

The Harvard Law School Record

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Buchanan Elected HLS Ass'n President; Succeeds Patterson

Poll Alumni For Views On Entrance Of Women And Names For Dorms

John G. Buchanan, LL.B. '12, of Pittsburgh, Pa., was elected president of the Harvard Law School Association at the annual meeting of the council held last Friday at the Ritz Carlton Hotel in Boston. He succeeds Robert P. Patterson, LL.B. '15, of New York City, former Secretary of War. The new president, in addition to his practice of law, is chairman of the judiciary committee of the American Bar Association, and vice-president of the American Law Institute.

At the meeting of 20 council members, followed by a banquet for the Law School faculty, Judge Calvert Magruder, LL.B. '16, of the United States Court of Appeals for the First Circuit, was named first vice-president, and Monte Lemann, LL.B. '06, of New Orleans, La., second vice-president.

New secretary is C. Tracy Barnes, LL.B. '37, of Providence, R. I., and new treasurer is former RECORD president Paul F. Hellmuth, LL.B. '43 ('47) of Boston. Three additional new members were elected to the executive council: Robert M. Segal, LL.B. '42, of Boston; Adrian S. Fisher, LL.B. '37, of Washington, D. C., and James C. Sheppard, LL.B. '24, of Los Angeles, Calif.

The retiring treasurer, Reginald Heber Smith, LL.B. '14, senior partner in the Boston firm of Hale and Dorr, was honored at the banquet for his service in that post for the past 30 years. He was presented with a scroll as a token of the gratitude of the Association.

After much debate the council passed a resolution favoring the admission of women to the Law School. It was further resolved that an advisory poll of alumni opinion be taken on this matter and on the naming of the five projected Law School dormitories. The appeal for this information is taking the form of an open letter from President Buchanan to Association members. This letter appears on page two, column one of today's RECORD.

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NEWS IN BRIEF

SCHOLARSHIPS

A total of over \$64,000 has been distributed by the University and Law School Associations as scholarships and fellowships among 140 LL.B. candidates and graduate students during the past three terms. Of this amount, \$39,300 came from Law School Funds, \$1100 from gifts for immediate use, \$5,050 from Law School Association Scholarships, and \$18,600 from University scholarship and fellowship funds.

FREUND DELIVERS LECTURES

Professor Paul A. Freund delivered the Julius Rosenthal Foundation Lectures at the Northwestern University School of Law on April 19, 20, and 21. This year the three lectures were on the subject *On Understanding the Supreme Court*.

BEST AMES JUDICIAL OPINION

Announcement has been made by John R. Hally 3L, chairman of the Board of Student Advisers, of the award for writing the best judge's opinion in the first year Ames Competition. The winner is Gerard Mandelbaum, 2L (Yale '46). The case involved libel and public nuisance with regard to a mural. The opinion made the delicate point that whereas public display of nudes in a mural might not be a public nuisance

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LAST RECORD OF YEAR

This is the final issue of the RECORD for the current semester. The next issue will be published at the beginning of the Fall semester.

Many June Grads Placed In Offices And With Judges

A total of 85 out of 396 potential June Graduates already have received positions, according to information given the Placement Office. This constitutes 21 per cent of the class. The vast majority of these men have been placed in law offices, three have positions as law clerks to judges, four will be Teaching Fellows at the Law School, two will be working for the Government, two working for corporations, and one will be the legal assistant to a state governor.

Geographically, most of the men will be going to law offices in Boston, New York, Newark, Cleveland, and Chicago, with a few men going into less populous areas. Two men have been placed in Hawaii. According to Assistant Dean Louis A. Toepfer, most of the interest in terms of potential employers has come from New Jersey and California.

Those men appointed as law clerks with federal judges are Alexander M. Bickel, of New York, N. Y. and William E. MacIntyre, of Dorchester, Mass., who will be law clerks for Chief Circuit Judge Calvert Magruder and Judge Peter Woodbury of the First Circuit, respectively. Maxwell E. Greenberg, of Beverly Hills, Calif. will be law clerk for Judge Roger Traynor, of the California Supreme Court.

Men who will be Teaching Fellows in September are Thornton G. Edwards, of Manchester, N. H.; Ray Garrett, Jr., of Evanston, Ill.; Donald C. Lubick, of Buffalo, N. Y., and Theodore S. L. Perlman, of Trenton, N. J.

Abram J. Chayes, of Chicago, Ill., former president of the *Law Review*, will be legal assistant to Governor Chester Bowles of Connecticut. Hugh Calkins, LL.B. Feb. '49, of Newton, Mass., also former *Law Review* president, has been appointed law clerk for Chief Circuit Judge Learned Hand, of the second circuit.

The Placement Office also reports that 860, or 76 percent of the 1132 LL.B.'s graduated from February, 1948 to February, 1949.

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Many Apply For Class Of '52, Admission Tests Aid In Making Selection

With May 1 the deadline for receiving applications for admission for the Class of 1952, the Admissions Office is hard at work processing the more than 1,000 completed applications already received.

Meeting weekly since fall, the Committee on Admissions, headed by Professor Ernest Brown, has already accepted enough applicants to form more than half of the entering class. These men come from 41 states and represent 97 colleges. It is anticipated that the class will be about the same size as other post war classes, approximately 525.

According to Assistant Dean Louis A. Toepfer, Director of Admission, the applicants for the 1949 class are offering even higher college grades than has been the case in previous years. Competition for places with the class is quite keen, but most applicants who offer what can be considered a "good college record" are accepted if their performance on the Law School Admission Test is satisfactory.

