

The Harvard Law School Record

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PRICE TEN CENTS

Blanshard and Dunne To Talk On Catholic Hierarchy Friday

Clergyman To Reply To Author Of Articles On Catholicism At Forum

Father George H. Dunne, S.J., and Mr. Paul Blanshard will discuss the topic, *Catholic Church and Politics*, in a Forum at Cambridge High and Latin School at 8 p.m., this Friday. H. O. Aiken, Harvard Professor of Philosophy, will act as moderator.

Father Dunne is the author of *Religion and American Democracy*, a reply to Paul Blanshard's book, *American Freedom and Catholic Power*. In recent years he has been a strong opponent of racial intolerance. His play, *Trial By Fire*, was a one-act representation of the Short Case which involved the burning of an entire Negro family by hoodlums who resented their moving into "restricted" territory.

Father Dunne was born in St. Louis, and for four years studied theology outside of Shanghai. He received his Ph.D. from the University of Chicago in International Relations, and taught at St. Louis before going to Loyola University where he was a professor of political science.

Mr. Blanshard wrote *American Freedom and Catholic Power* as a series of twelve articles which appeared in the *Nation*. He has been interested in this topic since he was working for his Ph.D. at Columbia, and was made a member of Professor John Dewey's special group which studied the Polish Catholic community in Philadelphia. His recent book criticizes Church organization and hierarchy, while saying that Mr. Blanshard has no criticism of the individual Catholic.

Blanshard graduated from the University of Michigan, Phi Beta Kappa, and later did graduate work at Harvard and Columbia. He studied theology at

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Accelerated Group Graduate, to Obtain Degrees In March

Tentatively eighteen men have completed their work at the Law School at the end of last semester. The accelerated program, whose last regular graduating class was in June, 1949, is the cause of these men graduating in mid year. They did not attend one semester of the accelerated program, and thus will tentatively complete their work this year. If this is done, the Corporation of the University will award them their degrees in March, 1950. Samuel Wilson Widdifield (Bay Shore, L. I., N. Y.) is a candidate for an LL.M. degree in March, 1950. The prospective candidates for an LL.B. degree are:

William Joseph Barton (Brown '45) of Buffalo, N. Y.; Edwin Wagner Bragdon (Princeton '43) of Evanston, Ill.; Kingsbury Brown, Jr. (Harvard '44) of Brookline, Mass.; David Gould Colt (Princeton '46) of Great Barrington, Mass.; Robert Monroe Fisher (Williams '45) of Saranac Lake, N. Y.; Sean Flavin (Stanford '47) of Monterey, Calif. Edgar Rohmer Geesaman (Nebraska '42) of Ft. Calhoun, Nebr.; Mark Augustine Lillis (Holy Cross '46) of Lockport, N. Y.; Hunter Lenon Martin (Yale '46) of Beverly Farms, Mass.; Larry John Ratzel (Dartmouth '47) of Milwaukee, Wis.; Robert Briesenick Ross (Harvard '46) of Saaronville, Fla.; Charles Thigpen Shea (Williams '43) of Milwaukee, Wis.

Irving Joseph Slomowitz (Wisconsin '46) of Coral Gables, Fla.; Palmer Smith, Jr. (Harvard '47) of Bethesda, Md.; Dwight Sullivan (Princeton '45) of Scarsdale, N. Y.; Derk Rae TeRoller (U.C.L.A. '45) of San Francisco, Calif.; Bernard Charles Welch (Harvard '45) of Wellesley Hills, Mass.

RECORD POSITIONS

With the beginning of the new term, there are several positions open on the staff for second-year men. All interested men should leave their names in the RECORD office on the third floor of Austin Hall.

Student Board Will Use A Self Service System For Ames

The Board of Student Advisers has announced a new system for the distribution of facts and exchange of briefs in the spring series of the first year Ames arguments.

The plan, based on the "self service" idea, has as its objects an increase in speed and efficiency, and elimination of much detail work on the part of Board members. Facts will be placed in pigeon holes in a rack outside the receptionist's office of the Board. Counsel may pick them up there, checking to see that each man's name is written on the back of his facts sheet. Briefs for opposing counsel are to be returned to the same pigeon-hole from which the facts were obtained and opposing counsel's brief may be obtained there.

The briefs for judges are to be placed in the slot cut in the door on the left, in the front vestibule of Austin Hall, as one enters the front door. Envelopes will be provided for this purpose, and counsel are to place their briefs therein, and write on the outside of the envelope their club name, their names, and the round and date of the argument.

These briefs for judges will then be placed with plaintiff's and defendant's briefs in envelopes and put in files on a table outside the Board receptionist's office in Austin. They will be marked with names of clubs, round, date of argument and judges' names in cases where judges' names are known in advance. They will be arranged alphabetically by clubs and numerically by rounds. Judges may obtain those briefs there.

Cooperation of all participants is asked by the Board for the smooth operation of this plan.

Jaffe, Ad Law Expert, Appointed To Faculty; To Begin Next Semester

Dean Erwin N. Griswold has announced the appointment of Louis L. Jaffe as Professor of Law at Harvard Law School. Dr. Jaffe, who is now Dean of the Faculty of Law at the University of Buffalo, will come to Harvard next year.

An expert in administrative law, on which he has written extensively, Dean Jaffe has practiced law privately and in government service and has taught for 12 years.

He was graduated from Johns Hopkins University in 1925. After serving on the editorial board of the *Harvard Law Review*, he was graduated with high honors from the Law School in 1928.

