in the classroom, in the land of the hypothetical, far removed from the realities of practice. Despite this background, or perhaps because of it, Thomas Walter Swan has in his 22 years on this distinguished court earned the plaudits of his associates and the respect of the legal world.

Judge Swan would deny this. One of his outstanding traits is a determination not to impress, an irrepressible modesty. He has a knack for discounting his achievements, of relegating them to the commonplace. This modesty is complemented by a warm kindness which seems to be stamped on his long, heavy-boned face.

The judge began practice in Chicago in 1903 as a clerk for the firm of Bentley & Burling. He rose quickly to become a full partner in 1907 in the same firm. The firm had a general practice, carrying International Harvester as one of its larger accounts. Judge Swan found the work interesting, but not so stimulating as his work on the bench. The judge learned early in practice the lesson of thoroughness. He remembered an early case on which he and his senior partner worked. Crucial was the construction of the words "public office" in an Illinois statute. "Bentley, my senior partner, in having me track down the cases, demonstrated a thoroughness which was unheard of to me."

Swan practiced law until 1916 when he accepted Yale's invitation to serve as dean of the law school. The academic life was not entirely new to him since he had lectured part time on conflicts and suretyship at the University of Chicago Law School during the early years of his practice. He came to Yale with the purpose of "helping to establish a law school in New Haven comparable to Harvard." During his administration as dean the recently adopted case method of instruction was extended to all courses. He immediately increased the number of full time professors and invited Professors Morgan, Thurston, Lorenzen, and Borchard to the faculty. Looking back on his experience at Yale, he noted the truth of James Parker Hall's statement, "The dean has to do what neither the faculty nor the janitor will do."

With 13 years of practice and 11 years of teaching behind him, Judge Swan came in 1927 to the Second Circuit. He has served on that court to the present day without interruption. Judge Swan sketched briefly the approach he has used in deciding cases. "I try to follow the precedents. Although the equities of both sides are and should be considered, I don't think that a judge should make an emotional decision and then find reasons for it."

The judge then shifted the conversation to a discussion of the rise of administrative law and its impact on the courts, a problem which seemed to weigh heavily on him. "The growth of administrative tribunals has made the work of the court less interesting because we are compelled to take their findings of fact if there is any evidence to support them at all; and the body which finds the fact can usually determine the result."

In reviewing the early events of his life the judge could point to no one factor which had led him to study law. "I had no particular reason to study the law; I more or less drifted into it." Born in Norwich, Connecticut in 1877 Judge Swan spent most of his youth in Northampton, Mass. He attended Williston Academy and later Yale College where he received the B.A. in 1900. He went then to Harvard Law School where he became president of the *Review* and marshall of his class. He graduated cum laude in 1903 and thereupon embarked on the career which was to take him via Chicago and New Haven to the Circuit Court.

In his 22 years of public service Judge Swan

Sub Judice

CRITICISM OF POPULAR ART

Esquire Magazine sued Varga for copyright infringement because several studies painted by the artist were said to be identical with other studies formerly copyrighted by the magazine. The court was evidently not highly impressed by the work of Varga—"a peculiar form of art portraying women in a state of semi-nudity and emphasizing, or rather over-emphasizing, many of the physical details peculiar to the female anatomy." The magazine presented copies of four copyrighted pictures and four similar works painted later by Varga which it claimed infringed their rights. "Any attempt to point out the distinguishing elements of the various paintings," remarked the Court, "should be prefaced by the observation that the over one hundred paintings by defendant in evidence reveal that his artistic talent is limited to the portrayal of the female figure in varying degrees of undress. His success in this line of endeavor can undoubtedly be attributed to the remarkable physical characteristics of his finished product, e.g., the exaggerated torso and the subtly curved but unduly long leg. It is apparent from the testimony that this is all he has ever drawn and seems to be all he ever will draw. It follows, therefore, that all his future drawings will bear some similarity to his previous work, whether or not his past creations are before him at the time he is painting. He has a certain type of art in his mind, and consequently, that is all he is able to express on the drawing board. It can be seen, therefore, that if the first painting submitted by him to the plaintiff could properly be considered a work of creative art, his subsequent paintings should probably be accorded a similar status." Held: There was no infringement because there were many small differences in the second pictures, e.g. different hair styles, legs posed differently, etc. "Although it is certainly not decisive, it should be noted for the record that the articles of 'clothing' (this term is used euphemistically, for said articles are about as concealing as the ordinary window pane) vary from picture to picture."—*Esquire Inc. v. Varga Enterprises Inc.*, 81 F. Supp 306. (D.C. Ill. 1949).

