

The Harvard Law School Record

VOL. 9, NO. 10

CAMBRIDGE, MASS., WEDNESDAY, DECEMBER 7, 1949

PRICE TEN CENTS

NEWS IN BRIEF

LAW SCHOOL FORUM

The Law School Forum wishes to apologize to those who purchased tickets to the Forum last Saturday evening and were then unable to gain admittance. If these people will present their tickets at the Forum office in Gannett House the tickets will be exchanged for tickets to the next Forum or money will be refunded. The Forum offers its assurance that this unfortunate situation will not recur.

LAW AND MEDICINE

Dr. Richard Ford, Professor of Legal Medicine at Harvard Medical School, will give the final lecture in the current series on the relationship of law and medicine, on Tuesday, December 13 in Langdell North Middle. The topic will be *Philosophic Considerations of Proof*.

WORLD FEDERALISTS

Law students interested in transformation of the UN into a world federation are invited by Harvard World Federalists to a meeting tonight at 7:30 in the Peabody Room, Phillips Brooks House. Mr. Louis Sohn of the Law School will speak on *World Government: How and Why*. At the close of the meeting a graduate chapter of World Federalists will be organized.

AMES PRIZES

The annual awards for excellence in first year Ames arguments have been announced by the Board of Student Advisers. Prizes for the three best orals will go to Leigh Gignilliat, Grotius Club; Paul Gebhard, Brandeis Club; William Kerr, Kaplan Club.

Prize winners for the three best briefs were Alvin Levin, Thurston Club; Philip O'Brien, Jr., Scott Club; Wallace B. Clift, Jr., Leach Club.

(Continued on Page three)

Services Describe Students' Chances For Commissions

In response to student interest, the RECORD has obtained information on law students' chances of doing legal work, as a commissioned officer, for the Army or Navy.

Navy spokesmen said they are not at the moment accepting any applications for legal specialist classifications or commissions. In the near future they expect to accept such applications, though only on a limited basis. The Navy still has openings for candidates for commissions in other branches.

The Navy policy is to turn down applications from men liable to be drafted. Even if the applicant is draft-exempt, the Navy will take his application only if he has five to ten years' experience in a technical field in addition to his Bachelor's degree.

Former Navy enlisted men can apply for general deck or limited engineer commissions. They can change to a more specialized field after they have gotten additional training or experience.

However, despite the stringent requirements, Navy spokesmen said that each applicant will get personal attention. All people who are interested should check with the Naval Officer Procurement Office, 495 Summer St., Boston.

The Army has released various circulars covering applications for commissions. Circular 210 says that the Army is taking applications for First Lieutenant commissions in the Judge Advocate General section. The applicant must be under 33, able to pass the physical and a member of the bar who graduated from an accredited law school.

For further details check with the Organized Reserve Corps at the Army Base, 666 Summer St., Boston.

New Issue Of Law Review Out Saturday

Davis Story On Agency Methods, Salute to Late Justices Feature Bugle

The December issue of Volume 63 of the *Law Review*—the second issue to be published by this year's Board of Editors—will appear this Saturday. Among its features is an article by Professor Kenneth Culp Davis entitled *Administrative Powers of Supervising, Prosecuting, Advising, Declaring, and Informally Adjudicating*. Professor Davis here points out that there are broad areas in which administrative action of an informal nature is extremely effective but at the same time beyond the traditional protections of procedural safeguards and judicial review, and discusses possible means of preventing arbitrariness or abuse in the exercise of this power.

Dr. Wolfgang G. Friedmann is the author of the second leading article which deals with the effect of social insurance programs on the principles of tort liability. Since Dr. Friedmann writes exclusively from English experience with the problems, the editors have supplied annotations to comparable American law. Dr. Friedmann is Professor of Public Law in the University of Melbourne, Australia, and is the author of the greatly respected jurisprudential work, *Legal Theory*.

Another provocative article in the forthcoming issue is *Public Assistance as a Social Obligation*, written by Mr. A. Delafield Smith. Mr. Smith, counsel for the Federal Security Agency, contends that social assistance should no longer be regarded as a gratuity, but that it should be recognized as a legally enforceable right.

The newly-added Comment section in this issue includes a consideration by Professor E. Merrick Dodd of a recent Supreme Court interpretation of the Public Utility Holding Company Act, and its effect on judicial review of preferred shareholders' rights in reorganizations. Professor Arthur Smithies of the Harvard Economics Department examines the controversial *Cement Insti-*

(Continued on Page three)

State Civic Group Seeks Third Year Volunteers To Analyze Legislation

The Massachusetts Civic League is looking for 24 third-year students who are interested in legislative work. They have requested Donald S. Paradis to find Bay State residents at the Law School who would be willing to assist in the preparation, drafting and presentation of opinion on bills before the Massachusetts Legislature. The League, which has offices at 3 Joy Street, Boston, sifts pending legislation for bills that interest it, and often initiates legislation. These bills are investigated by the League's standing committee which decides what stand the League should take on each. Representatives of the League then present their views at the legislative hearing.

Students are wanted to investigate the background of pending bills and to appear before legislative committees. The League cannot as yet say how much time it will require of the student assistants. However, it will try to arrange the time so that League work will not conflict with exam schedules. January is the most important month, since that is when the legislature reconvenes, but men who will be able to work in succeeding months are urged to apply.

The president of the League is Mayo Shattuck, LL.B. '21. Among the vice-presidents is Professor A. James Casner. The chairman of the committee on forms of government, one of the men who drafted the Boston Municipal Charter bill, is Fairman C. Cowan, LL.B. '40.

Magruder, Abrams, Bass Will Judge Powell, Mansfield Clubs In Semifinal



JOSEPH B. ABRAMS



HON. CALVERT MAGRUDER



PERKINS BASS

Judges on the bench of the United States Court of Appeals for the Ames Circuit tonight at 8 p. m. in the Langdell Courtroom will be Hon. Calvert Magruder, LL.B. '16, judge of the United States Court of Appeals for the First Circuit, Joseph B. Abrams, Esq., LL.B. '27 and Perkins Bass, Esq., LL.B. '38. They will hear the semi-final argument between the

Mansfield and Powell Clubs on the case of *City of Boston v. Mary Cord*.