After practicing law in California for three years, he returned to Harvard to earn the degree of S. J. D. in 1932. He then served for a year as law clerk to Justice Louis D. Brandeis, of the United States Supreme Court. Legal work for government agencies followed until his appointment, in 1936, as Professor of Law at the University of Buffalo. He became Dean of the Buffalo Law Faculty in 1946.

No announcement has been made as to what Professor Jaffe will teach here. However, it has been announced officially that Professor Milton Katz will resume his teaching duties next Fall.

Cole, Dunlop, Wirtz Are Appointed to Truman's Coal Fact-Finding Unit

David L. Cole, LL.B. '21 will head the fact-finding board set up by President Truman Monday to study the nationwide coal strike. Previously Cole had served on the fact-finding board set up by the President last summer to study the steel situation.

Serving with Cole on the three-man board will be Professor W. Willard Wirtz, LL.B. '37, of Northwestern Law School, and Associate Professor John T. Dunlop of the Harvard Economics Department, who is giving a labor law seminar at the Law School this term together with Professor Archibald Cox.

The board will study the mine dispute and report to the President by next Monday. This move under the Taft-Hartley Law will allow the miners and owners six days in which to renew efforts to make a settlement.

Williston Urges Exclusion Of URSA From Commercial Code



SAMUEL WILLISTON

Law Review To Feature Critique of Uniform Act In New Issue On Friday

Samuel Williston, Dane Professor of Law, Emeritus, has written a challenging study of *The Law of Sales in the Proposed Uniform Commercial Code* to be published in volume 63, number 4 of the *Harvard Law Review*, which will be issued this Friday, February 10, 1950.

Concentrating on the "iconoclasm" of the Revised Sales Act part of the Uniform Commercial Code, Professor Williston is severe in his criticism. He fails to see the value of discarding language made specific and definite by two generations of judicial interpretation. Moving on to specific sections of the Code, Professor Williston criticizes particularly the provisions which fix the rights of buyer and seller irrespective of title, concluding that this "misfit with other legislation and with the common law" will create needless uncertainty in the law. Further criticism is directed at the special rules for "merchants" and the new Statute of Frauds. The conclusion is that "Some of these provisions are . . . open to criticisms that I regard so fundamental as to preclude the desirability of enacting this part (Revised Sales Act) at least of the proposed Code."

Professor Williston, who with such now legendary figures as Joseph H. Beale, Jr., Julian W. Mack, John H. Wigmore, and George R. Nutter was one of the editors of Volume I of the *Review* (1887-88), has had a distinguished career in the law. He is the author of definitive treatises on the law of contracts and sales, and the draftsman of the Uniform Sales Act.

Wilbert Ward and Moritz Rosenthal, both authorities on international trade, have replied in part to Professor Williston's criticism in a succinct article entitled *The Need for the Uniform Commercial Code in Foreign Trade*.

The article which won last year's Addison Brown Prize for Bernard Fensterwald, Jr., LL.B. '49, will be included in the forthcoming issue. The

(Continued on Page three)

Layman Criticizes Legal Profession At Forum Tonight

Luther L. Hill, publisher of the *Des Moines Register and Tribune*, will discuss the topic *What's Wrong with American Lawyers?* when he addresses a Forum meeting in Langdell Courtroom at 8 p.m., tonight. Dean Erwin N. Griswold of the Law School will introduce Mr. Hill at the Forum which is open to the public without charge.

Though Mr. Hill is not a lawyer, he has long been interested in the position which the lawyer holds in society, and this has been his topic in previous addresses before bar associations and student groups. His address in Cambridge will be based partially on a poll which was conducted by his newspaper to determine what the public thinks of the various professions, and he will attempt to analyze the reasons that lawyers have lost the position of eminence which they previously held, a loss disclosed by the fact that those questioned placed lawyers with dentists at the bottom of their lists.

In 1933 Mr. Hill acted as financial adviser to the Reconstruction Finance Corporation, and on leaving that post acted as vice president and director of the Iowa Broadcasting Company. Having served with the army during the war, Mr. Hill became director of the War Department Bureau of Public Relations in 1945. He has been with the *Des Moines Register and Tribune* since 1946.

Judge Urges Local Courts To Lead In Abolition of Procedural Anachronisms

This article by Arthur Vanderbilt, Chief Justice of the Supreme Court of New Jersey and Dean Emeritus of the New York University School of Law, consists of excerpts from his introduction to the forthcoming book, *Minimum Standards of Judicial Administration*. Justice Vanderbilt has given the RECORD special permission to quote from the introduction.

One of the strangest phenomena in the law is the general indifference of the legal profession to the technicalities, the anachronisms, and the delays in our procedural law. While our substantive law, dealing with legal rights, has been developing from year to year, gradually adapting itself to the changing needs of the times as the result of the unstinted efforts of judges, lawyers, legislators, and administrative officials laboring in the workday world and of law professors reading and reflecting in their libraries, our procedural law, dealing with the means of enforcing our legal rights, has been relatively neglected. . . .

Whatever the reason may be for our neglect, we cannot escape the unenviable contrast between the streamlined efficiency of the age of the assembly line and of the scientific methods of modern technology and our cumbersome and inefficient methods of utilizing our judicial machinery. In many states modern business has to rely on outmoded procedures, some medieval in origin, some reminiscent of the horse and buggy age, to enforce its legal rights. It is not remarkable that businessmen have sensed far more vigorously than most lawyers that

School Gets Portraits Of Burton, Powell, Hudson

The Law School walls have three new portraits adorning them these days. The Harvard Law School Association has donated portraits of Profs. Thomas Reed Powell, LL.B. '04, Story Professor of Law, Emeritus, and Manley O. Hudson, LL.B. '10, S.J.D. '17, Bemis Professor of International Law. Ohio alumni friends of Mr. Justice Harold H. Burton, LL.B. '12, have also donated a painting of the Supreme Court Justice.

