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Fly Scores Legal Profession For Its Apathy Toward F.B.I. Wire Tapping

This article was written especially for the Record by James Lawrence Fly, LL.B. '26, former chairman, Federal Communications Commission. Mr. Fly's address is 30 Rockefeller Plaza, New York 20, N. Y.

The eminent Holmes early graded wire-tapping as "dirty business." One may wonder why people alert to their liberties will silently acquiesce in this now popular pastime of the snoopers. And I own it is a good deal of a mystery to me why lawyers, of all people, will display a disinterest in the simple proposition that law enforcement agencies of government should obey the law. Sheer intellectual honesty would seem to call for action at this level. And the mere fact that courage, and a willingness to face the slanderous columnist, fingered by the police force itself, may be required is only added reason why lawyers should raise their voices. That democratic processes are at stake in this period of hysteria further emphasizes the lawyer's public duty. Yet, hardly a graduate of the Harvard Law School has spoken up!

Brandeis Dissents

Philosophically, the case was best stated by Mr. Justice Brandeis in the *Olmstead* dissent:

"The evil incident to invasion of the privacy of the telephone is far greater than that involved in tampering with the mails. Whenever a telephone line is tapped, the privacy of the persons at both ends of the line is invaded and all conversations between them upon any subject, and although proper, confidential and privileged may be overheard. Moreover, the tapping of one man's telephone line involves the tapping of the

telephone of every other person whom he may call or who may call him. As a means of espionage, writs of assistance and general warrants are but puny instruments of tyranny and oppression when compared with wire-tapping.

"... it is also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty of evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

Holmes Concurs

Holmes threw a brief dart at the heart of the question: "I think it a less evil that some criminals should escape than that the Government should play an ignoble part."

Thereafter the Congress enacted Section 605 of the Federal Communications Act which explicitly forbade the interception and divulgence of private communications to any person. In the first and second *Nardone* decisions the Supreme Court made indelibly clear that the prohibition applied to Federal agents. In a display of remarkable effrontery, by "authority" of the Attorney General, the FBI has established and followed a system in violation of that law. Completely under cover at first, the facts began to leak out. Judge Sears early branded the practice as illegal in the first *Bridges* hearings. Under pressure of the criticism in a few more recent articles guarded admissions were made. But no public accounting has ever been made. This illegal business has been treated as the private property of the police force.

Coplon-Gubichev Trial

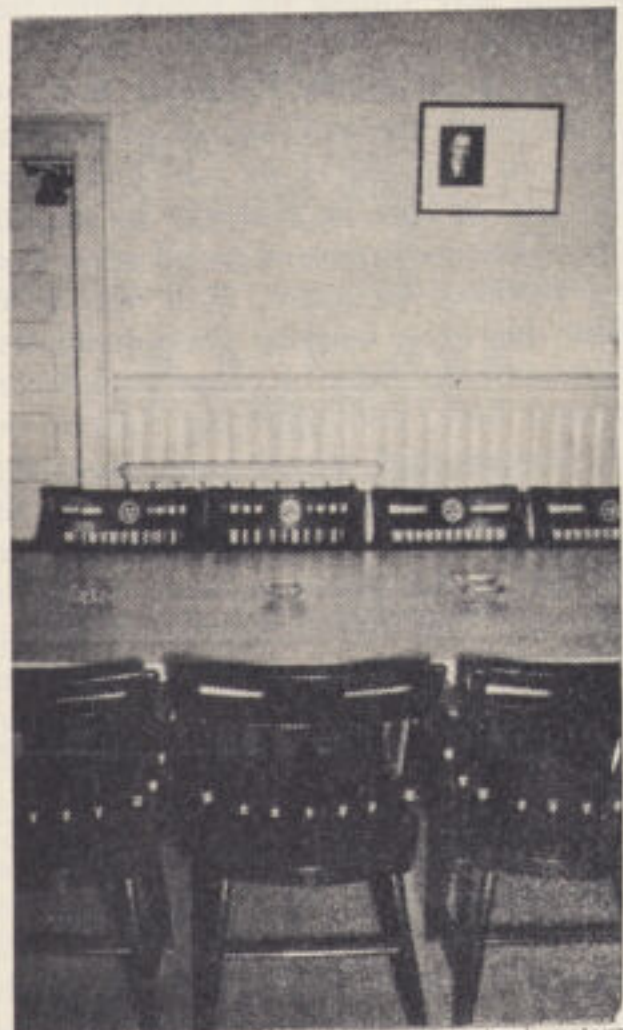
Finally came the forced disclosure of some of this nauseating mess in the Coplon-Gubichev trial before Judge Ryan. As is its wont, illegality was shown to

(Continued on page four)

Nemtzw Named As Board Of Student Advisers Chairman

Meeting for the first time in the new Sheldon Room, the Board of Student Advisers recently elected officers for the following year.