Dr. Van Waters Describes Developments In Techniques Of Treating Delinquents

The following article was written for the RECORD by Dr. Miriam Van Waters, Superintendent of the Reformatory for Women at Framingham.

The history of the treatment of the woman offender in the United States reflects the changes in our social structure. It is the task of this article to indicate some changes in penological methods, and to describe some modern views. Areas of penology most in need of reform in the opinion of this writer will be pointed out, together with suggestions as to how reforms may be accomplished.

Early Developments in Massachusetts

In Massachusetts the treatment of the woman offender has had a startlingly dramatic history. It has proceeded from gross corporal punishment to correction based on scientific diagnosis and modern social treatment. In colonial times the common scold and brawler was tied to a ducking stool and ducked in the pond. Branding and whipping were used for petty thieves. The pillory was used for offenses against morals. As these penalties grew out of date jail sentences were imposed.

In 1870 Miss Hannah B. Chickering, after years of effort, succeeded in having a legislative commission appointed, consisting of "5 gentlemen and two other ladies to act with them as an advisory board." On February 10, 1871, the first hearing was held at the State House before the Massachusetts Legislative Prison Committee. "A league was formed, whose members circulated petitions for the prison, which was very generally signed by residents of all the counties of the State, and afterwards presented to the Legislature. The bill for the separate prison for women was several times

defeated but was finally carried in 1874." Based on observation Miss Chickering had been forced to "the conviction that the whole system of the imprisonment of women was degrading to them and that they were far more likely to be debased than elevated when the term of their sentence came to an end. Very little teaching of any kind was given them. Sometimes she found them in charge of and waited upon by men, who often treated them brutally, and in a way to lower their self respect."

In answer to the question proposed at a public meeting in 1869, "Our prison system is not reformatory: how can it be made so?" Miss Chickering replied with three basically modern ideas, not one of which has been carried out completely to this day, though all prison reformers strive to reach these goals.

"1. That all who have the care of prisoners should be selected on the ground of fitness alone.

"2. That the prisoners be classified, so that the young and comparatively innocent should not be exposed to the corrupting influence of old offenders.

"3. That more care be taken not to let loose on society the more hardened and

(Continued on page four)

Prizes For Scholarship Given To Six Students

The RECORD has learned through Miss Mary Conlan, administrative secretary to the dean, that six students won various prizes for outstanding scholarship during the past school year and one man won the Addison Brown Prize for an essay "on some designated subject of Maritime or Private International Law."

Bernard Fensterwald LL.B. '49 earned the \$250 award for his paper entitled *Sovereign Immunity and State Trading, with Special Reference to the USSR*. Another June graduate, Abram J. Chayes, won two awards. The first was the Joseph H. Beale Prize of \$100 for the highest grade in the examination in Conflict of Laws. The second was the Fay Diploma "given to the member of each graduating class . . . who, in the judgment of the Law Faculty, has . . . given evidence of the greatest promise."

Three men in the class of '50 split the two Sears Prizes for second year men. David Simon (Cornell '44) of Brooklyn, N. Y. won \$400 while Luther L. Hill (Williams '47) of Des Moines, Iowa and Allen E. Schwartz (Michigan '47) of Detroit, Mich. tied for the second award, each receiving \$200.

James Vorenberg (Harvard '48) of Cambridge, Mass. and Detlev F. Vagts (Harvard '48) of Sherman, Conn. were last year's winners of the two \$400 Sears Prizes for first year men.

Cardozo Club Wins From Frankfurter In Ames Argument

The Cardozo Club defeated the Frankfurter Club in the semifinal round argument of the Ames competition Monday night in the Langdell Courtroom. After deliberating for over half an hour the court returned to the crowded courtroom to announce its unanimous decision. Chief Justice George C. Sweeney, however, indicated that he had been reluctant to join his associates, Wilson C. Piper, LL.B. '42, and Walter G. Silcox, in the ruling.

The winning oralists were Ray Eder (Harvard '47) of University City, Mo., and Robert C. Frisch (Harvard '46) of New York City. Arguing for the Frankfurter Club were Buddy W. Hart (Iowa State '45) and Buster C. Hart (Iowa State '45), both of Rapid City, S. D.

By winning their argument Monday night the Cardozo Club gained a place in the Ames competition final round to be held during the Spring term. At that time they will face the winner of tonight's Powell-Mansfield semifinal argument.

The case concerned a sale and lease back type of transaction in which the petitioner, a wholesale electric appliance company, needed to replace its warehouse which had burned down. It assigned its leasehold on the land to an insurance company, which erected a warehouse and then leased back the improved land at \$36,000 a year, which the

(Continued on Page three)

The Harvard Law School Record

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

BERNARD A. FRIEDMAN.....President
RAPHAEL MUR.....Editorial Manager
JULIUS LEVINSON.....Business Manager

EDITORIAL BOARD

SEYMOUR HOZORE.....Associate Editor
ARTHUR SMITH.....News Editor
ARTHUR BRODY.....Copy Editor
SAMUEL DASH.....Current Case
H. C. CARON.....Features
GERARD MANDELBAUM.....Articles
BERNARD M. HYATT.....Alumni-Gallery
MURRAY BOGATTIN.....Comment
HAROLD WEINSTOCK.....Secretary

BUSINESS BOARD

JOSEPH H. INDICK.....Advertising Manager
ALLEN S. KRAKOVER.....Treasurer

STAFF

Wallace E. Cowan, Harvey Greenfield, Marc Grayek, Charles E. Grodberg, Gilbert Haakh, Jerry Hamovit, Norman W. Loveless, Richard M. Marshall, Nathan S. Paven, Lauren D. Rachlin, Larry J. Ratzel, Jerome Reiss, Jules Ritholz, Julius H. Sherman, Nathan J. Siegel, Edward D. Simsarian, Harold Trachtenberg.

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

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

Letters to the Editor

To the Editor of the RECORD:

The executive committee of the Harvard Chapter of the National Student Lawyers Guild asks me to request publication of the following comments on your editorial of last week:

(1) We deeply appreciate your kind words about our seminars. Every effort is being made to continue them not only as useful instruments of instruction but also as occasions for re-examining our social responsibilities as future lawyers and citizens.

(2) Although we have already had such discussions, we shall arrange, pursuant to your suggestion, further meetings on the legal and constitutional issues involved in the Communist trial, believing the trial to be of far-reaching significance.