Gardner Cox painted the Powell portrait, while Charles Hopkinson executed the Hudson and Burton paintings. Students may see the Burton painting in Langdell South. The Hudson portrait is displayed in the Langdell Library above Langdell North Middle. Professor Powell's portrait is on exhibit at the St. Botolph Club, Boston, at present, and will be placed in the Langdell Library, directly opposite the portrait of Professor Hudson. This brings the number of portraits donated by the Law School Association over the past 50 years to 18.

a legal right is worthless if it cannot be enforced, and therefore that procedural law is as important as substantive law.

Guidebook for Procedural Standards

Although the American Bar Association may claim a great share of the credit for the remarkable advances in the improvement of the administration of justice in the courts of the United States, the regrettable fact must be recorded that in the several states, with rare exceptions, progress has not stemmed from the bench or bar, but, as in England, from the efforts of intelligent and often irritated laymen. The interest of laymen in our courts has grown as the attacks on our system of courts and government have increased. . . .

Where the bench and bar cannot or will not modernize the judicial structure and methods, what choice has one but to encourage laymen to undertake the task? These considerations led the Committee on Improving the Administration of Justice to urge the publication of a book which would make clear to lawyers and laymen alike the extent to which each state was measuring up to the minimum, practical standards of judicial administration of the American Bar Association. . . .

Aside from inertia the greatest obstacle to the modernization of judicial administration has been the lack of complete detailed knowledge of what should be done in each state to give it a reasonably effective procedural system. Such knowledge the present volume supplies. The approved standards, originating as the recommendations of distinguished committees, obtained the unanimous approval of the American Bar Association, which has been urging their adoption in the several states for over a decade. These standards are thus supported by

(Continued on page four)

Law School Fund Drive Passes Half-Way Mark

With 58 per cent of the \$2,500,000 goal already in, the Harvard Law School Fund, under the direction of National Chairman John B. Marsh, LL.B. '10, reports in the *Law School Bulletin* for January that 23½% of the alumni have contributed an average individual gift of \$237.

Latest figures obtained from THE RECORD by Harrison S. Dimmitt, LL.B. '25, secretary of the Law School, list subscriptions at \$1,244,000 plus \$205,400 from the William Nelson Cromwell bequest, a total of \$1,449,400.

Hawaiian alumni lead the Fund with all 50 of the graduates and 12 out of 16 of the non-graduates contributing and additional gifts from 10 non-alumni in memory of the late Justice Albert M. Cristy, LL.B. '14.

The Harvard Law School Record

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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.

Letters to the Editor

To the Editor of the RECORD:

If, as we are told, the case system is effective only when students are prepared for class work, the powers that set the schedule of midyear examinations have just had us stumble through about three weeks of third-rate classes. It is well known that no one prepares for class right before exams and that no one is in condition or of a mind to study right after exams. Yet the schedule called for us to go through the motions of classes with no time off except the time it actually took to write the exams.

I know that things are supposed to be tough at Harvard Law School and that everyone accepts the fact as being a useful part of our training, but I question the usefulness of having the administration purposely put us in a situation where we just cannot do any work. It only means that all most of us will ever know about the last three weeks' work is what we will cram in May, and this no doubt is the antithesis of the Harvard Law School system.

While a reading period would probably be too much mollycoddling for Harvard Law School men, a few days off after exams used to be tolerated here. Why the change? With a few days off after exams, we would again feel like working when we returned and we would have the time to work and start the new term without feeling left at the post.

THIRD YEAR STUDENT

To the Editor of the RECORD:

I read with interest in the December 20 issue of the HARVARD LAW SCHOOL RECORD about the coming talk before the Forum by Paul Blanshard on the announced topic, *American Freedom and Catholic Power*. Judging from past performance, I presume that this talk is to be an attack on Catholics and their church. If such is the case, the Forum in the interests of an unbiased and fair presentation will no doubt have on the same platform someone to answer the attack, since an ex parte assault with no opportunity of defense is not always favored by fair minded persons.

Prescinding from that line of thought, however, I question the wisdom or propriety of fostering any speaker whose stock in trade consists of an attack on any religious or racial group. In recent years we have had enough of such personalities as Gerald L. K. Smith, Joseph E. McWilliams and others whose utterances frequently have had an unhappy effect upon the promotion of that good will amongst men which is so greatly to be desired.

RICHARD W. CONDON, ex '37

To the Editor of the RECORD:

In reference to Mr. Condon's letter:

First: The announcement of this program which was published in the RECORD was incorrect in two respects. The title of the Forum will not be *American Freedom and Catholic Power*, and Mr. Blanshard will not appear without opposition. For both of these mistakes the Forum and its publicity man take the blame.

The Forum never had any intention of presenting only one side of this or any other question. Had we been unable to find someone

willing to meet Mr. Blanshard on this question, we would have cancelled the program.

Second: In the second part of the letter, the wisdom and propriety of our fostering such a speaker as Mr. Blanshard are questioned, and Mr. Condon maintains in effect that we should not thereby be fostering good will among men. Undoubtedly, many fair-minded men agree with him. After lengthy discussion of the question, however, the Board of Directors of the Forum decided that there is a better way to settle the questions raised in Mr. Blanshard's book or at least to offset what so many consider the evil effects of the bigoted assertions of Mr. Blanshard. That method is to bring the question into the open, to provide the opportunity for both sides to be heard, and then let rational and unbiased men draw their own conclusions.