Off the Record

Lawyer's Lament

H. Smith was a lad, what promise he had!
A Law Review student from Harvard,
Was fond of the sport (got ninety in torts)
Sine qua non was his byword.

He chose to go West to join Best and Best,
And practice in Wichita, Kansas.
Soon he was better than Best at his best
A res ipsa loquitur genius.

But Tort after Tort was wearing him down,
He lost all his spark and his vigor.
His worrisome ill was "Tort Feasor" Bill,
A man most profound in his rigor.

This client named Bill, "Joint Tort Feasor" Bill
Was a negligent harm risk creator:
The air that he breathed with negligence seethed,
Sustaining him "Tort Dominator."

Joint action did thrill "Joint Tort Feasor" Bill,
Who seldom would act independent.
He'd leap at a chance to sow negligence,
Most eager to be a defendant!

Poor Smith gave his all before his downfall.
He'd rave and he'd rant in the courtroom.
"But for" he would cry, "but for" he would sigh,
As closer he came to his doom.

Now the wind sadly moans, while Smith lies alone
Beneath the cold sod of the prairie,
This lad of firm will met with "Tort Feasor" Bill,
And too late did he learn to be wary.

So thus I prefer to cause not a stir
On top of the negligence bracket.
But rather I'd read a mortgage or deed,
Just give me the property racket.

W. H. ISAACSON, 1L

Lawrence v. Fox

A debt dodging party named Holly
Indulged in a singular folly,
He said, "Creditor, go!
See Fox for your dough,"
And old Lawrence collected, by golly!
AREM ETAL

has brought credit to himself and to the American judiciary. His contribution is perhaps best described by Learned Hand in 57 *Yale Law Journal* at page 172, "Without such servants no society can prosper; without such servants no society can in the end even endure. Let us pause then to acclaim one, who—himself all unaware of his deserts—has so richly earned our gratitude, and whose presence helps us take heart against our forebodings."

Alumni Notes

LL.B. '06—*F. Abbot Goodhue* retired last month as president of the Bank of the Manhattan Co., New York, an office he had held since 1931. Goodhue began his banking career in 1907, as a messenger in the First National Bank of Boston. Six years later he became a vice-president. A further promotion in 1921 took him from Boston to New York as president of the International Acceptance Bank, the office he held before going over to the Bank of the Manhattan Company.

S.J.D. '16—*Benjamin V. Cohen* has written an article on "United Nations" for the 1948 revised printing of the *Encyclopaedia Britannica*.

LL.B. '20—*Roger B. Tyler* has been elected president of the Workingmen's Cooperative Bank, Boston.

LL.B. '21—*Arthur F. Bickford* will become a member of the Boston Law firm of Palmer, Dodge, Gardner, Bickford & Bradford on April 1, 1949. He was formerly with Hurlburt, Jones, Hall & Bickford.

LL.B. '24—*Adlai E. Stevenson* who was elected by the largest plurality in the history of Illinois in November, was sworn into office on January 10 as the 31st Governor of the state. A former special assistant to the Secretary of the Navy (1941-44) and to the Secretary of State (1945), Stevenson has served on many important missions of the government, including the U.N. assemblies. From 1927 to 1933 and from 1935 to 1941 he practiced law in Chicago. In the interval between those two periods, he was in Washington, first as special counsel to the A.A.A. and afterwards as assistant general counsel to the Federal Alcohol Control Administration. He holds the honorary degree of LL.D. from Illinois Wesleyan and Northwestern Universities.