Bernard Nemtzw, 2L (Brown '48) of Newport, R. I., was elected chairman, replacing George Schmidt, 3L (Michigan '47) of Baldwin, N. Y. Of the other officers which the new chairman named are William M. Stapleton, 2L (Washington '48) of Albany, Mo., as assistant



RECORDED PHOTO BY LOVELOVE
SHELDON ROOM

chairman and second year chairman, replacing Charles F. Harrington, 3L (Rochester '47) of Hamburg, N. Y.; Edward D. Cohen, 2L (C.C.N.Y. '48) of Brooklyn, N. Y., as first year chairman, replacing Martin Blackman, 3L (N.Y.U. '47) of New York, N. Y.; William O'Connor, 2L (Harvard '49) of Medford, Mass., first year facts chairman, replacing Delbert G. Ofsthun, 3L (Harvard

(Continued on Page three)

Tonight's Argument Ends Ames Tourneys; Judges Brogna, Wyner Hear Quarter Finals

Coke Oralists Margolis, Welden Face Nemiroff, Hack For Glueck Club

Last night the Coke Club competed with the Glueck Club in the third Ames quarter final argument in the Langdell Courtroom.

The court was composed of Judge Vincent Brogna of the Massachusetts Superior Court, Walter D. Malcom, LL.B. '29 of Bingham, Dana and Gould of Boston, Mass., and Elliot L. Richardson, LL.B. '44 (47) of the firm of Ropes, Gray, Best, Coolidge, and Rugg of Boston, Mass.

Judge Brogna is a former member of the Massachusetts legislature where he was clerk of the committee on the Joint Judiciary. He was a member of Mayor Peters' committee to revise the building laws of the City of Boston and the Mayor's committee on the Boston Police Strike. Twice he was a delegate to the Democratic National Convention. Judge Brogna was former General Counsel for the International Laborers Union. In the Massachusetts Superior Court, he is a member of the three-judge court for the review of State Prison Sentences.

The Coke Club was represented by oralists Daniel H. Margolis (Johns Hopkins '48) of Charleston, W. Va. and Richard C. Welden (Yale '47) of West Hartford, Conn. As counsel on the brief are Richard K. Brown (Harvard '46) of Bedford, Mass., Robert B. Dudley (Columbia '47) of Cambridge, Mass., Robert J. Ensher (Columbia '48) of New York, N. Y., Marvin N. Geller (Brown '48) of Brookline, Mass., James R. Patton, Jr. (N. C. '48) of Durham, N. C. and Howard P. Staley (Pitt. '45) of Brackenridge, Pa.

William S. Hack (C.C.N.Y. '48) of Brooklyn, N. Y. and Arnold Nemiroff (C.C.N.Y. '48) of Brooklyn, N. Y. represented the Glueck Club orally. Ira Bartfield (C.C.N.Y. '48) of Brooklyn, N. Y., Leonard Decof (Yale '48) of Providence, R. I., James J. Doby (Tenn. '48) of Knoxville, Tenn., Joseph H. Goldenberg (Yale '48) of Norwich, Conn., Stanley H. Handman (C.C.N.Y. '48) of Brookline, Mass. and Ascher Katz (C.C.N.Y. '48) of New York, N. Y. are counsel on the brief.

Legal Aid Chooses Ferguson As Head

The membership of the Harvard Legal Aid Bureau last week elected its officers for the coming year. Clarence C. Ferguson (Ohio State '48) of Baltimore, Md., was chosen president, succeeding Donald E. Paradis (Wesleyan '43) of Newton, Mass. Other officers elected were: vice-president, John F. T. Murray (U. S. M. A. '41) of Cambridge, Mass., succeeding I. Frederick Shotkin (Penn. '47) of Brooklyn, N. Y.; secretary, Robert B. McDermott (Princeton '48) of Chicago, Ill., succeeding Clinton R. Stevenson (Ohio Wesleyan '47) of Norwalk, Ohio; and treasurer, Jay J. Newman (Purdue '46) of Evansville, Ind., succeeding Carlisle B. Lane (California '47) of San Francisco, Cal.