(3) We heartily approve of your additional suggestion that we canvass student opinion on Guild activities and shall shortly distribute a questionnaire covering not only our seminars, but also our research, court tour and social action programs. However, all decisions on Guild activities, as we assume with the Harvard Young Republican Club and similar organizations, are made by our membership, which does not purport to speak for the entire student body.

(4) You are misinformed about the existence of "a serious clash" within the Guild or of any proposals for a "serious departure from policy." The Guild has brought outsiders to the Law School, no matter how challenging or controversial their point of view might be, whenever it was felt they could throw new light on important legal issues. This does not mean that the Guild necessarily subscribes to their opinions. The policy of presenting such speakers to the student body remains in effect. There was some question several weeks ago as to what would be done about the policy in the hypothetical event it evoked administrative disapproval. This question has since been resolved to the satisfaction of everyone concerned.

(5) We dissent from your suggestion that listening to an attorney convicted of contempt in the Communist trial would constitute participation in a breach of "the canon of ethics." This is to extend the pernicious doctrine of guilt by association so as to include everyone within reach of his voice and pen. The Yale Law School Students' Association, as well as a number of Yale faculty members, recently sponsored one of the defense counsel and heard him apparently without violating the professional proprieties.

Listening to a labor attorney with a long record of successful trial practice, now convicted of misconduct in court is not, as your editorial insists, to "overlook" the contempt at all, but to examine it closely from every point of view. Judge Medina's views on the subject have received thorough airing in the press.

ALAN F. WESTIN, 2L, Vice-Chairman
Harvard Lawyers Guild

To the Editor of the RECORD:

Your concern over whether student devotion to professional ethics might be endangered by listening to an attorney adjudged in contempt operates in a rarefied atmosphere out of which has been abstracted some of the very profound

legal controversies involved in the Communist trial.

While the press has been almost unanimous in presenting Judge Medina as a suffering saint abused and harassed by malicious and contemptuous defense counsel, the defense has accused him, in turn, of active prejudice and grave judicial misconduct. The writer can testify out of personal experience acquired during a day at the trial last June that Judge Medina made not the slightest pretense of judicial objectivity but frankly expressed his personal bias against the defendants at every conceivable opportunity. Judge Medina has already been overruled on at least one important procedural point by the Circuit Court of Appeals, namely the admission of the defendants to bail. Still at issue are his determinations on the method of selection of the jury, the participation of several allegedly prejudiced jurors, a host of dubious rulings as to the admissibility of evidence. Moreover, even the government has conceded a substantial constitutional question is involved. Finally it does seem strange that five lawyers everyone of whom has been a successful trial attorney in explosive labor and civil rights litigation should suddenly and unanimously throw their respect for court-room procedure out the window, endanger their clients and do irreparable harm to their own professional reputations. Ought students not inquire whether these men may have been victims of, rather than guilty of, judicial contempt?

If any one of these attorneys seeks a hearing among law students or lawyers, either to solicit professional or financial assistance or to attempt to halt own assassination in the press, he ought to be heard, at least.

LAWRENCE SHUBOW, 2L

To The Editor of The RECORD:

Shestack's article on Law Reviews (November 16, 1949, THE HARVARD LAW SCHOOL RECORD) is excellent and provocative.

He indicts the subject matter of Law Reviews as "dull." He finds: "Lawyers certainly do not support the Law Reviews. . . . What statistics there are, indicate few readers among lawyers."

The Associated Press handsomely pays Rudolf Flesch to make A. P. papers readable. Every review writer should read and apply *The Art of Plain Talk*, by Rudolf Flesch and *The Way to Write*, by Rudolf Flesch and A. H. Lass.

Maybe some day the RECORD can report that review editors and writers are using *The Art of Plain Talk*. Then Shestack can report: "The Reviews are no longer 'dull' and of 'very difficult style.' They are written in the standard style of digests. The lawyers are supporting and reading the Law Reviews."

Since law school days, I have enjoyed the "dull" habit of subscribing to and reading not only our own Review, but also *Law and Contemporary Problems* of Duke University.

T. RABER TAYLOR, LL.B., '36.

[RECORD staff members have been working on an article applying Flesch's *Plain Talk* to legal writings. We will publish this article in the near future.—Ed.]

To the Editor of the RECORD:

I felt considerable sympathy for the Forum and the complaints of Mr. Fink referring to the PBH Committee's scheduling a dance on the night that a Forum was already planned, but in view of what occurred at the Luce-Niebuhr Forum last Saturday, I believe that Mr. Fink should look with more care to the planning of the Forum's activities.

People who arrived five minutes late, bearing tickets bought in advance, found the doors locked to them, with all available seats sold, some of them having gone to people purchasing tickets at the door. It is impossible that the Forum was not aware of how many tickets had been sold, since they carefully recorded the number of each ticket when sold. The occurrence cannot therefore be excused as inadvertent.

If the broadcasting company had set a rule that no one could come into the auditorium after the speakers had begun, it would seem that the least the Forum could do would be to make an announcement of that fact in advance. And, since there is presumably a short break between speakers, those arriving late could at least be allowed to go to seats during that break, much the same as is done at any symphony concert. The sale of more tickets than there are seats is inexcusable, and a gross injustice to those who have purchased tickets in advance relying on the fact that there will be sufficient seats available.

Finally, the lack of presence of any Forum member at the door to explain the situation to late-comers, and later their being told to leave, without any apology for what had occurred, is at best a tactless and unbusinesslike method of operation, hardly to be expected of men who are soon to be earning their livelihood in a profession that demands tact and efficiency.

WILLIAM H. BERMAN, 3L

Gallery

ARCHIBALD MacLEISH
Scholar and Lawyer



There is talk that there are those who go to school these days without definite goals in mind or even merely to take advantage of the G.I. Bill. In the days not so long ago there were also men who went to school with equally hazy intentions, but once embarked, found reason, education, inspiration, and in return gave of their sincerely gained intelligence. Mr. Archibald MacLeish, LL.B. '19, soldier, lawyer, poet, editor, diplomat, professor and thinker, is one of these men.