The Law School Admission Test used last year for the first time continues a

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Powell Retires In June; Ends 42 Year Career

Thomas Reed Powell, Story Professor of Law, will retire at the end of the present semester, after 42 years of teaching.

"The grand old man" of Constitutional Law, LL.B. '04, began his career as Lecturer in Public Law at Columbia in 1907. Mr. Powell's stay at Columbia was a career in itself, culminating in 1923 with an appointment to the Ruggles Professorship of Constitutional Law.

Professor Powell came to the Harvard Law School in 1925, where he quickly established himself as a master of the quick retort, the "nice phrase," and "the perfect squelch." This was in addition to the strengthening and consolidation of his already national reputation in the field of Constitutional Law. Three years later he was appointed Langdell Professor of Law, and in 1938 attained the present chair.

Professor Powell had contributed an impressive body of literature to the legal

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Teaching Fellow Post To Assist Third Year Students Is Created



T. S. L. PERLMAN

Perlman Will Aid Men In Non-Paper Courses To Fulfill Requirement

Theodore S. L. Perlman (Princeton '45) of Trenton, N. J., now in his seventh term, has been appointed by the Harvard Corporation to the newly created post of teaching fellow for the third-year writing requirement for the year 1949-50. Perlman, a member of the Board of Editors of the *Harvard Law Review*, has been on the staff of the "Basement Law Review" during the past year.

The new teaching fellow's duties will relate to the work of third-year students fulfilling the writing requirement by writing papers under the supervision of individual faculty members rather than in seminars and courses. He will aid students in the selection and information of topics for investigation and will be available for consultation in connection with problems arising in the course of research. Faculty approval of topics for third-year papers, and faculty supervision and approval of completed papers will continue.

Selection of an appropriate subject for a third-year paper is a matter which, Dean Griswold believes, should receive much more careful preliminary investigation by the student writer than has often been the case in the past. Dean Griswold recommends that prospective third-year students give thought to the problem during the summer months. The publication, in time for student use next fall, of a small handbook suggesting steps to be pursued in selecting a topic is now under consideration.

Application to engage in third-year written work under the supervision of particular faculty members may be made at the beginning of the next school year. Whether a student will be able to secure the supervision of any given faculty member will, of course, depend on the number of applications for such supervision that that instructor receives.

enterprise is one of the largest industrial enterprises in the world, representing a total expenditure of about three billion dollars. It is constantly being expanded, and its current annual budget is substantially more than half a billion dollars. It consists of a large industrial plant primarily concerned with the manufacture of the new element, plutonium, at Hanford, Washington, and another large plant concerned with the processing of uranium at Oak Ridge, Tennessee. Large laboratories are also operated at Oak Ridge; Schenectady, New York; Brookhaven, Long Island; Berkeley, Calif.; Ames, Iowa; and Chicago. At Los Alamos, New Mexico, there is an installation primarily concerned with atomic weapons. Many smaller plants are located throughout the country. This country's operations and interests in this field also extend to distant parts of the world, even as far as the Marshall Islands in the Pa-

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Faculty Will Spend Summer Teaching, Writing; Griswold Plans Visit to West

This next summer will be the first in eight years that the Law School has not been open. A number of faculty members plan to take advantage of this fact by getting as far away as possible from Cambridge and everything pertaining to teaching law, while others plan to spend their vacation writing, revising casebooks or teaching summer courses at other universities.

Faculty members vacationing on the west coast during the next few months will include Dean Erwin N. Griswold and Professor Henry M. Hart. The Griswolds, with their two children, will motor to Los Angeles, stopping along the way to visit with alumni in small towns. Assistant Dean Louis A. Toepfer and Vice Dean Livingston Hall will be on call at the Dean's Office should any special problems arise. Professor Hart will spend time in and around Spokane, Washington, vacationing and working on a casebook in Federal Jurisdiction and teaching materials for a new second year course in Legislation.

Teaching on the west coast will be Professor Archibald Cox, who will give a seminar in Labor Relations and a course in Trade Regulation at the University of Washington School of Law from June 20 to August 19, and Professor Ralph J. Baker, who will teach Trusts at the Law School of Stanford University from June 23 to Labor Day.

At least five more faculty members will spend the summer teaching, according to present plans. Professor Harold J. Berman will teach a course in Soviet Social and Political Institutions at the Harvard Summer School from July 5 through August 27, and will write a book on *The Challenge of Soviet Law*, an ex-

pansion of his recent *Harvard Law Review* articles, as well as a book on *The Soviet Law of Foreign Trade*. Professor A. James Casner will lecture on Estate Planning at the Graduate School of Banking at Rutgers University on June 27 and 28, and from July 11 through July 16 will give lectures on Taxation in relation to Estate Planning at the North Carolina Bankers Association meeting at Chapel Hill. He will also complete work on the permanent edition of Casner and Leach, *Cases on Property*.

Professor David F. Cavers will teach a course in Equity in the first six weeks summer session at the University of Texas Law School, beginning June 3. After a trip by car in Mexico he will return to Cambridge on September 6 to work with the six Teaching Fellows in preparation for the institution of the first-year program of group work. Professor Edmund M. Morgan will give a course in Evidence at the University of Colorado School of Law from June 20 through August 27. Professor Austin W. Scott will teach at the Graduate School of Banking at Rutgers during the latter part of June.