LL.B. '26—*Clifton P. Fordyce* has been elected to the board of directors of the Coca-Cola Bottling Co., of St. Louis, Mo.

LL.B. '26—*Robert F. Bradford*, former Governor of Massachusetts, has become a member of the law firm of Palmer, Dodge, Gardner, Bickford & Bradford of Boston.

LL.B. '28—*Charles A. Woods* has been made a member of the law firm of Baker & Watts, Pittsburgh, Pennsylvania, of which *Sidney J. Watts* (LL.B. '07) is a senior member.

LL.B. '32—*Bernard H. Levinson* has formed a partnership for the general practice of law under the name of Levinson & Cobb with offices at 328 Mer-

chandise Mart Building, Honolulu, Hawaii.

LL.B. '33—*Haskell C. Freedman* now has his office for the general practice of law at 85 Devonshire St., Boston.

LL.B. '33—*Walter R. Koch* formed a partnership last year for the practice of law with Fred Isley with offices at 828 Brown Building, Austin, Texas.

LL.B. '35—*Robert J. Bulkley, Jr.* has been appointed public relations officer of the Colonial Trust Co., New York. He is a former member of the editorial staff of the *New York Herald Tribune*.

LL.B. '35—*Henry C. Blackstone, Jr.* has become a partner in the law firm of Lord, Day, and Lord, with offices at 25 Broadway, New York City.

LL.B. '36—*Louis Urow* is an attorney in the Office of Alien Property, U. S. Department of Justice. His address is 1901 K St., N. W., Washington, D. C.

LL.B. '38—*Matthew Brown, Hirsch Freed, LL.B. '36, Charles A. Rome, LL.B. '28, and Alford P. Rudnick, LL.B. '29,* have formed a partnership in Boston for the practice of law under the firm name of Rome, Brown, Rudnick & Freed.

LL.B. '38—*Drexel A. Sprecher* has been named U. S. Chief of Counsel for the prosecution of prominent German war criminals at Nuremberg, succeeding *Brigadier General Telford Taylor* (LL.B. '32). Sprecher, as Acting Chief of Counsel, directed preparation of prosecution final briefs and made the closing statement in the "Ministries" case, i.e. most recent Nuremberg trial which closed on Nov. 9, 1948. Gen. Taylor is in Washington on temporary duty preparing his final report on the series of 12 war-crimes trials held subsequent to the International Military Tribunal.

Sprecher, who received his undergraduate education at the University of Wisconsin, and later did graduate work at the University of London, served as captain with the Office of Strategic Services during World War II. In June, 1945, he was appointed to the staff of the Office of Counsel for War Crimes, and served in London and Paris before going to Nuremberg.

LL.B. '41—*James Evans Cooney* of the Iowa and Illinois Bars, has become a partner of Bannister, Carpenter, Ahlers & Cooney, with offices at 1012 Bankers Trust Building, Des Moines, Iowa.

LL.B. '41—*Neil G. Melone* has left the Civil Aeronautics Board in Washington and has joined the legal department of the Dewey & Almy Chemical Co. in Cambridge.

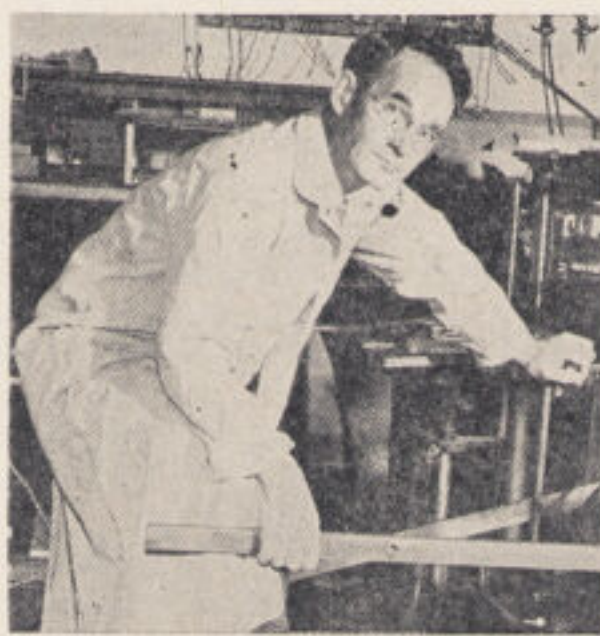
LL.B. '43—*Elliott H. Philips* is practicing law as an associate with the firm of Hill, Essery, Lewis & Andrews in the Penobscot Building, Detroit.