Mr. MacLeish told us that it was a reluctance to go into business that turned him toward Harvard Law School after acquiring a B.A. at Yale University. He thought, at least in terms of sheer time, a sojourn in Cambridge would afford three more summers of freedom for writing. He had not reckoned with the swiftness and unrelentlessness of winter in these parts. But it was not long before one Joey Beale gave him a taste of the icy blast of humiliation when MacLeish proffered a suggestion in answer, he thought, to a question put. From this time forward, Mr. MacLeish said, his education began. In his own words: "The School in my day was (and I dare say still is) the most exciting place on earth. And the reason it was exciting was that it taught. Theoretically what it taught was law. Actually what it taught was the existence of the mind, the possibilities of the mind and the power of the mind."

However, Mr. MacLeish stressed the fact that the school did not simply teach the use of the mind in a vacuum. "For the first time in your life," he said, "you had discovered that you were part of a tradition, and you had the classic delight of using your mind, upon a body of material which other minds had created and which your mind might, if it had the necessary strength and knowledge, alter and improve." It may have been this realization which later prompted him to say in a poem entitled *Men*:

*Our history is grave noble and tragic
Many of us have died and are not remembered
Many cities are gone and their channels broken
We have lived a long time in this land and with honor.*

Mr. MacLeish recollected, "Thought, tradition with the addition of tough competition, made the school the perfect proving ground for minds in the making." In the same spirit as today, matching wits against your colleagues, the professors and the answers of time was an honorable exercise. Among Mr. MacLeish's close colleagues were Secretary of State Dean Acheson and Senator Leverett Saltonstall, among the professors were Scott, Beale and Frankfurter, and for the answers of time, there was among others, the familiar and inimitable Lord Eldon, bodily defunct but idea-wise active and antagonistic.

Mr. MacLeish believes the Law School lays the foundation for ability to undertake tasks with varying demands but the same essential premium on thought. He started where many would aspire to finish. After graduating first in the War Class of '19 with, of course, the privilege of being on the *Law Review* and receiving the coveted Fay Diploma, he instructed in the Government Department of Harvard University for a couple of years. However, imparting a knowledge of the operations of law to others without its experience on the case level did not hold his interest very long. He soon turned to the practice of law in Boston with the firm of Choate, Hall and Stewart. This sufficed for three more years. But the story could not end here.

Side by side with the completely rational ability to master subject matter and clarify thought, there existed in Mr. MacLeish the unexplainable, perhaps contradictory, compulsion to create. For a long time he had wanted to write, and his years with the law had not afforded the privilege. Therefore, in 1923 with his wife and two young children he set out on an uncertain life of travel and literary work. In due time his work brought him the Pulitzer Poetry Prize in 1932 for the narrative poem, *Conquistador*, and enduring

Sub Judice

ON THE NOSE?

Clucas and Revel induced two bookmakers, one named (appropriately) Gamble and the other Cranmer, to bet with them on a horse, by representing that they were the betting agents of a large number of employees at a British air field. The horse won the race and Cranmer paid off but Gamble had become suspicious, and when Revel went to collect the bet, Gamble refused to pay unless he was given further assurances as to the identity of the bettors. Revel gave Gamble a telephone number to call representing it to be a number at the airfield. As part of the scheme, Clucas had stationed himself near the telephone to which Revel had actually referred Gamble, ready to impersonate an employee at the airfield should Gamble call the number. Clucas and Revel were indicted for conspiring to obtain, and obtaining money under false pretences. The jury found both defendants guilty. Clucas appealed. *Held*: Reversed as to the count alleging obtaining money under false pretences. Affirmed as to the count alleging conspiracy. Concerning the charge of obtaining money under false pretences, the court said, "In the opinion of the court it is impossible to say that there was an obtaining of money by the false pretences which were alleged, because the money was obtained not by reason of the fact that the people falsely pretended that they were somebody else or acting in some capacity which they were not; it was obtained because they had backed a winning horse and the bookmaker paid because the horse had won." However on the conspiracy charge, the court said, "... no reasonable jury could have come to any other conclusion on the admitted evidence and on the evidence of the prisoners themselves than that they had conspired together to cheat the bookmaker of this sum of money." *Rex v. Clucas*, (1949) 2 K.B. 226.

Off the Record

Weighing-In

After all these years, we have just now noticed an odd trait exhibited by law students—their propensity for weighing themselves. We discovered this habit when we arrived early for class one morning and wandered into the medical office to read periodicals. For 25 minutes there was a parade of students, of all shapes and sizes who rushed into the office, peeled off overcoats, suitcoats, sweaters, even shoes, and hastily mounted the scales. After careful measurement of the loss or gain, and a brief expression of pleasure or disgust, they reassembled their attitudes of clothing and went on their way.

Whether these weight-conscious lads are afraid of losing weight from too much study or of gaining weight from lack of exercise, we are unable to determine. At any rate this rush to the scales indicates an anxious state of mind that, perhaps, should be capitalized on by the administration. A charge of one cent each time would go a long way toward paying the medical fees for the entire student body.

We said before this was an odd trait; this conclusion may not be justified, for, cloistered here as we are, we cannot tell whether such antics are peculiar to law students. We wonder if the people of the outside world are the same. H.

fame through such works as *The Happy Marriage*, *New Found Land* and many others.

In the meantime, in 1929, Mr. MacLeish had become the editor of *Fortune Magazine*. Ability being a commodity in great demand in our public service, this position was followed by such varied tasks as Librarian of Congress, director of the Office of Facts and Figures, assistant director of the Office of War Information and Assistant Secretary of State of the United States. In the wake of this distinguished public service have followed a flood of honorary degrees from such universities as Dartmouth, Wesleyan, Pennsylvania, California and others.

This year, in a limited sense, Mr. MacLeish came back to us. He is now Boylston Professor of Oratory and Rhetoric in Harvard University. At present he is busy instilling the question and discussion method and feeling for tradition that he learned in the Law School into his teaching of poetry.

He represents the embodiment in miniature of his final words to us on the importance of the Law School: "I have no desire to depreciate the School's accomplishments as a professional institution for the production of lawyers. It turns out excellent lawyers. More important, it turns out excellent judges and professors of law and public servants. But important as this contribution to the life of the Republic is, the greatest accomplishment of the Harvard Law School lies not in the narrow acre of the law, but in its broad perspective of human culture."