Writing and revising casebooks will consume a good part of the summer for several faculty members. Professor Lon. L. Fuller will work on a book on legal education, which will report on the work of the Law School Committee on Legal Education and will include a study of the problems of curricular organization and of teaching method. Professor Mark DeWolfe Howe will work on the authorized biography of Mr. Justice Holmes and will also complete a volume of *Readings on American Legal History*,

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Fisher Analyzes Role Of The Lawyer And Legal Practice In Atomic Energy

Adrian S. Fisher, LL.B. '37, former Note Editor of the *Harvard Law Review*, and at the present time General Counsel of the Atomic Energy Commission, wrote this article especially for the RECORD.

An explanation of the role of the lawyer in the AEC is without real meaning unless based upon a description of the functions of the Atomic Energy Commission itself. The Commission was established and operates under the Atomic Energy Act of 1940, the McMahon Act, 60 Stat. 755, 42 USC 1801, et seq. Under this Act the Commission at midnight on December 31, 1946 took over from the Manhattan Engineering District of the War Department responsibility for the continued development of this country's atomic energy program. Under this Act the Commission had the option of continuing to develop the system of operating through contractors instituted by the MED or of initiating a system of direct operations. The Commission chose the former alternative.

Atomic energy, as that term is used in the McMahon Act, includes "all forms of energy released in the course of or as a result of nuclear fission or nuclear transformation."

In the present state of our knowledge, only one material found in nature can be used to produce atomic energy in usable quantities. This material is uranium, and the type of uranium (U-235) which is useful for this purpose is found in natural uranium in the proportion of one part to 140. From uranium it is also possible to create a new element, plutonium, which can also be used to produce atomic energy.

Due to the scarcity and the complexity of these materials, any process involving the production of atomic energy requires a vast industrial enterprise. This

Chafee Gives Comments On UN Rights Covenant

At the final meeting of the World Law Group on April 16, Professor Zechariah Chafee, Jr. related his experiences in Geneva last year as the American delegate to the United Nations Subcommittee on Freedom of the Press, and discussed the recently drafted Covenant of Human Rights. The latter topic has been the subject of study and discussion for the World Law Group and they have drafted three proposals regarding it which will probably be sent to the U. N.

Professor Chafee pointed out that although, in his opinion, the nations of the world were not as yet prepared to accept such a covenant, the United Nations Charter provides the legal basis for its implementation. He went on to criticize sharply the American Bar Association for its stand on the Covenant which characterizes it as a tool of foreign intervention in United States domestic policy.

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

Editorials

For the first time since the end of the war, the Law School will be closed during the summer months. Members of the faculty will take the long awaited vacations which they have had to defer because of the accelerated program of instruction. Since this is the last issue which will be published until next October, the RECORD joins the student body in wishing the faculty and administrative staff a very pleasant summer.

Significant curricular changes, effectuating a more elective program in the second year, have been instituted. There has been criticism by second year men that their class has not received the benefits of the new program. However, the transitional courses have partially plugged this gap, and the rest may be done by the student as he has the privilege of auditing any course he desires.

Other noteworthy accomplishments were the completion of plans for the new dormitories and the drive to raise funds for construction. To date subscriptions of \$800,000 constituting approximately thirty-three per cent of the required amount have been received, Dean Erwin N. Griswold announced; and he believes that subscriptions will go over the one million mark by graduation. Construction will begin this summer with the razing of the temporary housing in Jarvis Court. All students and alumni who have overlooked sending in their subscriptions to the building fund are urged to do so in order that the campaign may be brought to successful conclusion.

I. M. M.

To the Active Members of the Harvard Law School Association:

At the annual meeting of the Council in Boston, April 29, 1949, two matters of present interest were discussed upon which your Council desires an expression of opinion from you.

A Coeducational Law School?

First, should women be admitted to the Harvard Law School? Dean Griswold asked for an expression of opinion by Council members on this issue. The Council favored admission and decided to give Association members an opportunity to express themselves on the subject.

Names for the New Dormitories

Second, what names should be given to the five projected dormitories for Law School students?

Please address your letters to
Harvard Law School Association,
Langdell Hall,
Cambridge 38, Mass.

JOHN G. BUCHANAN, LL.B. '12,
President, Harvard Law School Association

[The RECORD suggests that since students are also vitally interested in these matters they submit their opinions to the RECORD.—Ed.]

Off the Record

Running With the Land?

A "gyppo" logger (a species of lumberman indigenous to the Northwest) furnished J. S. Bischoff LL.B. '34 a description of certain timber lands offered to secure a mortgage loan. One of them was in the terms of "leaps and bounds," which may have been appropriate under the circumstances, but to our knowledge not yet included in the Property course.

Gallery

FRANK PACE, JR.

Director of the Bureau of the Budget



To the average Harvard Law School student living in his sheltered Langdellian limbo, the name of Frank Pace, Jr., as late as December, 1948, was practically unknown. One month later, however, details of his career became well known, for in January, 1949, at the venerable age of 36, after three years in Washington, D. C., Mr. Pace was appointed to the post of Director of the Bureau of the Budget of the United States.

His career is such that *Life Magazine* would fervently liken it to that of Frank Merriwell, but to the average student his success story is important (and not a little enheartening) for a different reason. When Pace graduated from the Law School in 1936, he left behind him no name inscribed in bronze, no *stare decisis* packed *Law Review* note, and no trail of scholastic honors.

But if Frank Pace was no embryo Pound as a student, he brought with him an awareness of what Harvard Law had to offer. Looking backward, he regards as his most valuable experience, "my association with the type of mind attracted to the Law School—professors and students both." He recognized too that "knowledge of the law was important, but knowledge of people all important."