Also elected were: senior director, John S. Nolan (N. Carolina '47) of Miami Beach, Fla., succeeding Jay W. Glasmann (Idaho '47) of Ogden, Utah; junior directors, Phillip J. Nexon (Chicago '46) of Brookline, Mass. and John J. Hanson (Harvard '46) of Fort Collins, Colo., succeeding Clarence C. Ferguson and John F. T. Murray.

Arrangements are presently being formulated for bringing the Student Voluntary Defender Committee under the administrative supervision of the Bureau. The Bureau plans to remain open during the coming summer vacation, and it is expected that invitations will be sent out to second year students in the near future.



JUDGE VINCENT BROGNA

Black Awards Cardozo Prize In Ames Finals Over Powell Contenders

Before an overflowing crowd in the Langdell Courtroom on April 13, the Ames Final decision by the distinguished court of Hon. Hugo L. Black, Associate Justice of the United States Supreme Court, Associate Justice Edward A. Conlihan, Jr., of the Supreme Judicial Court of Massachusetts, and Justice Ernest W. Gibson of the U. S. District Court of Vermont gave victory to the Cardozo Club over the Powell Club.

The coveted laurels of having their names placed on the plaque in Langdell Library go to Ray Eder, 3L (Harvard '46) of University City, Mo., and Robert E. Frisch, 3L (Harvard '46) of New York, N. Y., as winning oralists and counsel on the brief: Stanley S. Brotman, 3L (Yale '47) of Vineland, N. J., Samuel Dash, 3L (Temple '47) of Philadelphia, Pa., Paul S. Edelman, 3L (Harvard '46) of Brooklyn, N. Y., William K. Glikbarg, 3L (Stanford '47) of San Jose, Cal., Al-

(Continued on page four)

Young Republicans Conference Hosts

The Harvard Law Republican Committee was host to a two-day conference of 21 New England College Young Republican Clubs held recently in the Littauer Building.

After a keynote session by Congressman Chester E. Merrow of New Hampshire and Charles K. McWhorter, LL.B. '49, of New York City Young Republican Club, there were six panel discussions. Each delegate attended the panel of most interest to him and participated actively in discussing the various possible solutions to the problems. Each panel then drew up a report of recommended resolutions which were to be acted upon at the plenary session the following day.

After the panel sessions a banquet was held at the Hotel Continental. The group was addressed by William A. Rusher, LL.B. '48, New York State College, Director, Charles Gibbons, Republican leader of the Massachusetts House, and John J. McCarthy, Chairman of the New England Council of Young Republicans. Delegates then attended a dance at Adams House.

On Sunday the plenary session was held where resolutions prepared by the panels the previous day were debated.

Some of the resolutions passed favored a stabilizing budget, immediate repeal of excise taxes, Taft-Hartley as amended by the Senate, strong federal anti-discrimination program and a state FEPC, the Hoover Report, interstate compacts to develop regional watersheds, a bi-partisan foreign policy with participation in policy making by both parties as well as responsibility by both parties, and the fostering of integration of Western European countries, using pressure if necessary.

Casner Law, Story Vie In Quarter-Final Match At Langdell Courtroom

Tonight in the Langdell Courtroom at 8 o'clock, the last of the quarter finals in Ames will be heard between the Casner Law and the Story Clubs. The distinguished court sitting will be Judge Frances S. Wyner, LL.B. '13; Henry Alpern, LL.B. '21 of Boston; and Ernest J. Sargeant, LL.B. '43. ('47) of Ropes, Gray, Best, Coolidge and Rugg, Boston.

Judge Wyner, who sits specially on the Massachusetts Supreme Judicial Court, is a former editor of the *Harvard Law Review*. He is at present Associate Justice of the Brookline Municipal Court.