B. M. H.

Alumni Notes

Sp. '10-'12—*Harold Danckwerts* was recently appointed to the High Court of Justice of England and, according to custom, was subsequently knighted.

LL.B. '30, S.J.D. '33—*William H. Hastie* of Knoxville, Tennessee, was sworn in last week as the first Negro judge of a United States Court of Appeals. He was formerly judge of the District Court for the District of the Virgin Islands and was governor of the Virgin Islands for the last three and one-half years.

LL.B. '33—*Haskell C. Freedman* was elected to the Newton School Committee, in the last election, for a term of two years to begin on January 1, 1950.

LL.B. '33—*Julius L. Kabatsky* is a partner in the recently-formed law firm of Silverston, Kabatsky & Stooman, located at 827 Penobscot Building, Detroit, Michigan.

LL.B. '36—*Frank A. Farrington* was nominated by the Governor of Maine on May 19 as chairman of the Maine Industrial Accident Commission. Farrington was judge of the Augusta Municipal Court from 1940 to 1942 and deputy attorney general in 1942 and 1943. From 1943 to 1946 he was a member of the legal staff of the Maine Central Railroad, and since then has been on the Accident Commission.

LL.B. '49—*Roger J. Donahue*, formerly with Warner, Stackpole, Stetson & Bradlee, has announced the opening of an office at 53 State Street, Boston, Mass.

LAW REVIEW—(Continued)

tute case and other basing-point decisions from the economist's point of view.

Also appearing in the Comment section are memorials to the late Justices Murphy and Rutledge. Judge Thurman Arnold, formerly of the Yale Law School faculty, writes the first, and Judge Henry W. Edgerton, the tribute to Mr. Justice Rutledge. It is coincidental that Judges Arnold and Edgerton both graduated from Harvard Law in 1914, taught law for some time, and then were appointed to the bench of the Court of Appeals for the District of Columbia Circuit. Judge Arnold has recently entered private practice with Arnold, Fortas & Porter, in Washington.

Included in the "With the Editors" column in the coming issue is an analysis of the results of a survey conducted by the *Review* during the past two years on its editorial practices and policies. The Boards felt that a re-examination of the *Review's* functions and purposes was called for, and sought comment from subscribers and faculty members both by questionnaire and personal interviews. The attempt brought forth many suggestions and criticisms, some of which are responsible for the recent changes in *Review* practices. Most of the readers polled, however—and their opinions may be atypical since those who troubled to answer were probably those who have a greater interest in the *Review*—indicated general approval of the policies the Board has attempted to effectuate.

Preparations Made For N.Y.C. Position-Seekers

The Harvard Law School alumni groups of New York City are making advance preparations for those students who will be job-hunting in New York over Christmas Vacation. The Law School Association's Placement Secretary, Louis Kunin, LL.B. '47, will address those interested in New York practice this Friday at 7:30 p.m. in Langdell North Middle. In addition to his address, Mr. Kunin will be available for personal interviews on Saturday morning in the Placement Office in Langdell Hall.

Mr. Kunin served as full-time placement officer for NYC's Law School Association during 1947 and 1948. He is now associated with the firm of Klein, Alexander, and Cooper, but is continuing the placement work on a part-time basis. In his work, Mr. Kunin has compiled an extensive file of the jobs available in New York and is familiar with the requirements typical in the legal firms there.

The Harvard Law School Fund has set aside room in its offices at 56 Beaver Street to serve as a headquarters for students searching for New York jobs. Through the entire two-week vacation the Fund will have a practicing attorney on hand to consult with the students on job opportunities. The Fund will also provide the job hunters with telephone facilities.

NEWS BRIEFS—(Continued)

CHRISTMAS TRANSPORTATION

Phillips Brooks House and the Student Council at the college are sponsoring the Travel Introduction Bureau at PBH to enable students with cars to get in touch with those desiring rides home over the Holidays. The Bureau will exchange names only, leaving the particular terms to be arranged by the students.

Car owners and persons wanting rides should leave name, destination, and date of departure with the PBH secretary. The phone number is Harvard extension 526.

FCC ESSAY CONTEST

The prize in the annual essay contest sponsored by the Federal Communications Bar Association has been awarded for this year to Leon M. Cooper, LL.B. '49, whose essay was entitled *The Limited Application of Property Concepts in the Law of Television*.

Mr. Cooper's paper was prepared in connection with Professor Bowie's seminar at the Harvard Law School. Announcements of the essay contest of the Federal Communications Bar Association for 1949-1950 have recently been posted on the bulletin boards.

LAWYERS' GUILD

The Harvard Chapter of the National Lawyers' Guild will hold a membership meeting this afternoon at Kendall House at four o'clock. There will also be elections for new officers for the coming term. All students who are interested are invited to attend the meeting.

FULBRIGHT SCHOLARSHIPS

November 30 was the dead line for filing applications for Fulbright scholarships, which will enable American students to study abroad for one year. One hundred and twenty-six scholarships will be awarded to graduate students, 24 scholarships to law students, and 80 scholarships to undergraduate students. The vast majority of the applicants have designated Great Britain as the country they would most like to study in. The scholarship awards will be announced some time in April.

TOEPFER VACATION

Assistant Dean and Director of Admissions Louis A. Toepfer is due back on Monday, December 12, from a two-week vacation. This is Mr. Toepfer's first vacation since the fall of 1948. He has worked continuously since that time, through last summer on repairs in Austin Hall and on admissions to the Law School.