LL.B. '44—*Thorp L. Wolford* is the author of the article "The Laws and Liberties of 1648," which appeared in the November, 1948, issue of the *Boston University Law Review*. Since July, 1948, he has been a member of the law firm of Middleton, Seelbach, Wolford, Willis & Cochran in Louisville, Ky.

LL.M. '47—*William M. Henderson* is Associate Professor of Law at the School of Law, University of Georgia, Athens, Ga.

LL.M. '47—*Adolph C. Hugin* was recently appointed Editor of the *Bulletin of the American Patent Law Association*.

FORUM —(Continued)



PERCY W. BRIDGMAN

Intelligent Individual and Society. The theologian's views will be upheld by Dr. Muelder, who has been dean of the Boston University School of Theology since 1945, and whose writings include *The Development of American Philosophy*.

The first two of the preliminary panels, on *Arts and Letters* and *The Social Sciences*, have already been held on Monday and Tuesday evenings. The third and fourth, on *The Physical Sciences* and *Philosophy and Religion*, will be held in Langdell Courtroom at 8 o'clock tonight and Thursday. Tonight's panel will include Dr. Kirtley Mather of the Harvard Geology Department, Professors Philipp Frank and Philippe Le Corbeiller of the Harvard Physics Department, and Mrs. Cecilia Payne-Gaposhkin of the Harvard Observatory. The panel on *Religion and Philosophy* will bring together Rev. Joseph Fletcher of the Episcopal Theological School, Dr. Donald C. Williams of the Harvard Philosophy Department, Rev. William A. Donaghy, S.J. of Campion Hall, and Rev. Allan Chalmers of the Boston University School of Theology.

Admission for the entire series is 60 cents. Tickets may be obtained at the Forum office in Gannett House, or from ticket-sellers in the entries of the Law School.

MILITARY CODE —(Cont.)

a committee composed of Under Secretary of the Navy W. John Kenney, Assistant Secretary of the Army Gordon Gray, Assistant Secretary of the Air Force Eugene M. Zuckert, Assistant General Counsel of Defense Felix E. Larkin and its chairman, Professor Edmund M. Morgan.

The proposed Code covers both the substantive and the procedural law governing military justice and its uniform administration in all the armed forces of the United States. It provides the sole authority for the infliction of limited disciplinary penalties for minor offenses without judicial action; the establishment of pre-trial and trial procedure; the creation and constitution of three classes of courts-martial corresponding to those now in existence; the qualifications of members of each of the courts, its officers and counsel; the review of findings and sentence and the creation and constitution of the reviewing tribunals; and the listing and definition of offenses, redrafted and rephrased in modern legislative language.

Among the provisions designed to insure a fair trial at general courts-martial

is a pre-trial investigation, at which the accused is entitled to be present with counsel to cross-examine available witnesses against him and to present evidence in his own behalf. It has some features of preliminary hearing and some of pre-trial discovery as used in the civil courts. Another is a prohibition against referring any charge for trial which does not state an offense or is not shown to be supported by sufficient evidence.

An important feature is a mandatory provision for competent, legally trained counsel at the trial for both the prosecution and the defense. There is, in addition, a prohibition against requesting any statement from the accused without warning, and against compelling self-incrimination, and against reception in evidence of improperly obtained statements. Provision is made for equal process to accused and prosecution for obtaining witnesses and depositions and there is a provision allowing only the accused to use depositions in a capital case.