With the latter thought in mind, Pace returned to his home in Little Rock, Arkansas, having turned down a job in the tax department of a large New York firm, in order to engage actively in the practice of law as an assistant district attorney. But Pat Mehaffey, the district attorney, suggested that the young lawyer should be broken in gradually. The morning that the first case was to be tried, no Pat Mehaffey appeared. Pace searched frantically for another assistant district attorney who had at least had some experience, but with no luck. Pace prosecuted the case and won, and was well into his second trial of the day, when Mehaffey slipped into the seat beside him and inquired, "Did I break you in gradually enough, Frank?"

For the next two years Pace had all the trial work he wanted—an average of three or four cases a day—and he was convinced more than ever that he had made no mistake in turning down the New York job. The assistant district attorney's next step upward was an appointment to the post of attorney for the Revenue Department of the State of Arkansas. There, an earlier interest in Dean Griswold's taxation course paid dividends. In a year and a half he argued some 22 cases before the Supreme Court of the state, and, in addition, two before the Supreme Court of the United States. In the "slack" periods he found time to draft a state Sales Tax Act, and a Motor Fuels Tax Act. All this during his 27th and 28th years.

The next five years were comparatively quiet for Frank Pace. He spent one year in private practice of law and four years in the Army Transport Command, from which he was discharged with the rank of major. Pursuing the pattern which was foreshadowed by his undergraduate work at Princeton in the field of government, and the early years of his career, Pace next combined government and law in his post as Special Assistant to the Attorney General of the United States. He was then appointed Executive Assistant to the then Postmaster General, Robert E. Hannegan, which provided him with top administrative experience in a large governmental department and an ancillary observation of politics at the national level. He then became assistant director of the Budget under James E. Webb. Upon the latter's elevation to the State Department, President Truman promptly appointed Pace to fill the vacancy.

The young administrator wears his title gracefully. Except for a slightly receding hairline, and a few gray hairs, Pace barely looks his 36 years. His manner is friendly, unassuming; he talks sincerely, choosing his words carefully. He is unawed by his job which includes the supervision of five subdivisions employing a staff of 500—a staff which he calls "the best in the

world." He speaks matter-of-factly of accomplishing such Herculean feats as clearing, from the standpoint of fiscal advisability, some 5000 proposed bills through his Legislation Division.

The Bureau of the Budget is the oldest subdivision of the President's Staff. Its function is advisory, not policy-making. Under the supervision of Pace and his assistant director, Frederick J. Lawton, the Fiscal Division keeps in touch with all the major financial programs of the government and gives preliminary advice as to how expenditures and receipts may be brought into line. It investigates fiscal requirements of the different departments of the government, and through recommendations to the President, attempts to coordinate these requirements so that basic government purposes may be successfully carried out.

Thus Mr. Pace, in his present post, has completed the transition from law to government. But he points out that legal training is invaluable, regardless of the career that is later chosen. Indeed, he feels that a student should attend law school "not with the preconceived idea that he must practice law, but rather that he should attempt to absorb the legal precepts and their relation to the broad social and economic patterns of our time, so that they become a basic part of any career that is finally decided upon."

A. A. R.

Sub Judice

OUR LYRICAL BARD—W. B. L.

The Postmaster General of New York banned from the mails the *Waggish Tales from the Czechs* on the grounds of obscenity. Roth, the publisher, brought an action for an injunction against this ban. A summary judgment was granted the defendant, and Roth appealed. Held: Affirmed. The *Per Curiam* opinion stated that "... the decision under the law here applicable is committed in the first instance to an administrative official; and under normal rules, therefore, judicial review channeled within the confines of a plea for an injunction should not be overextensive." In a concurring opinion, Frank J. criticized the court's hesitation to give judicial review, suggesting that the giving of such extensive power to the Postmaster General to decide what literature the people will read was a threat to the First Amendment of the Constitution, since it placed a serious restraint on freedom of thought. Judge Frank questioned what standard the Postmaster General is expected to use in determining what literature is to be banned as obscene. He concluded that the Postmaster General must invoke something like judicial notice, and since the court must give some review to the administrative official's finding, it must also invoke judicial notice as to what is considered obscene. Judge Frank said, "But where will the judges gather the facts to inform their judicial notice? Those whose views most judges know best are of other lawyers. It would seem not improper to take judicial notice that tales such as those the Postmaster General here found obscene are freely told at many gatherings of prominent lawyers in meetings of Bar Associations or of alumni of our leading law schools." A footnote appended to this passage commented, "One thinks of the lyrics sung at many such gatherings by a certain respected and conservative member of the faculty of a great law school which considers itself the most distinguished and which is the Alma Mater of many judges sitting on upper courts." Judge Frank commented, "I doubt whether we ought arrogantly, undemocratically, to conclude that lawyers are a race apart, or an intellectual elite (like Plato's totalitarian 'guardians' or 'guards') with a 'sense of what is right' for themselves, which has no relation to what is right for the vast multitude of other Americans, who (a la Plato) they may look upon as children." Questioning whether a book like the *Waggish Tales* would have a detrimental effect on normal sexual reactions, Judge Frank thought that perhaps future research will disclose that, for most men, such reading diverts from, rather than stimulates to, anti-social conduct. He quoted from a survey on women conducted by the Bureau of Social Hygiene of New York City which disclosed that "In answer to the question of what things are most stimulating sexually, of the 409 replies, 9 said 'Music,' 18 said 'Pictures,' 29 said 'Dancing,' 40 said 'Drama,' 95 said 'Books,' and 218 very simply 'Man.'" *Roth v. Goldman*, 172 F. 2d 788 (1949).