ANTHONY P. NUGENT, JR., 3L

President, Harvard Law School Forum
To the Editor of the RECORD:

I agree with the RECORD editorial of December 20, 1949, that there should be discussion as to the selection of names for the five Law School houses and one commons hall now being erected on the Jarvis courts.

There should be only three qualifications for selecting the names of the houses and commons hall. (1) the name should be associated with the School; (2) the choice should be popularly approved by the graduates of the School; (3) and, each of the choices should be primarily identified with a different area of the legal profession.

The six areas of the legal profession that should be represented in the selection of names for the buildings it seems to me are: lawyer, judge, statesman, scholar, dean, professor. The six names I would select to fill the above categories are: James C. Carter (LL.B. 1873), lawyer; Oliver W. Holmes (LL.B. 1866), judge; Rutherford B. Hayes (LL.B. 1845), statesman; Joseph Story (A.B. 1798) scholar; Roscoe Pound (LL.B. 1890), dean; James Barr Ames (LL.B. 1873), professor. Other names could be suggested, for example: Rufus Choate (LL.B. 1820), lawyer; Louis D. Brandeis (LL.B. 1875), judge; Henry L. Stimson (LL.B. 1890), statesman; George Bancroft (LL.B. 1841), scholar; Isaac Parker (A. B. 1786), dean (first Royall professor); Emory Washburn (LL.B. 1820), professor.

I believe that selection on this basis has the virtue of catholicity, and demonstrates the wide areas of service for which the Law School is preparation.

ROBERT L. HALFYARD, 2L

Off the Record

Conflicts of Puns

A Conflicts student grew weary
Of this thing called the local law theory.
The books were fraught
With Cook's spoiling the broth;
Devil's work for idle Hand made him leery.

RENEE RENVOI

Truth Is Stranger Than Fuller

My mark in Contracts tends (as judges put it) to show that I may not have gotten much contract law out of Basic Contract Law. However, that excellent book did make me name-conscious. Who can forget Flintlock Holman, the reward seeker, or Saul Swain, the shopper for engagement rings? Lately, I have run across a few names that make me think that perhaps Professor Fuller wasn't kidding: There's a Cambridge criminal-lawyer by the name of Lawrence J. Feloney. Even better there's a law firm named (let's hope not appropriately) Wind and Wind. Their location? Where else but Chicago—the Windy City.

M. B.

No Comment Needed Department

In a recent speech, Attorney-General J. Howard McGrath said, "There is nothing mysterious about the anti-trust laws, they are no more difficult to understand than the tax laws."

Palsgraf Revisited

Mrs. Palsgraf was knocked out of sorts
On a platform, so she sued in the courts,
But Cardozo's decision
Caused sneers of derision
From soft-hearted students of torts.

Lassie Cum Home

The following is reported from a recent issue of the *New Yorker*:

"Her fiancé graduated from Los Angeles High School and from Harvard University in 1946. He is now attending Harvard Law School. His fraternal affiliations are Phi Beta Kappa and Magna Cum Laude.—*Monrovia (Calif.) News-Post*.

"Magna Cum Laude is all right except the food isn't too good."

Gallery

JAMES LAWRENCE FLY
Public Servant



In the early 1940's much criticism and abuse was directed at a particular government official. He was called autocratic and arbitrary. They even blamed Pearl Harbor on him. Surely such a man must be a Captain Bligh type with a loud booming voice and an elephantine body.

But James Lawrence Fly, who as chairman of the Federal Communications Commission from 1939 to 1944 was the recipient of that criticism and abuse, though tall is thin and balding, bespectacled and soft-voiced. However, this mild-mannered man has a keen and perceptive mind and a fighting spirit, the effects of which have been felt by more than one opponent.

On at least one occasion an attempt to "get" Chairman Fly backfired. Congressman Eugene Cox, (D. Georgia) in the course of a Congressional investigation showed more interest in blasting Mr. Fly than in getting at the facts. Mr. Fly told the then Senate majority leader, Alben Barkley, "I think Congressional investigating committees are good and serve a useful function in the necessary supervision of governmental agencies. But this damn committee is just out to get me and I'm going to fight back." Fight back he did. Cox didn't have an unimpeachable record, and enough information was uncovered to make the Congressman back down.

Mr. Fly was born and raised in a rural Texas community. He entered the United States Naval Academy in 1916, and, upon graduation in 1920, he went into naval service. "I did a lot of work on courts martial. There seemed, however, little future in the Navy and court martial work wasn't what I wanted to go in for." This coupled with his interest for the law and a temporary illness led Mr. Fly to resign from the Navy in 1923.

That same year he matriculated at Harvard Law School. Entrance procedures must have been less formal those days. "I arrived in Cambridge a few weeks before the fall term was to start. That was my first contact with the School. I got the required certificate from Annapolis that I was in the upper third of my class and was accepted."

"I liked the study of law very much. It nourished and fed me intellectually." Mr. Fly didn't devote all of his time to his studies. He tutored, worked in Legal Aid, and also was a member of the Board of Student Advisors. One summer he worked for the HLSA and during another summer he worked in the Burlingham firm in New York City.

Among his classmates whom he recalls were Wilber Katz, now dean of the University of Chicago Law School; Tom Corcoran who was one of his friends in law school, in government work and in personal life; Harold Havighurst, now dean of Northwestern Law School; and David Cavers, now a professor here.