A significant charge is a provision giving an accused enlisted man the privilege of having enlisted men as members of the court trying his case. There is a new procedure whereby voting on challenges, findings and sentence is by secret ballot of the members of the court. Perhaps basic is a provision requiring the law officer to instruct the court on the record concerning the elements of the offense, presumption of innocence and the burden of proof.

Equally important is a provision for an automatic review of the trial record for errors of law and of fact by a Board of Review with the right of the accused to be represented by legally competent counsel. Furthermore, there is a provision for the review of the record for errors of law by the Judicial Council. This review is automatic in the case where the sentence is death or affects a general officer and is upon petition showing probable error of law where the sentence involves more than one year's confinement, with the right to be represented by competent counsel. There is also a prohibition against receiving pleas of guilty in capital cases.

In addition to certain of the above provisions which also apply to special courts-martial, it is provided that the trial counsel and defense counsel must be equally qualified. In special court cases where a bad conduct discharge has been imposed, a full stenographic transcript must be taken and the case is reviewed in the same fashion as a general court-martial record. Peremptory challenge and voting by secret ballot are provided as in a general court-martial and review by Judge Advocate or legal officer is required.

In the case of summary courts-martial provision is made for permitting an accused to refuse trial by summary court

upon request and, again, review by a Judge Advocate or legal officer is required.

Very important are the provisions designed to prevent interference with the due administration of justice, some of which follow: The convening authority may not refer charges for trial until they have been referred to the staff judge advocate or legal officer for consideration and advice. The staff judge advocate or legal officer is authorized to communicate directly with the Judge Advocate General. All counsel at a general court-martial trial are required to be lawyers and to be certified by the Judge Advocate General as qualified to perform their legal duties.

The law officer—a competent lawyer—rules on all questions raised at the trial, except on a motion for a directed verdict and on the issue of the accused's sanity. The convening authority must not act on a finding or sentence of a general court-martial without first obtaining the advice of his staff judge advocate or legal officer.

The Board of Review, situated in the office of the Judge Advocate General and removed from the convening authority, is composed of legally trained men and reviews the trial record for errors of law and of fact. The Judicial Council is composed of civilians and passes finally on all questions of law. When counsel appear before the Board of Review and Judicial Council, both parties must be represented by qualified lawyers.

Censure by a commanding officer of a court-martial or any member or officer thereof because of any judicial action of the court or any member or officer is forbidden and any attempt improperly to influence official action in any aspect of a trial or its review is prohibited.

Among the command functions which are found in the present Articles of War and Articles for the Government of the Navy, some provisions have been retained. Commanding officers still refer the charges in general, special and summary courts-martial and convene the courts. Commanding officers continue to appoint the members of the courts and, within limits, appoint the law officer and counsel for the trial.

They retain full power to set aside findings of guilty and to modify or change the sentence, but are not permitted to interfere with verdicts of not guilty nor to increase the severity of the sentence imposed. The powers of commanding officers at Mast and Company punishment are retained for minor offenses which require prompt action and for which comparatively light punishments can be imposed. The procedural safeguards in this type of non-judicial punishment are considerably less than in the courts-martial, but are believed by the drafting committee to be reasonably adequate.

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DALTON-ELCOCK BAR REVIEW

The Spring Review, preparing candidates for the Massachusetts Bar Examination to be held next summer, will begin May 23, 1949, and will end on June 27, 1949. Classes will be held for five hours a day, five days a week.

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Calendar

LEGAL WORLD Treasure Room

Manuscripts and printed books of the Magna Carta of 1217 and 1225 will be on exhibition during the month of March.

UNIVERSITY WORLD Sunday Services

Bishop G. Bromley Oxnam of New York will conduct services in Memorial Church next Sunday at 11 a.m.

Concert

Under the auspices of the Department of Music the Roth String Quartet will present their rendition of *The Art of Fugue* by Bach, at Sanders Theatre at 8:30 tonight.

The Harvard Dramatic Club

Monty Woolley will appear in *The Man Who Came To Dinner* under the auspices of the Dramatic Club from April 13 to April 23 inclusive excepting Sunday. Mail orders are now being filled by The Dramatic Club at 13 Holyoke St. Prices for evening performances are \$2.40, \$1.80 and \$1.20. Price for the matinees on April 16 and April 23 are \$1.80 and \$1.20.