Alumni Notes

The following concludes the list of members of the September, 1948, class who have reported on their present activities and locations:

Robert M. Loeffler, Donovan, Leisure, Newton, Lumbard & Irvine, New York City; David E. Long, Office of General Counsel to Secretary of Air Force, Washington, D. C.; Bernard T. Loughran, Lybrand, Ross Bros. & Montgomery, Boston.

Robert MacCrate, Sullivan & Cromwell, New York City; Bernard Marcus, Library of Congress, Legislative

Reference Service, Washington, D. C.; Donald E. Marquardt, Standard Oil Company, New York City; Alfred T. Marshall, Cosgrove, Clayton, Cramer & Diether, Los Angeles; Robert L. McCandless, Own practice, Little Rock, Arkansas; James R. McGowan, Hinckley, Allen, Tillinghast & Wheeler, Providence, R. I.; Thomas F. McGuire, Torphy and McGuire, Fall River, Mass.; Chester B. McLaughlin, Jr., Dwight, Harris, Koegel & Caskey, New York City; John A. McMahon, Univ. of N. Carolina, Inst. of Govt., Chapel Hill, N. Carolina; George W. McManus, Jr., Blades & Rosenfield, Baltimore, Maryland; John T. McNaughton, Rhodes Scholarship, Oxford University, England; Donald E. McNicol, Davis, Polk, Wardwell, Sunderland & Kiendl, New York City; Robert N. McNutt, Adams & Lang, Tupelo, Miss.; William D. McSweeney, Devine, York & Volpe, Boston; Arthur Meadow, Bell, Boyd & Marshall, Chicago, Illinois; Charles B. Melby, Jr., First National Bank of Chicago, Chicago, Illinois; Albert R. Mezoff, Own practice, 53 State St., Boston; Edward B. Mikrut, Detroit, Michigan; Richard H. Millen, Desser, Rau, Christensen & Hoffman, Los Angeles; Richard G. Mintz, Mintz, Levin & Cohen, Boston; Arthur Minuskin, Charles Roemer, Paterson, New Jersey; Carl Morgenstern, Cleveland, Ohio; Joseph P. Morray, Teaching Fellow, Harvard Law School, Cambridge, Mass.; Joseph E. Moukawsher, McGuire & McGuire, New London, Conn.; Charles T. Munger, Wright & Garrett, Los Angeles; James R. Murphy, Thomas P. O'Malley, Keystone Bldg., Aurora, Illinois; William C. Murphy, Reid & Ochenschlager, Aurora, Illinois; Walter J. Myskowski, Boston Post Publishing Co., Boston.

Elliott B. Nixon, Jr., Burlingham, Veeder, Clark & Hupper, New York City.

Walter E. Oberer, Butzel, Levin, Winston, Youngjohn & Quint, Detroit, Mich.; Sheldon Oliensis, Cahill, Gordon, Zachry & Reindel, New York City.

Frank D. Padgett, Robertson, Castle & Anthony, Honolulu, T. H.; Richard W. Palmer, Burlingham, Veeder, Clark & Hupper, New York City; Alan Paluick, Clerk to Judge J. C. Mahoney, 1st CA, Providence, R. I.; Milton Pearlman, Portland, Oregon; Paul F. Perkins, Jr., Ropes, Gray, Best, Coolidge & Rugg, Boston; Lionel H. Perlo, Hartstone & Hartstone, Boston; Jack G. Perry, Federal Security Agency, Washington, D. C.; Donald L. Philbrick, Verrill, Dana, Walker, Philbrick & Whitehouse, Portland, Me.; Arthur H. Phillips, Tyler & Reynolds, Boston; Charles G. Phillips, Cadwallader, Wickersham & Taft, New York City; David E. Place, Ely, Bartlett, Thompson & Brown, Boston; George L. Powell, Rhodes Scholarship, Oxford University, England; Milton Prigoff, Steckler, Frank & Steckler, New York City; George N. Prince, Curtis, Mallet-Prevost, Colt & Mosle, New York City.

Franklin K. Rader, Shell Oil Company, Houston, Texas; James G. Raines, Studying in Paris, France; Jacob Rand, Stein, Stern & Conford, Newark, New Jersey; Robert L. Reed, Iowa; Carter L. Refo, 1104 Travelers Building, Richmond, Virginia; Irving F. Reichert, Jr., Legal Secretary to Judge Peters, San Francisco; Stanley E. Remel-meyer, Los Angeles City College, Instructor in Business Law; Howard E. Rice, Tillinghast, Collins & Tanner, Providence, R. I.; Robert D. Risch, Ross, McCord, Ice & Miller, Indianapolis, Indiana; David R. Roberts, Justice Loring, Minnesota Supreme Court, St. Paul; Walter McL. Robinson, Jr., Cravath, Swaine & Moore, New York City; Walter F. Rogers, Jr., Walter F. Roger, Jacksonville, Florida; Edward L. Rothschild, Poppenhausen, Johnston, Thompson & Raymond, Chicago; Noel Rubinton, Rubinton & Coleman, Brooklyn, N. Y.; Asher G. Ruch, Jr., Fraser, Myers & Manley, New York City; William A. Rusher, Shearman & Sterling & Wright, New York City; Bruce P. Ryder, Arnold, Bricker & Beyer, Lancaster, Pennsylvania.