"I remember well Joe Warren, Sam Williston, Joe Beale, Bull Warren and Scottie. Does Scottie still run back and forth across the rostrum?"

"The only criticism I have of the curriculum in the Law School is the lack of some practical training in the marshalling of facts on which to base a case and in the introduction of the facts in court. Facts have to be dug up and sorted out. What witnesses to call, how to prepare for cross-examination, when not to cross-examine, how to question different types of witnesses, dealing with other lawyers—all these as well as the other techniques of pre-trial and trial work ought to be taught in some two-hour course."

Mr. Fly's entrance into governmental service came about fortuitously. After graduation from law school, while he was working on Wall Street for White and Case, a mutual friend of his and of John Lord O'Brian recommended Fly to O'Brian for the Anti-Trust Division, which President Hoover at the time had selected O'Brian to head.

Mr. Fly accepted a position in this Anti-

Sub Judice

STOMACH-SEARCH UNREASONABLE

Willis had been arrested just as he was completing a sale of heroin. During the ensuing struggle, Willis swallowed the two capsules. The federal agents rushed him to a hospital where the "stomach pump treatment" was administered against his will. He was "forcibly placed on a table, and his arms and legs were fastened to the table by straps. His jaws were forced open and a cotton pad roll about one-half inch thick was placed in his mouth between his teeth. His nostrils were held by someone so that he was forced to open his mouth, thereby permitting about ten inches of rubber hose to be inserted down his throat and into his stomach." The contents of defendant's stomach were used as Government Exhibit Two. Held: Defendant acquitted. The court found that the search was an unreasonable one within the meaning of the Fourth Amendment to the Constitution, and held that the evidence was therefore inadmissible. The court quoted from an earlier case: "If a stomach pump may be used, then the surgeon's knife may be used. If the stomach pump can be justified, then the opening of one's person by the surgeon's knife can be justified. We would then have returned to trial by ordeal which has long been abolished by right-thinking, liberty-loving people." (*In re Guzzardi*, 84 F. Supp. 294 1949). The court made it clear that the case was decided on principle, not guilt or innocence; "that we are obliged to strike the evidence concerning the narcotics represents no victory for this defendant, and that we are obliged to find him not guilty represents no triumph of innocence; rather it represents an adherence to the principles of freedom secured by our Constitution, the provisions of which protect the innocent, and in cases such as this, those who are not deserving of its protection." U. S. v. Willis, 85 F. Supp. 745 (1949).

Trust Division not out of any sense of civic duty or of any desire to serve the public interest—that was to come later—but because it offered something new and exciting. There were opportunities for advancement and the pay wasn't any less than he was then receiving.

After five years with the Anti-Trust Division, Mr. Fly went on to serve the TVA as general counsel. In the second TVA case he and his staff were opposed by, among others, Newton Baker, who was secretary of war in Wilson's administration. The preparation of their case by Fly and his staff was intensive and exhaustive. If a hydraulic engineer was called to the stand by Baker to testify, everything that engineer had said or done was at Fly's fingertips. For Fly's assistants had canvassed the background of every hydraulic engineer who could reasonably have testified for the power interests. Such remarkable "anticipation" of the witnesses called by Baker's staff caused Baker to accuse Fly forces of spying on him and of stealing a copy of his witness list.

It was while working for the government that Larry Fly's personal philosophic development came about. His governmental work called for him to work in the public interest. This working in the public interest gradually became engrained on him so that even today although outside of government service he is still motivated by an interest for the public good. He is currently speaking and writing strongly that the wire-tapping activities of the FBI are unlawful and are a threat to the Bill of Rights.

He believes that government service has a lot of opportunities for the well-qualified man. The movement from one job to another in government means advancements and new and fascinating work.

At present as well as maintaining a private practice of administrative law in New York City he is a director of the American Civil Liberties Union. Although he doesn't take payment for his work for the A.C.L.U., he has devoted much of his time and energy to arguing cases for it. He recently participated in the *Harris* case involving search and seizure, and commented that "the Fourth Amendment guaranteeing the right to be secure against unreasonable searches and seizures has been almost eliminated from the Constitution." Mr. Fly got satisfaction in the use of some of the language in his brief by the Maryland Court of Appeals in its opinion invalidating the gag rule imposed by a Maryland court against press and radio comment on pending murder trials.

Mr. Fly has confidence and faith in the American people. "The progress that has been made in the past ten to 15 years will continue in the light of the greater maturity and perception of the American people."

Mr. Fly thinks that you can sleep a lot better if you do work for the public good.

He looked well rested.

N. S.

Alumni Notes

Assistant Dean Louis A. Toepfer of the Placement Office estimates that about 85 percent of the June, 1949, class has been placed. Following is a list of men who have reported their present activities to the Placement Office:

Faneuil Adams, Jr., Fulbright Scholar, France; Robert H. Allen, Fennimore, Craig, Allen & Bledsoe, Phoenix, Ariz.; Douglas E. Allis, Hatch, Root & Barrett, New York City; Norman E. Anderson, Jacob, Jones & Brown, Portland, Ore.; Herbert S. Ascherman, Leo M. Ascherman, Cleveland, O.