OUTSIDE WORLD Ford Hall Forum

Bishop G. Bromley Oxnam of New York will conduct a discussion in Jordan Hall, N. E. Conservatory of Music Building next Sunday at 8 p.m.

Gardner Museum

The English Duo, Viola Morris, soprano, and Victoria Anderson, contralto, will give a concert at the Isabella Stewart Gardner Museum next Sunday, March 6 at 2 p.m.

SEAVEY —(Continued)

abiding gratitude to those great and kindly men who first disclosed to me the possibilities of thinking for myself. O anni mirabilissimi, si sic hodie omnia.
WARREN A. SEAVEY

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LETTER —(Continued)

third-year paper, job hunting and preparation for bar examination place a premium on time.

A more drastic, but possibly more satisfactory change would be to divide this one year into three shorter sessions. This would at least substantially give the class the extra term of electives enjoyed by the accelerated classes without upsetting the School's plans to close this summer. The class could meet early in September and thus be in attendance only two weeks longer than planned. Courses in Administrative and Constitutional Law could be given during the first session, so that students interested in public law could build on that during the last two sessions. Adoption of this plan would require scrutiny of its effects on veterans who are presently counting on being able to get through school under Public Law 346, but might not have enough eligibility time left, if only a few weeks were added.

At any rate steps should be taken to make sure that the class will enter the profession as well prepared as other post-war Harvard classes and graduates of other law schools. Now is the time for sounding out opinions and suggestions among faculty and students.

ARNOLD OSTWALD, 2L

NEWS BRIEFS —(Continued)

different law schools. Heretofore there has been but one meeting of this group, on a national level. It was held at Columbia University in the spring of 1947.

In a recent letter, Mr. Robert M. Seibert, chairman of the Executive Committee of the National Conference of Legal Education wrote that plans for this year's meeting call for a series of regional meetings, rather than for one national conference. In view of the contribution made to the 1947 meeting by the participants from Harvard, Mr. Seibert invited students here to organize the conference for the New England states and New York. If this invitation is accepted, present plans call for the Regional Conference on Legal Education to be held at Harvard some time after the summer holidays and near the commencement of the fall semester. Those interested are asked to contact Charles Schwartz, 2L, A-14 Mellon Hall, Harvard Business School.

YOUNG REPUBLICAN REGIONAL MEETING

Fred True 2 L. of the Harvard Young Republican Club was one of the Massachusetts delegates to the quarterly meeting of the New England Council of Young Republicans held at Hartford recently. His proposal for a national and a regional monthly publication to explain both sides of current legislation was favorably acted upon.

The college caucus announced a meeting at Yale in April to discuss organizational plans and to report on membership drives.

PROFESSOR MORGAN

Professor Edmund M. Morgan has announced that he will teach this summer at the University of Colorado Law School.

Patronize Our Advertisers

International Law Group Is Revived: To Give UN Advice

A group 35 distinguished American lawyers, law teachers, and judges met at Harvard Law School on the weekend of February 19 and 20 to consider the revival of an organization, known as Research in International Law, which will aid the International Law Commission of the United Nations in codifying and developing this field of the law.

Originally created in 1927 for the purpose of giving unofficial assistance in the codification of international law to the American delegation to the Hague Conference of 1930, this body continued to operate until the outbreak of the war and issued numerous publications dealing with research on international law topics. The two-day gathering was the first since the end of the war and was convened by Manley O. Hudson, LL.B. 1910, member of the U.N. Commission and Bemis professor of international law at Harvard Law School. He is a former judge of the Permanent Court of International Justice.

The research group, while independent of the U.N. body, will serve it as a consulting agency. The meeting voted to establish an informal executive committee which will meet in the near future to advise Judge Hudson on the drawing up of a plan of operations.

Attending the sessions were four members of the United Nations Secretariat, Abraham H. Feller, LL.B. '28, Ivan Kerno, Y. L. Liang and Clive Parry, as well as members of the State Department. Also present was Philip K. Jessup, American representative to the United Nations and professor of international law at Columbia University.