Leon Savitch, Stuart Construction Co., Los Angeles; Irvin Schneiderman, Cahill, Gordon, Zachry & Reindel, New York City; Lewis W. Seidman, Attending University of Michigan, Business School; Richard L. Selle, Clerk to Judge Chase, 2nd CA, Brattleboro, Vermont; Herbert L. Sherman, Jr., Univ. of Pittsburgh Law School; Leonard L. Silverstein, Scranton, Pennsylvania; Donald J. Siskind, Fink & Young, New York City; MacVicker Snow, Rathbone, Perry, Kelly & Drye, New York City; DeForest Spencer, Jr., Dorsey, Colman, Barker, Scott & Barber, Minneapolis; Robert G. Sproul, Jr., Thelen, Marrin, Johnson & Bridge, San Francisco; Thomas M. Stanton, Paxton & Seasongood, Cincinnati; Ronald McD. Stark, Own practice, 56 Broad St., Milford, Connecticut; Norman E. Stephens, Stephens & Stephens, Loup City, Nebraska; Averill T. Stewart, Central Intelligence Agency, Washington, D. C.; Charles E. Stimson, Jr., Adams, Duque & Hazeltine, Los Angeles; Mercer L. Stockell, Rogers, Hoge & Hills, New York City; Arnold R. Streit, Berenson & Israelson, New York City; Jere N. Sullivan, S. B. Gill, 813 N. Chester, Oildale, California; Seymour S. Sussman, Silver & Bernstein, New York City; Melvin J. Sykes, Clerk to Judge Soper, 4th C. A., Baltimore, Md.

Robert T. Tate, New York City; Wood N. Taylor, Jr., Houston, Texas; James E. Thomas, Alston, Foster, Sibley & Miller, Atlanta, Georgia; Robert M. Thomas, Studying Government at Oxford, England; Paul B. Thompson, Reed, Reynolds & Smith, Newark, New Jersey; Henry A. Tilghman, Curtis, Trevehan & Gerety, Bridgeport, Connecticut; John R. Todd, III, Jones, Day, Cockley & Reavis, Cleveland; Saul Touster, Isseks, Meyers & Verdon, New York City; Jesse L. Tullman, Edward H. Saltzman, 64 Hamilton St., Paterson, N. J.

James R. Ulsh, Kimball, Smith, Miller, Murphy & Roberts, Buffalo, N. Y.

Donald Vail, Sullivan & Cromwell, New York City; Jack D. Voss, Carney, Crowell & Liebman, Chicago; Dow Votaw, Instructor, Business Law, Univ. of California.

William B. Webb, The Belk Stores, East Trade St., Charlotte, N. Carolina; George D. Webster, Jr., Clapp & Gaines, Atlanta, Georgia; Charles H. Weiland, Lord, Bissell & Kadyk, Chicago, Illinois; Samuel Weisbard, Hartman, Sheridan & Tekulsky, New York City; Joseph E. Weisheit, Jr., Michael Paul Smith, 212 Washington St., Towson, Maryland; David I. Wendel, San Francisco, California; Milton R. Wessel, Cahill, Gordon, Zachry & Reindel, New York City; William Wesselhoft, Ferguson, Bindel & Armstrong, Seattle, Washington; Francis M. Wheat, Gibson, Dunn & Crutcher, Los Angeles; Herbert Williams, Moses & Singer, New York City; Walter B. Williams, Bogle, Bogle & Yates, Seattle, Washington; Paul Windels, Jr., Wickes, Riddell, Bloomer, Jacobi & McGuire, New York City; Alan F. Wohlsetter, Pan American Airways System, Legal Dept., New York City; Atwood C. Wolf, Jr., New York City; James O. Worrell, Asst. Tax Counsel, Sunray Oil Corp., Tulsa, Oklahoma; Oliver B. Wyman, Jr., Morrow & Trippett, Los Angeles.

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FACULTY —(Continued)

scheduled for publication in September. Professor John M. Maguire will work with the American Law Institute on its Federal Income Tax Project, as well as several other national and state committees on taxation, and will work on a new edition of the Morgan-Maguire Evidence Casebook.

Professor Robert Amory, Jr., Vice-Dean Livingston Hall and Professor W. Barton Leach will spend part of the summer working on casebooks. In addition, Professor Amory will spend two and a half weeks at the Armored Force Training Center at Pine Camp with the National Guard and Professor Leach will continue his activity as consultant to the United States Air Force.

Other summer plans include those of Professor Manley O. Hudson who will work as chairman of the International Law Commission of the United Nations and Professor Robert Braucher who "proposes to spend most of the summer at the Harvard Law School trying to get together a Commercial Law course for next fall."

Professors with no particular vacation plans include Robert R. Bowie, Zechariah Chafee, Jr., E. Merrick Dodd, Jr., James A. MacLachlan, Calvert Magruder (who will, however, be traveling around the country attending hearings by the Emergency Court of Appeals), Roscoe Pound, and Warren A. Seavey.

ALUMNI —(Continued)

The council voted to move the Association's headquarters to Langdell Hall. The new office will be supervised by Harrison S. Dimmitt, LL.B. '25, the new assistant secretary and assistant treasurer, who is also secretary of the Law School.

The treasurer reported that \$15,000 has been transferred from Association capital funds to finish the Treasure Room in Langdell Hall. In accordance with a council resolution, the names of those who have contributed funds for the establishment of that library of historical books and documents will be inscribed on a scroll which will be displayed on one of its walls.

ADMISSIONS —(Continued)

valuable tool in helping the Committee select from the many qualified applicants. An initial study of test scores and the marks in Criminal Law for the present first year class shows promise of good correlation between the test scores and the students' law school averages.

The Admissions Office makes every effort to keep all applicants as fully informed of their status as is possible. By June 1 the new class will be substantially complete and every applicant shall be informed of his position shortly after that date.