Edward C. Bannon, Cressy, Bartram, Melvin & Sherwood, Stamford, Conn.; Boce W. Barlowe, Jr., Own practice, Hartford, Conn.; George Benedict, Jr., McCutcheon, Thomas, Matthew, Griffiths & Greene, Los Angeles, Calif.; Richard A. Beyer, Home Loan Bank Board, Washington, D. C.; Alexander M. Bickel, Clerk, Judge Calvert Magruder, Boston, Mass.; Walter E. Black, Jr., Hinkley & Singley, Baltimore, Md.; William L. Blum, Dinsmore, Shohl, Sawyer & Dinsmore, Cincinnati, O.; Mason L. Bohrer, Randolph Bohrer, Chicago, Ill.; Robert Bracken, Jr., Bamberger & Feibleman, Indianapolis, Ind.; Philip A. Brancucci, James R. Nolen, Boston, Mass.; Robert A. Breckheimer, Root, Ballantine, Harlan, Bushby & Palmer, New York City.

Joseph P. Bright, Jr., Cross & Shriver, Baltimore, Md.; James A. Brink, Hale & Dorr, Boston, Mass.; Leon E. Brodsky, Bonneville Power Administration, Portland, Ore.; Jerry M. Brown, Nutter, McClennen & Fish, Boston, Mass.; Richard H. Brown, Warrick, Brewer & Lamkin, Kansas City, Mo.; Richard M. Brown, Walter & Haverfield, Cleveland, O.; Robert A. Brown, Kingman Brewster, Washington, D. C.; Robert R. Buell, Dorr, Cooper & Hays, San Francisco, Calif.; Clifford S. Burdige, Jr., Hartford Accident & Indemnity Co., Hartford, Conn.; Davis C. Burroughs, Jr., Moorhead & Knox, Pittsburgh, Penn.

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This list completed next week.

Catholic Priest Lectures On Divorce Law, Ethics

Father Luke Farley, a member of the Marriage Tribunal of the Archdiocese of Boston, spoke to the members of the St. Thomas More Society on the *Obligations of Catholic Lawyers in Civil Divorce Cases* at a Communion Breakfast in Kendall House Sunday, January 15.

Father Farley, who has a degree in Canon Law, referred to the address given by Pope Pius XII November 6, 1949 to a convention of Catholic lawyers in Italy. In that address the Pope reaffirmed the teaching of Christ in the gospel of St. Mark that a man may put his wife away only for adultery—meaning a perpetual separation, not a divorce. The Church does not allow remarriage because a valid marriage cannot be dissolved by any human power. Any case of an apparent remarriage by a Catholic may only follow a finding by a Marriage Tribunal that previously there has been no valid marriage.

"A Catholic lawyer is ethically barred from taking the usual civil divorce case," said Father Farley, "if the person seeking the divorce thinks that his marriage can be dissolved by the divorce and that he will be free to marry again. If the lawyer helps toward that end he is co-operating in the immoral act of the client." An exception to this general rule might be allowed when the separation (with a civil divorce decree) is sought to protect one party of the marriage from physical harm.

The priests on marriage tribunals might be styled as Canon Law lawyers. They are the advocates for each side of a case when a separation or invalidation is sought. Father Farley has just been appointed "Defender of the Bond" which requires him to uphold the validity of every marriage that comes before the tribunal for consideration.

There is an appellate court system to review the decisions of the original tribunals on application of the losing party. The Metropolitan See in Boston is the next higher court for the other seven dioceses in New England. Decisions originating in Boston's tribunal may be reviewed in New York or another Metropolitan See. The supreme court is the Third Roman Rota in Rome.

LAW REVIEW—(Continued)

prize is awarded annually by the Law School Faculty for the best student essay on Admiralty or Private International Law. In his article entitled *Sovereign Immunity and Soviet State Trading*, Mr. Fensterwald describes in detail the organization of the Soviet Government's foreign trade, and concludes that modification of the doctrine of absolute immunity of sovereign states is essential to the growth of international trade.

Another article is by Leonard Raum, Esq. of the Bureau of Internal Revenue and deals with the taxation of dividends in kind.

In the Comment section Professor Warren A. Seavey has written a paper titled *Res Ipsa Loquitur: Tabula in Naufragio*. Along the same lines as his classroom discussions Professor Seavey makes light of the *res ipsa loquitur*, concluding that the "only question normally . . . is as to the weight of evidence."

Treasurer of the Review last year, and now clerk to Judge Calvert Magruder, Alexander M. Bickel, is the author of *Inconsistent Verdicts in the Federal Courts*.

DALTON-ELCOCK BAR REVIEW

The Spring Review, Preparing Candidates for The Massachusetts Bar Examination to be held early in July, will begin on May 22, 1950 and will continue through June 26, 1950. Classes will be given during the day.

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NEWS IN BRIEF

BRIDGES SPEAKS

Senator Styles Bridges of New Hampshire will be the speaker of the Harvard Law Republican Committee at its Lincoln Day Dinner this Friday at 6:30 p.m. at the Hotel Commander.

Other guests will be House Republican leader Charles Gibbons, National Committeewoman Mrs. Katherine Howard, former Attorney General Clarence Barnes and Prof. Robert Amory.

Senator Bridges is the ranking Republican member of the Appropriations Committee.

TOBIN SPEAKS

Maurice J. Tobin, U. S. Secretary of Labor, will be the principal speaker at the monthly Communion Breakfast for members and guests of the St. Thomas More Society Sunday, February 12 at the Hotel Commander in Cambridge following the 9 a.m. Mass at St. Paul's Church.