George Finch of the Carnegie Endowment for International Peace and editor of the American Journal of International Law presided over the meeting, which was held in the Root Room of Langdell Hall.

U.N. —(Continued)

proper credentials; sometimes the question is a considerable one. In the affairs of the Security Council, for example, the Secretary-General has presented opinions on the authority of the Council to assume responsibility for the protection of the Free City of Trieste, on its authority to enforce the Palestine Partition Resolution, and his own authority to furnish guards for the protection of the Palestine Mission. An Assembly committee will ask what is the status of an expert of Czechoslovak nationality elected to a committee of the Assembly after he has broken with his government. The Economic and Social Council wants to know whether it has jurisdiction over a claim by Yugoslavia against the United States for the release of the Yugoslavian gold reserve. The Executive Board of the Children's Fund is puzzled as to whether it has legal authority to expend money for the relief of children in the British Zone of Germany, and the Interim Committee of the International Trade Organization wants to be told whether a provision in its Charter referring to the Western Zones of Germany includes the sectors occupied by the Western Powers in Berlin.

The questions, and the organs which ask them, are very different, but nearly all have one factor in common—they must be answered quickly, sometimes in a matter of hours or minutes, and occasionally a committee will want two or three opinions delivered orally in the course of a morning's meeting.

When it gives an opinion, the Department acts as a legal adviser, not as

a judge. The organs are not bound by the opinions; they will on occasion disagree with them. Their weight depends on the intrinsic persuasiveness which the opinions carry, and on the fact that they are prepared by a group of international officials sworn to impartiality and beyond the reach of governmental or other outside influence.

The second main function of the Department is the representation of the Secretary-General in the negotiation of international agreements and private law contracts and in judicial proceedings. The Headquarters Agreement with the United States, the closing of title on the Headquarters site, leases for the Lake Success building and three large-scale housing projects and hundreds of smaller contracts and agreements have been negotiated by the Department.

All these are functions normally falling in the province of a governmental legal department. There are three others which are peculiar to the United Nations. Under the Charter the United Nations registers and publishes all treaties and international agreements. Moreover it serves as depository for a large number of multilateral treaties. Here it performs the large administrative task of receiving, recording, filing, sending notifications to parties, etc.

In addition, the Legal Department furnishes the secretariat for the Legal Committee of the General Assembly, and for the legal committees of international conferences called by the United Nations.

Lastly, the Legal Department has the all-important duty of fostering the progressive development of international law and its codification. It operates as the secretariat and research assistant of the International Law Commission, recently created by the Assembly.

American lawyers accustomed to the rather mammoth legal staffs in Washington may be somewhat startled at the number of officials who do this work for the United Nations. At the moment we have 24 lawyers of 19 different nationalities. From this number we have had to send legal advisers from time to time to Palestine, Kashmir, Geneva, Korea and Indonesia.

Four of the 24 lawyers are American. The Assistant Secretary-General in charge of Legal Affairs is Dr. Ivan Kerno of Czechoslovakia. The author serves as Director of the Department and also as counsel to the Secretary-General. There are two directors of divisions, Dr. Yuen Li Liang (China), in charge of Codification and Development of International Law, and Dr. Hanna Saba (Egypt), in charge of Immunities and Registration of Treaties.

The small size of the Department and the principle of geographical distribution limits the opportunities for American lawyers at this time. A number of American lawyers and teachers are occasionally used as consultants for special jobs. An expansion of activities in future years will doubtless open up more extensive opportunities for employment.

Obviously, the United Nations lawyer has a busy time of it. Equally obviously, he receives a goodly share of the frustrations and discouragements which are born out of the international life of our day. He has, however, a special reason for gratification. He knows that his efforts, however small, are contributing day by day to the growth of world law. That law is still fragmentary and primitive; it is heard only hesitantly in the midst of the noises of political and economic conflict. Yet in its potentialities for growth and strength lies one of our best hopes for a future world order of decency and security.



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