POWELL —(Continued)

world, mostly in his chosen field. Among his writings is *Separation of Powers, the Supreme Court and State Police Power*, a series of articles which later appeared in book form.

In addition to teaching at Columbia and Harvard, Professor Powell has taught at the Universities of Illinois, North Carolina, Washington, Colorado, and California. Although specializing in Constitutional Law, he has taught Administrative Law, Taxation, Trusts, Conflict of Laws, and other courses. Outside the field of teaching, he has served as Special Assistant to the Attorney General, and as a member of the President's Emergency Board on the National Railway Strike in 1941.

NEWS BRIEFS —(Continued)

per se, it would be so if the figures portrayed were locally prominent. In the words of the judge, "the eye tends to linger longer over a nude figure where the face is familiar."

PROFESSOR McCURDY

The Office of Military Government for Germany (US) has announced the appointment of Professor William E. McCurdy as Acting Director of the Legal Division.

Professor McCurdy, on leave from the Law School, has been Associate Director of the Legal Division since March, 1948, and for six months prior to that time was chief of the Legal Advice Branch.

Professor McCurdy was originally given leave from his faculty duties at Harvard in July, 1945, and returned to the Law School for the period from June, 1946 to September, 1947.

UNITED NATIONS JOBS

The Department of State has announced a program whereby students at the Law School may be eligible to receive positions with the United Nations at Lake Success for the period from July 11 to September 2, 1949. Students with legal background may be assigned to assist legal officers in their work. Students interested should see Professor Cherrington, in room 118, Littauer, within the next few days, as names of candidates must be submitted to the Department of State by May 16.

KINGS BENCH

Francis W. K. Smith (Bowdoin '47), has been elected Chief Justice of Kings Bench. The other officers elected were William S. Connolly (Emory '47), Associate Justice; and Duncan E. Lennon (Illinois '42), Chancellor of the Exchequer. Mr. Lennon will be a member of the Council of Justices, as will be Norman S. Fink (Dartmouth '47), Bruce Leeger (Dartmouth), Charles D. T. Lenhoff (U.S.M.A. '39), Raymond P.

DeMember (Harvard '48), Clarence C. Ferguson (Ohio State '48), and Frederick L. Putnam, Jr. (Harvard '48). All the men elected, except the last three, are second year students; the last three men are in their first year.

ST. THOMAS MORE SOCIETY

At a recent election of the St. Thomas More Society, the following second year men were elected its officers: Edward Gilmore (Holy Cross '43), President; Rourke J. Sheehan (Xavier '47), Secretary; and John J. Layden (Holy Cross '47), Treasurer.

AIR FORCE COMMISSIONS

An informational release from the United States Air Force, Headquarters, First Air Force, Fort Slocum, New York reveals that individuals possessing law degrees have a special opportunity, under an interim program, to qualify for a Reserve Appointment regardless of military experience, and may also apply for extended active duty assignments.

STUDENT ARTICLE

An article, *The Compensation of Public Utility Commissioners*, by Ray Garrett, Jr., 3L, recently appointed Teaching Fellow for next year, has been published in the April 28 edition of *Public Utilities Fortnightly*.

JUNE GRADS —(Continued)

ruary, 1949 have been placed. According to Assistant Dean Toepfer, the maximum percentage of graduates who notify the Placement Office of positions is 80 per cent. Of this number, approximately 25 per cent have positions in New York, 13 per cent have positions in Massachusetts, 11 per cent are in Boston, eight per cent in California and five per cent in Pennsylvania.

The reports received also give a picture of the various fields into which members of the class have gone. Out of every 100, 74 are working in law offices, four and one-half have their own practices, four and one-half are working for corporations, six are with government, three and one-half have clerkships, one and one-half are teaching, and the remainder are doing miscellaneous types of work.

CHANCERY CLUB

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Calendar

LEGAL WORLD Registration

Registration of men entering the third year in September, 1949, will be held in the Court Room this Thursday, May 5, from 10 a.m. to 12 noon and from 2 to 4 p.m. Registration of those entering the second year in September, 1949, will be held in the Court Room the following week, on Thursday, May 12.

LAW WIVES

There will be a meeting of the Law Wives tonight at 8 o'clock. The Business School Wives will be guests. The program will consist of a reading of Clare Booth Luce's *The Women* by a group of Law School Wives.

FISHER—(Continued)

cific. It is even necessary to operate three towns in connection with the installations in the United States, varying in population from around 8,000 to over 30,000.

This vast installation is concerned with an immense industrial operation, reaching from the mining of uranium to the refining of ores, then into the processing plants, and finally to the end product. Built up during the war to produce a military weapon—as provided in section 6 of the Atomic Energy Act—it is still being used for this purpose. The Atomic Energy Commission is also working on the industrial application of atomic energy processes and is also attempting to probe deeper into the secrets of the nucleus for the purpose of discovering more basic information on nuclear processes.

These activities are carried on by the Commission almost entirely through private industrial contractors. Carbide and Carbon Chemicals Corporation is the contractor at Oak Ridge; the General Electric Company, at Hanford and Schenectady; and the University of

California, at Los Alamos. An association of eastern universities is the contractor for the Brookhaven Laboratories; an association of mid-western universities is the contractor for the Argonne Laboratory. The Monsanto Chemical Company, the Standard Oil Development Company, and two or three hundred other concerns and research institutions are contractors for other phases of the work. The total contractor personnel assigned to Commission work is about 55,000. In contrast the Government machinery for supervising the enterprise has been kept down to 5,000 employees.