PROF. FRIEDMANN SPEAKS

Dr. W. Friedmann, barrister-at-law, professor of public law at the University of Melbourne, Australia, will talk on *The Legal Impact of the Social Welfare State* next Tuesday, February 14, 7:30 p.m., Langdell South Middle, under the auspices of the Forum. Professor Paul A. Freund will introduce Dr. Friedmann.

ROGGE SPEECH

O. John Rogge, LL.B. '25, S.J.D. '31, was guest of honor at a reception and party given by the Harvard Lawyers Guild in Kendall House last Saturday evening. Mr. Rogge spoke on the threat of fascism in America. He warned that the American bar must defend itself vigorously against attempts to penalize members who plead cases of leftists.

KINGS BENCH ELECTION

The following men were elected recently to the Council of Justices of Kings Bench: chief justice, Norman S. Fink, 3L (Dartmouth '47) of Kew Garden Hills, L. I., N. Y.; associate justice, Charles D. T. Lennhoff, 3L, (U.S.M.A. '39) of Hartford, Conn.; exchequer, Frederick L. Putnam, Jr., 2L, (Harvard '49) of Cambridge, Mass.; scrivener, Raymond P. DeMember, 2L, (Harvard '48) of Elmira, N. Y.; and Arthur S. W. Chantry, 3L, (U. of Wash. '42), Seattle, Wash.; William S. Connolly, 3L, (Emory U. '47) of Columbus, Ga.; Duncan E. Lennon, 3L, (Ill. '42) of Bloomington, Ill.; Richard W. Kurrus, 2L, (Harvard '46) of Newton, Mass.; Melvin M. Prague, 2L, (Tufts '48) of Cambridge, Mass.

KENDALL HOUSE

Kendall House is being used every afternoon, Mondays through Fridays, from 2 p.m. to 3:30 p.m. for group meetings by the Teaching Fellows. During this time it will be unavailable for any other purpose.

VETERANS ADMINISTRATION

Veterans who find that the time deducted from their entitlement under the

GI Bill for 15-day vacation periods will cause the length of time of their entitlement to fall short of the number of days needed to take them through the midpoint of a term may pay back to the Veterans Administration the subsistence allowances collected for vacation periods and have the vacation period added to their entitlement period. The effect of this addition to the entitlement period might enable a student whose GI Bill educational rights are expiring to receive tuition payments by the VA for an additional term.

BASKETBALL

Final tabulation of the results of the Austin-Gannett Basketball League shows Legal Aid to be the victor, with a perfect record of two victories and no defeats. The victories came at the expense of the Law Review, 33-17, and the Record, 53-51 in overtime. Second place is shared by the Record and the Board of Student Advisers with one victory and one loss each. The gallant battlers of the Law Review failed to win a game.

Outstanding individual performances were turned in by Frank Rinaldi and Clint Stevenson of Legal Aid, Al Miller and Bernie Nemtzw of the Board, Maurice Goetz and Gerry Mandelbaum of the Record, and Bob Everett and Marty Blackman of the Review.

YEAR BOOK ORDERS

The Year Book urges students to place their orders immediately at the Year Book office, first floor of Gannett House, from 9 a.m. to 2 p.m., Monday through Friday. Included in the 1950 Year Book will be an article by Dean Griswold on the past, present and future of the Law School.

LAW SCHOOL DANCE

The Law School Committee of Phillips Brooks House has announced a "Cause for Action"—a Valentine Dance featuring music by George Graham, this Saturday, Feb. 11, 8:30 p.m., at Cowie Hall, Harvard Business School. Admission will be \$2.70, including tax. Set-ups and beer will be available. The Cowie Hall management requests that all liquor be checked at the bar. Tickets are on sale daily from 9 a.m. to 1 p.m. at Langdell South and Austin Foyer.

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Calendar

LEGAL WORLD

Exhibition
The works of Bartolus de Sarsferato, 14th century commentator on the Corpus juris civilis, are on display in the Treasure Room until March 4.

Law Wives

There will be a bridge party tonight at Kendall House, 8 o'clock.

King's Bench

King's Bench will hold a smoker at Kendall House Tuesday, February 14, from 4 to 6 p.m. This is the last day to pay dues.

UNIVERSITY WORLD

U. N. Council

Mrs. Eleanor Roosevelt will speak on *World Struggle for Human Rights* today at 4 p.m. in Sanders Theatre.

Fine Arts Museum

The art treasures of Iran from the imperial collections and museums of Iran will be exhibited beginning tomorrow through March 26. The exhibition is free.

OUTSIDE WORLD

Ford Hall Forum

The Ford Hall Forum will present *Internationalization of Jerusalem: Is It Dangerous? Is It Necessary?*, a discussion by Bartley C. Crum, a member of the former Anglo-American Committee of Inquiry on Palestine, and Samuel Guy Inman, a member of the American Christian Palestine Committee, in Jordan Hall, this Sunday, February 12, at 8 p.m. Both speakers have recently returned from Israel.

VANDERBILT — (Continued)

expert opinion and by the rank and file of the profession throughout the country. Thus, in urging their acceptance in any state one is not sponsoring something new and untried, but measures which have proved themselves effective in actual practice in forward-looking jurisdictions. It is important always to recall that the recommendations deal with minimum standards of practical application and not with something academic or utopian.

The comments on the state of the law

FORUM — (Continued)

Andover Seminary, Harvard Divinity School, and the Union Theological Seminary, and was ordained a Congregational minister. He received his law degree from Brooklyn Law School, and has been a member of the New York bar since 1938.