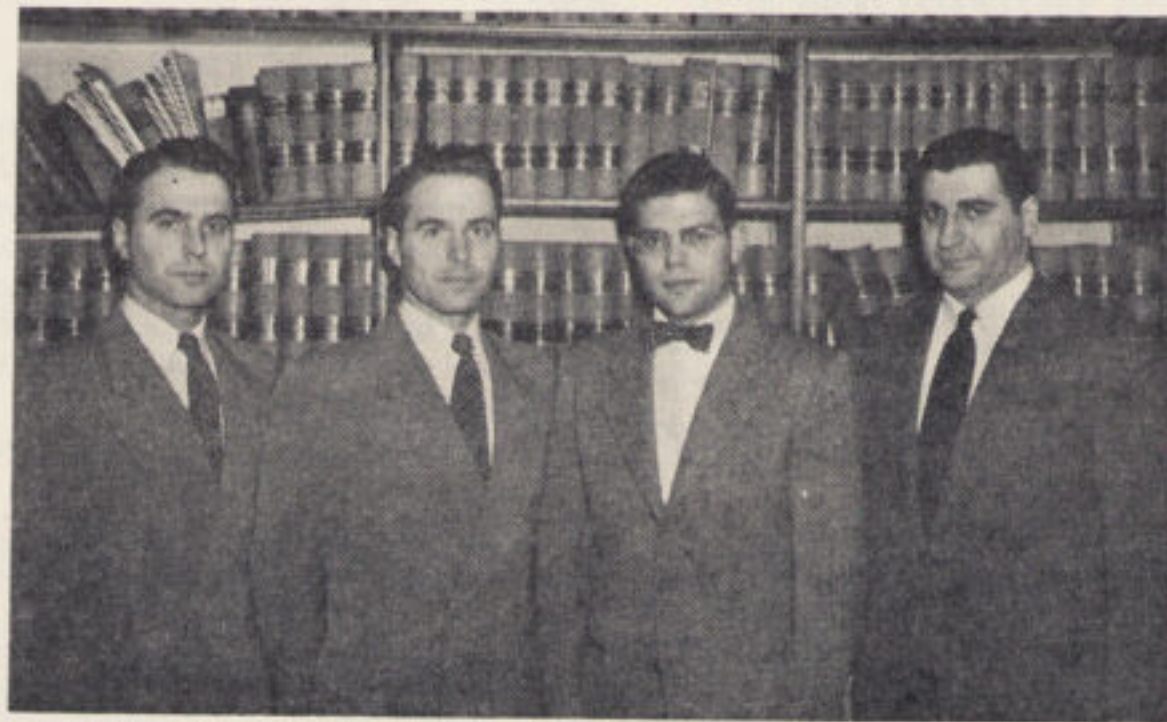
SKIS & EQUIPMENT

STEEL EDGES — REPAIRING
Ski Accessories of All Kinds
SKATES SHARPENED

TENNIS & SQUASH

67A MT. AUBURN ST. CAMBRIDGE
OPP. LOWELL HOUSE TR-6-5417

AMES SEMI-FINAL ORALISTS



Left to right: Buddy Hart, Buster Hart, Robert Frisch, and Ray Eder.

AMES—(Continued)

petitioner claimed was an ordinary business expense and hence deductible for income tax purposes.

Of counsel on the brief for the Cardozo Club were Stanley S. Brotman (Yale '47) of Vineland, N. J.; Samuel Dash (Temple '47) of Philadelphia, Pa.; Paul S. Edelman (Harvard '46) of Brooklyn, N. Y.; William K. Glikbarg (Stanford '47) of San Jose, Calif.; Albert

A. Raphael, Jr. (Yale '45) of New York, N. Y., and Marshall J. Seidman (Penn '47) of Pittsburgh, Pa.

Of counsel on the brief for the Frankfurter Club were Martin D. Cohn (Penn State '45) of Hazelton, Pa.; Norman S. Fink (Dartmouth '47) of Kew Gardens, L. I., N. Y.; Fred M. Kecker (Penn State '47) of Elmhurst, Ill.; Albert J. Marks, Jr. (Harvard '47) of W. Hartford, Conn.; Melville B. Nimmer (Calif. '47) of Los Angeles, Calif., and Bernard Quigley (U.S.N.A. '46) of Kansas City, Mo.

GOING HOME FOR CHRISTMAS?

Make Reservations Now
Rail And Air
Ticket Delivered At No Extra
Cost

TRAVEL SERVICE BUREAU,
INC.
318 HARVARD ST., BROOKLINE
AS 7-0006

CARSON'S

25th Year
of Good Home Cooking
Serving
Breakfast - Luncheon - Dinner
466 Broadway, Cambridge
Just a block from the yard
Open
7:00 A. M.—7:30 P. M.

LAW AIDS

HARVARD BOOK STORE

OPP. LAMONT LIBRARY
1248 MASS. AVE. Cambridge 38, Mass.

Derby Jeweler

XMAS GIFTS

WITHIN LAW STUDENTS BUDGET
WATCHES — BROOCHES
NECKLACES

"VISIT OUR PHOTO DEPT."

Derby Jewelers, Inc.
Harvard Sq. Cambridge
TRowbridge 6-9367

Free Public Lecture entitled "CHRISTIAN SCIENCE AND THE SEARCH FOR CAUSE"

by Robert S. Van Atta, C. S.
of Rochester, New York

Member of the Board of Lectureship of
The Mother Church, The First Church
of Christ, Scientist, in Boston, Mass.

Next Sunday Afternoon
December 11, at 3:00 in the
Auditorium of the Institute of
Geographical Exploration,
2 Divinity Avenue

Christian Science Organization at
Harvard University

Cordially Invites You

ON YOUR TRIPS

USE TRAVELERS CHEQUES



Harvard Square Office

HARVARD TRUST COMPANY

HOTEL CONTINENTAL

"One of New England's Best Hotels"
Cambridge, Mass.

VISIT PICCADILLY INN FOR RELAXATION,
REFRESHMENT AND REPAST

Full Course LUNCHEONS—95c and up
Full Course DINNERS—\$1.40 and up

All Beverages moderately priced

Excellent Function Facilities for Parties of All Sizes

Chauncey Depew Steele, Jr., General Manager

Call: Kirkland 7-6100

JIM'S PLACE

30 DUNSTER STREET
FAMOUS FOR CHOPS
STEAKS, SEA FOOD

Complete Air Conditioning

Complete Dinners .50 - 2.00

Porterhouse Steak for 2 \$3.75

DALTON-ELCOCK BAR REVIEW

The Fall Review, preparing candidates for the
Massachusetts Bar Examination to be held late
in December, began Tuesday, November 8, 1949,
and will end late in December.

For information write:

Dalton-Elcock Bar Review
Ten Post Office Square, Room 915
Boston, Massachusetts
Telephone HA 6-2850

Authorized
Dealer

FORD

Sales and
Service

Elbery Motor Co., Inc.

360 River Street, Cambridge, Mass.

is proud to introduce the last word in
PERSONAL SERVICE

Free Transportation From Your House To Our Shop Or Show Room
Whether To Pick Up Your Car — To Buy Any Genuine FORD
Accessories Or Just To Look At A New Ford . . .