The relationship between the AEC and the large number of contractors is a principal source of the legal work of the Commission. The legal staff spends a considerable part of its time in negotiating, reviewing, amending and interpreting contracts of many types: contracts for the operation of installations, contracts for research projects, contracts for the procurement of materials and special devices, contracts with large industrial concerns and with universities, and arrangements similar to contracts with other Government agencies. Over half a billion dollars a year is handled on this basis. In many of these the nature of the work requires a much closer relationship than ordinarily exists between the buyer and the seller of goods and services. The advantages of getting the work done in this way are numerous, but the administration of the program in this way results in many novel relationships, and one of the most complicated and difficult problems is the development of satisfactory working definitions of these relationships and satisfactory legal instruments to put them into effect.

The Commission regulates certain facilities for the production of fissionable material and, through a licensing system, controls all movements, including exports, of uranium and thorium. The preparation and administration of licensing regulations also creates a sub-

stantial body of legal work in an unexplored field.

The Commission's development of a domestic uranium-purchase program has also involved considerable legal work. This program includes the acquisition of processing mills, arranging for the



ADRIAN S. FISHER

operation of privately owned mills, and preparation and administration of a purchase program, including the setting up of price schedules and arranging of purchase contracts. In addition, it has involved continuing analysis of the special provisions of the Atomic Energy Act and the mining and land laws of the United States. As these problems are ironed out, close working relations with the Bureau of Land Management, the Geological Survey, and the Bureau of Mines are necessary.

Another large volume of the legal staff's business is attributable to the security requirements of the atomic energy program and the Atomic Energy Act.

Reported violations of the Act, such as disclosures of classified information, involve maintaining close working relationships with the FBI and the Department of Justice. This is part of the larger problem of the over-all control of information so as to protect restricted data, which presents many legal questions. The procedures for assuring that only persons found to be loyal and fit shall participate in the atomic energy program require considerable legal assistance. This is particularly true in connection with proceedings in which the dismissal or suspension of persons for security or loyalty reasons is involved. These proceedings must be run in such manner that they will give the people involved a fair hearing and an opportunity to defend themselves. They must assure the safeguarding of persons against dismissal upon inadequate grounds and at the same time enable the Commission to discharge its duty of protecting restricted data. Physical security involves the problems of protection of the physical property of the Commission and its contractors. This entails legal assistance on such matters as deputizing plant guards and establishing guard forces.

A wholly different set of legal problems results from the operation by the Commission of the three communities of Los Alamos, Hanford, and Oak Ridge. Virtually all the legal problems of sizable American towns, multiplied by the special factors of the peculiar histories and purposes of these towns, are present: problems of housing, since the Commission is the landlord in these cities, problems of police regulation, and arrangements for the health, safety, and welfare of the people living in these communities. One of the most interesting of these problems is that of working out concession arrangements under which local businessmen provide the necessary services for these communities, and under which all qualified applicants are given an opportunity to compete. In addition, there are difficult legal and administrative questions involving the relationships of these communities with surrounding areas, with the states in which the communities are located, and with the Federal Government. These involve

compensation to local communities for costs incurred because of the presence of atomic energy installations and payment of state sales taxes, and the like.

Any substantial research program in new fields must, of course, deal with the question of patents. This is intensified in the field of atomic energy because of the important role which the basic law gives the Government in this field. The Atomic Energy Commission contracts contain certain provisions which indicate the respective rights of the Government and the contractor in inventions developed by Government-sponsored research. In addition, section 11 of the Atomic Energy Act prohibits the issuance of patents for any invention useful solely in the production of fissionable materials or in their utilization for weapons. It excludes from a patent such part of any invention as is used for these purposes. Patents previously granted for any of these purposes are revoked or limited. Patents previously issued or hereafter granted for any invention useful in certain specified research activities in the field of atomic energy confer no rights to that extent. Under certain conditions, a patent covering an invention which utilizes or is essential in the utilization of fissionable material or atomic energy is made subject to a compulsory licensing power in the hands of the Commission.

For these privileges which the law withdraws from inventors, the law provides that the Government shall pay just compensation or a reasonable royalty fee. Regulations have been promulgated setting forth the procedures to be followed in determining these amounts. A Patent Compensation Board has been appointed to make these awards; the Chairman of

the Board is Mr. Casper Ooms, former Commissioner of Patents.

Any program of this size necessarily involves a considerable amount of litigation. The Department of Justice represents the Government in cases in which the Government is a party, and the system of contractor operations results in private counsel handling a large number of the cases. Nevertheless, the legal staff of the Atomic Energy Commission is involved in these cases, particularly when the trial of the issues may involve the disclosure of restricted data.

Section 15 of the Atomic Energy Act establishes a Joint Committee on Atomic Energy, a legislative committee composed of nine members of both Houses. The Atomic Energy Commission is instructed to keep this Committee "fully and currently informed with respect to the Commission's activities." This is a type of work in which lawyers are involved and, in the Atomic Energy Commission, makes up an interesting and important part of the lawyer's job.

A deliberate attempt has been made to keep the legal staff of the Atomic Energy Commission as small as is consistent with efficient performance of the work. The system of contractor operations has aided this objective. The Office of the General Counsel in Washington, D. C., is composed of 15 lawyers. There are smaller staffs assigned to the various field offices and also a small group assigned to work on patent matters. Because of this small size vacancies do not occur very often. They still do occur, however, particularly in the field. Consequently the Commission is interested in interviewing promising graduates who are interested in work in this field.

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SCOTT — Cases on Trusts, 3rd. ed.
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Third Year

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