Formerly associate editor of *Nation* and chief of New York City's Department of Investigation and Accounts from 1934-38, Blanshard served for several years as a member of the Foreign Service of the State Department. He is author of *What's the Matter with New York*, with Norman Thomas, and *Democracy and Empire in the Caribbean*. He has written numerous book reviews and articles for such periodicals as the *New York Times* and the *Annals of the American Academy*.

Station WHDH will broadcast the Forum locally at 9:30 p.m.

in each jurisdiction as to each recommendation are purely factual. The study simply records whether or not—in what degree—each state is complying with the standards of judicial and procedural reform accepted by the American Bar Association. Anyone desiring to know, as all intelligent readers will, the reasoning that led to the adoption of the several recommendations has merely to turn to the appropriate sections of the seven committee reports printed in the appendix. The main part of this study . . . attempts merely to record the facts as to the degree of acceptance of each recommendation in the main part of the volume and is, for the most part, strictly objective. Whatever s, is. It is for the bench and bar or the public to translate whatever is into what ought to be. . . .

Reform Has Just Begun

Practical standards on a nationwide basis of 62 maps have been inserted in the volume, *Minimum Standards of Judicial Procedure*. . . . It is expected that within the coming year a series of articles, accompanied by maps, showing the procedural status of each state may be published in the law reviews and bar association journals in an effort to bring home to the bench and bar the procedural problems confronting them. It is hoped that the law schools will see fit to bring these local articles and maps to the attention of their students so that they, unlike many who have gone before them, may become "procedure-conscious." . . . It is hoped, too, that influential laymen in many states—editors, educators, public officials and other leaders of public opinion—will sense the significance of a nationwide campaign for improving the administration of justice on the promotion of the ideals of American life and be drawn to lend their aid to the cause and, if need be, to accept leadership in it as laymen have done in England for over a century. The task is one . . . that can only be achieved state by state, and in each state by the people of that state. All that the American Bar Association or the National Conference of Judicial Councils or any other interested national body can do is, as here, to furnish the standards and give the necessary data. The battle against inertia or ignorance or misguided self-interest must be fought locally, although each statewide battle will be won the easier when it is known that similar campaigns are being fought elsewhere and sometimes won. . . . It is futile and against general experience to expect early and easy victories in this field, unless, or course, the bench, the bar and the public unite to promote judicial and procedural reform as a professional or patriotic duty. . . .

Some Specific Recommendations

I cannot take the space here to summarize all of the recommendations, but the key ideas are so simple as to be almost axiomatic. For example:

"Practice and procedure in the courts should be regulated by rules of court; and to this end the courts should be given full rule-making power. . . .

"To have effective judicial machinery within the state, it is not sufficient that each judge shall discharge his functions efficiently in the trial of a case. Some judge or judges within the judicial system in the state must be charged with the responsibility of the efficiency of the system in that state as a whole. . . .

"Courts in the metropolitan areas should make provision for pre-trial hearings, and other courts should give consideration to the procedure with a view to adopting it if justified by local conditions. . . .

"Jury service today is the chief remaining governmental function in which lay citizens take a direct and active part, and trial by jury is the best means within our knowledge of keeping the admin-

istration of justice in tune with the community. It is highly important that everything be done which can be done to insure the most efficient methods of jury selection and trial procedure.

"Jurors should be selected by commissioners appointed by the courts. . . .

"The common-law concept of the function and the authority of the trial judge should be uniformly restored in the states which have departed therefrom. . . .

Surely these ideas are not revolutionary. On the contrary some of the recommendations involve a return to the common-law concepts that were unwisely abandoned a century or so ago by various states; others represent the gradual advance in simple, common-sense methods of judicial administration, as, for example, the pre-trial conference as a device for giving the judge a preview of the trial, simplifying trial and thus making it a more intelligent proceeding, and often producing a settlement. Again, the administrative director of the courts is a logical development that has evolved from the idea of an administrative judge since the seven reports were drafted 11 years ago, for judicial administration as a science and an art is not static but like the law itself is constantly growing. . . .

Non-Procedural Reform

Finally it remains to be said that these minimum, practical recommendations for improving the administration of justice do not cover all the matters that are essential to a modern judicial system. They do not deal, for example, with the education and character of the members of the bar . . . nor with the vital question of how far the judges live up to the Canons of Judicial Ethics. . . . The draftsmen wisely concentrated on the fundamental problems of judicial administration, knowing that if the minimum standards they advocated were

achieved, all the other desirable advances in improving the administration of justice would inevitably follow.

The minimum, practical standards of judicial administration of the American Bar Association present a definite challenge to all who understand the importance in our system of government of respect for law, for respect for law is impossible without respect for the work and the working methods of the men, both judges and lawyers, who help administer the law. It is in the courts, and not at the hands of the chief executive or the legislature, that men and women feel the keen cutting edge of the law, and they therefore judge the law by what they see and hear in courts, and by the character and manners of judges and lawyers quite as much as by the law itself. Viewed in this light what seems at first blush to be a mere matter of judicial and procedural machinery suddenly is seen to be of prime importance, when we recall that it is this very matter of machinery—the anachronisms, the technicalities and the absurdities or procedure, and the inexcusable delays in getting to the disposition of the merits of controversies along with occasional maladjustments of judicial temperament or character—that has in many places been creating disrespect for law at a time when everyone should be continually conscious of the fundamental principle that it is the law alone and its adequate enforcement that make individual liberty possible. What more important cause can there be to engage the support of any intelligent citizen, be he lawyer or layman? To such patriotic citizens as may be interested in these vital matters in a time of unrest and doubt, this volume is tendered not as a literary effort, but as an arsenal of facts.

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