Just call

Our operator at Kirkland 7-3820-1 or our campus representative, Al Cohn, at University 4-4244 and give your name, the time, and place.

You are now assured of transportation to and from our shop, less than 5 minutes away by car, as well as the traditionally high quality workmanship which we are known for. Drive down in your own car in the morning and be driven back in time for class. Call either number for a return ride when your car is ready—at no extra cost.

PLYMPTON LAUNDRY

49A Mt. Auburn St.
PICK UP AND DELIVERY
NO CONTRACTS
Call UN 4-1962

Rackets Restrung

ONE-DAY SERVICE
AIR PRESSURE MACHINE
TENNIS & SQUASH SHOP
67A MT. AUBURN ST. CAMBRIDGE

In the December issue of the

HARVARD LAW REVIEW

Social Insurance and the
Principles of Tort Liability

By W. G. Friedmann

Coming in the January issue

Regulation of Collective Bargaining by the NLRB

By Professors A. Cox and J. T. Dunlop of Harvard University

Subscribe Now and Receive These Issues
Subscription Price: \$5.50

Harvard Law Review Assn.
Cambridge 38, Mass.

Please enter my subscription starting with the December issue.

- ☐ Check is enclosed
☐ Bill me

Name

Address

Kindly do not use this form for renewals

Calendar

LEGAL WORLD Ames Competition

Second Year

Round 10, Argument, Thursday, December 8.

King's Bench

King's Bench will hold a record dance at Kendall House, Saturday, December 10, at 8 p.m. Set-ups will be provided for members and their guests.

Godkin Lectures

Senator Ralph E. Flanders (R., Vt.) will deliver the Godkin Lectures this year at 8 p.m. in New Lecture Hall. Tonight he will speak on *The American Century: External Policy*. Thursday, December 8, the topic will be the same century but *Pax Americana*.

Harvard Pediatric Study

The Parents' Organization of this group will present two films from the New York University film series: *A Child Went Forth*, written by Munro Leaf, music by Hans Eisler, and *Your Children and You*, on Monday, December 12 at 8:30 p.m., Peabody Room, Phillips Brooks House. Admission 25 cents.

OUTSIDE WORLD

Adult Education

The Cambridge Center for Adult Education is offering a varied program of winter courses starting the week of January 9th. Call Kirkland 7-0314 or visit 42 Brattle Street for more information.

VAN WATERS—(Continued)

dangerous criminals. She feared that Massachusetts looked at prisoners too much from a pecuniary standpoint to act with true wisdom in the matter, but if the State would try to experiment it would soon find that the true economy is to reform and not simply to punish.

The Indenture System

The Reformatory for Women in Massachusetts was the outgrowth of a pioneer crusade. It rallied support from an informed public opinion. In 1879 a law of conditional release was passed by which women offenders could be placed out at domestic service while serving

AMES BENCH—(Continued)

ing the Law School in 1924. Since his graduation, he has been practicing before the Boston Bar, specializing in trial work. He is a member of all state and federal bars, including the Bar of the United States Supreme Court.

Mr. Perkins Bass graduated from Dartmouth College in 1934 and from the law school in 1938. During the war he served as a major in the U. S. Army Air Force in the China Theater with the 14th Air Force as a combat intelligence officer. He has been a member of the New Hampshire House of Representatives in the following years: 1939-1941, 1941-1943, and is currently serving the term 1947-1951; and practices law as a partner in the law firm of Sheehan, Phinney and Bass of Manchester, N. H.

their sentence under supervision of the reformatory officials.

This plan for rehabilitation was presented by the writer to the United Nations International Penal and Peniten-



DR. MIRIAM VAN WATERS

tiary Commission in April, 1948, and received endorsement.

The foundations of the Reformatory for Women in Massachusetts were sound. In brief they were:

1. The governing of women offenders by women selected on the sole basis of their especial fitness for the work of rehabilitation.
2. A resident physician.
3. A resident Chaplain.
4. Self help by means of work in the community while serving time in the reformatory for which work they were paid wages to enable them to save money for the day of release.

The entrance of the first physician into the first jail logically defeats the theory of mere punishment. For if it is admitted that a woman's health influences her conduct and character you have introduced the idea of cause and effect. If you introduce the idea of orderly cause and effect you pave the way for treatment and hence the goal is rehabilitation, not mere punishment.

The entrance of the first minister or priest into the first jail logically defeats the theory of mere punishment. For if it is admitted that a woman's conduct and character can be modified by religion you have introduced the idea of reform by an appeal to the inner life.

Furthermore it was demonstrated by thousands of cases during the 70 years the conditional release system, or indenture operated, that rehabilitation could take place by participation in the community of normal life (under strict supervision) while serving a prison sentence.

The chief things which have been added to the Reformatory program are scientific advances and more stress on the techniques of adult education.

For years it seemed unlikely that these normal growth processes would be interfered with. Then came an attack. It is questionable if legislation can protect scientific work if the conditions under which scientists work are destructive. The issues destructive to progress of prison reform are set forth in the report of the impartial commission appointed by Governor Paul Dever on February 14, 1949, and written by Dean Erwin N. Griswold of the Harvard Law School.

The unguarded use of confidential psychiatric and social records, the exploitation of the records of rehabilitated persons, the prevention of out-patient clinics, the interpretation of individual treatment as favoritism are destructive to scientific work. Seasoned workers may sit out the storm but their constructive work is blocked. Young recruits will not enter public service under these conditions. But this is doubtless an administrative matter which legislation would not remedy.

New Approach Needed

The area most in need of reform is the approach. In spite of the advances of scientific knowledge the mere idea of a causative sequence in human behavior

is unglimped by many people. Diagnosis of the personality of the delinquent in relation to all the surrounding facts is not only the basis for action in treating him, it is the sole approach for prevention of careers of delinquency of those similar to him.

Thus, the first reform is the establishment of a diagnostic center, legally constituted and properly staffed with experts. It should be beyond political control. The Youth Service Board is a step in this direction. A diagnostic center has been established at the Industrial School for Girls, Lancaster, Mass.—Miss Elizabeth Bode, Superintendent. Its jurisdiction is over juvenile delinquents. One should be established for adults. New Jersey and California have this service.

At the Women's Reformatory a Classification Board operates such a diagnostic service but it should be set up and protected by adequate legislation. The Friends of Framingham, an organization to promote the welfare of the Women's Reformatory, is proposing legislation to give the Board control over day work permits.

The recruiting ground for talented young workers is the graduate University. Many of the key positions of the Reformatory are held by former internes who came fresh from college to serve as apprentices. This is true of the leading correctional institutions for women throughout the country. The "matron-

guard" employee does not readily adapt herself to the scientific plan of treatment which imposes strict self-discipline upon officers. It takes a trained mind to be objective and to submit to learning mental hygiene methods.

Conclusion

The reform of penal law and prison administration is an organic process carried on successfully only when lawyers, legislators, administrators, scientists and chaplains unite. In a democracy the continued interest of the community is essential. Progress has come usually as the result of a citizen crusade. The outstanding examples are the founding of the Juvenile Court movement by a group of citizens in 1898 in Chicago, and the establishment of a specialized institution for rehabilitating women in Massachusetts in 1879.

The penal code is so ancient and the difficulties of amendment so vast that it changes very slowly. The administration of it changes with the prevailing intellectual and emotional culture of the times. The trend is toward scientific rehabilitation. Within the framework of the prison sentence the administrator should be free to use the techniques derived from medicine, psychiatry, anthropology, psychology, religion and social work. Anything which limits the flexibility of individualized treatment, based on diagnosis retards rehabilitation, as much as if these restrictions were placed upon a modern hospital.

BROADWAY SUPER MARKET

QUALITY FOODS
WINES, BEER & LIQUOR

SCOTT TISSUE	2 ROLLS	19c
ORANGE JUICE (New Pack, Florida)	LGE. 46 OZ. CAN	25c
TOMATOES (Hand packed)	2 NO. 2 TINS	21c
PINEAPPLE JUICE—DEL MONTE	NO. 2 TIN	15c
TOMATO JUICE—LIBBY'S	LGE. 46 OZ. CAN	25c
FRUIT COCKTAIL—DOLE'S	LGE. 2 1/2 TIN	32c
MOXIE—1c SALE	2 LGE. BOTTLES PLUS BOTTLE DEPOSIT	16c
GINGER ALE & TONIC (American Dry)	3 LGE. BOTTLES PLUS BOTTLE DEPOSIT	29c
CRISCO	3 LB. 83c 1 LB. 31c	
WHITE SLICED BREAD	MADE BY FRIENDS 2 LGE. LOAVES	27c

LARGEST INDEPENDENT MARKET IN CAMBRIDGE
COMPLETE LINE OF MEATS & PRODUCE

468 Broadway

Near Memorial Hall

SQUASH RACKETS

Largest Variety in New England

TENNIS & SQUASH SHOP
67A MT. AUBURN ST. CAMBRIDGE
Opp. Lowell House — TR 6-5417

"JOE" KEEZER

Buys and Sells
Used Clothing, Jewelry,
Bric-a-Brac and Antiques

HARVARD COMMUNITY EXCHANGE

1094 MASS. AVE. CAMBRIDGE

FOR PHOTO FANS

Guaranteed
USED CAMERAS

STEREO-REALIST, F3.5, CASE	\$129.50
IKOFLEX, TESSAR F3.5, CASE	\$79.50
ARGUS C-2, F3.5, CASE	\$45.00
AGFA ISOLETTE, F4.5, CASE	\$37.50
ZEISS IKONTA B, F4.5, CASE	\$37.50
GRAFLEX, EKTAR F4.5	\$83.75
ZEISS NETTAR, F4.5, CASE	\$35.00
ARGUS A, F4.5, CASE	\$18.00
SUPER DOLLINA, R. F., F2, CASE	\$67.50

HARVARD

Camera Exchange

1300 MASS. AVE. HARVARD SQ.

HOTEL COMMANDER

Across the Common from Harvard
Private Dining Rooms
for Luncheons, Club Reunions, and Meetings
Grill, Snack Bar, Dining Room
Garden Street, Cambridge
KI 7-1800

STUDENTS! DO YOU WANT TO SAVE MONEY?

FOR SERVICE AT A SAVING
TO THOSE WHO JOIN THE CAC*

- ✓ 21% off on Lube Jobs.
- ✓ 10% off on Motor Labor Repair.
- ✓ 10% Reduction on Radiators, Heaters and Spotlights.
- ✓ 10% off on Tires and Seat Covers.
- ✓ 5c off on quart of oil, immediately.
- ✓ 2c off on gallon of gas, immediately.

*CAMPUS AUTOMOBILE CLUB

Info: Call TR. 6-6910 or stop at

Sales—NASH—Service

HARVARD AUTOMOBILE CO.

1230 Mass. Ave., Harvard Square
Cambridge, Mass. TR 6-6910

Shop The Coop for Christmas Gifts

TOYS	WOMEN'S HOSIERY
BOOKS	LUGGAGE
STATIONERY	PERFUMES
TOILETRIES	CAMERAS
TOBACCO	RADIOS
PIPES	ELECTRICAL APPLIANCES
MEN'S FURNISHINGS	SKIS
GIFTS FOR THE HOME	CANDY

The COOP

STUDENT VALET SERVICE CONTRACT PRESSING

Cleaning - Pressing - Alterations
Hat Renovating Shoe Repairing

For Service and Satisfaction Never
Obtained Before Call TR 6-0268

1609 Mass. Ave. Next to Bence's

LUCIA'S

ITALIAN-AMERICAN FOOD

Open daily 12-9

Sundays 1-9

1764 MASS. AVE., CAMBRIDGE
4 Blocks Below The Law School

A timely book
every thinking American
should read!

ON UNDERSTANDING THE SUPREME COURT

By Paul A. Freund

\$3.00

This superbly written and penetrating appraisal of the factors which influence the decisions of the Supreme Court will appeal to its admirers and critics alike. Every fair-minded person will want to read this warm, subtle and intelligent approach to the understanding of decisions which affect all our lives, written by one who has argued many cases before the Court, has served as clerk to Justice Brandeis, and now teaches Constitutional Law at Harvard.

To be published December 5—a most appropriate Christmas gift.

See your local bookstore

LITTLE, BROWN & COMPANY

34 Beacon St., Boston 6, Mass.