The case is "James K. Moss, Aaron N. Moss, William W. Moss, Susan Moss Friendly, Elinore Moss Brown, and Lucille Moss Edwards, Plaintiff-Appellants v. A. C. Mason, John Rolfe, Angus M. Cameron, Charles Brinkley, and Herbert C. Waters, Trustees of H. D. Moss Estate, Defendant-Appellees." In this case, the testator left his entire estate in trust for purported charitable purposes, one of which was against the spreading of the evils of the internal use of narcotics. The school named to teach this doctrine disclaimed the gifts and the trustees sought to apply the funds to building a school for the dissemination of this doctrine as provided for in the will as an alternative. The trustees having failed to act for thirteen years, the heirs of the settlor attack the trust as being against public policy, and claim that the property therefore reverts to the testator's estate. Trustees contend that they should be allowed to apply the trust funds as proposed on the ground that the court invoke the doctrine of *cy pres* under the circumstances.

Casner Law Club is represented orally.
(Continued on page three)

Democrats Choose Ehrenbard, Dalton

Following the recent election of officers of the Democratic Club of Harvard Law School there was a meeting last week of the executive council, when the past activities, a membership drive, and plans for the future were discussed.

At the election meeting, Robert Ehrenbard, 2L (U. of Vt. '48) of New York, N. Y. was elected president, and John Dalton, 1L (U. of Mo. '48) of Kennett, Mo. was chosen vice president.

Other officers elected were: Albert Hill, 2L (Union '48) of Schenectady, N. Y. as treasurer; Norman Hurwitz, 2L (C.C.N.Y. '48) of New York, N. Y. as recording secretary; Robert Bailey, 2L (Kansas '48) of Lawrence, Kan. as corresponding secretary; Clark Maser, 2L (U. of Calif. '48) of Santa Anna, Calif. and Saul Sorkin, 2L (Brooklyn '48) of Brooklyn, N. Y. as second year representatives on the executive council; and Andrew E. Kendig, 1L (Colorado U. '49) and Robert Taichert, 1L (U. of N. M. '49) as first year representatives to the executive council.

In conducting the membership drive, many students will be contacted personally, but all students interested in joining who are not contacted are invited to sign up with either Al Hill or Norm Hurwitz. The dues are \$1.00 for the period to February 1, 1951.

The council then discussed plans for the future. A school for politics was suggested in order to get a better understanding of the operation of practical politics. This may be followed by an evaluation of these means and the possible alternatives. Another suggestion was an intra-club discussion meeting on the ways and means of bringing together the various elements of the Democratic Party. Final consideration was given to coming Congressional elections and the part to be played in them by the club.

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LAW SCHOOL RADIO

The Harvard Radio Network, 550 on the Harvard undergraduate's radio dial would like to become available at the same spot on your radio. This requires a cable and its installation running from the Yard to the Law School Dorms, or approximately \$150.

The Network is normally financially stable, although recent operational difficulties leave it with a lack of funds at present. This means that the Network cannot finance the expansion of its facilities to supply the Law School at present. However, this summer before dormitory construction is finished would be the most favorable time for the cable to be laid.

We suggest that perhaps the Law School Committee of Phillips Brooks House, some other social organization, or student subscription could be utilized to advance the capital needed by WHRB.

A. S.

Letters to the Editor

To the Editor of the RECORD:

The problem of scheduling examinations for third-year students taking Commercial Law in 1950-51, raised in your editorial of April 5, has, I am informed, been solved. Mr. Dimmitt informs me that the third-year examination period will end on Saturday, June 2. The Commercial Law examination will be given on the first day of the second-year examination period, on Monday, June 4. This seems to me to bring into play the maxim *de minimis*.

ROBERT BRAUCHER
PROFESSOR OF LAW

To the Editor of the RECORD:

Needless to say, it is with the greatest hesitancy that I enter the lists against so redoubtable an adversary as Professor Chafee. However, I am afraid that in his zeal to protect the traditional freedoms, the good professor has, knowingly or unknowingly, thrown up a smoke screen obscuring the real purpose of such legislation as the Mundt Bill which he discusses. (RECORD, April 5)

The whole thrust of his argument, heavily weighted with ridicule, is against the idea that this bill is designed to prevent an internal revolution. "Where inside this country are the facts which justify the establishment of unheard of regulatory machinery [etc.]" he asks. "The only possibility of Communist control of this country, leaving out the chance of foreign conquest, [emphasis supplied] would come, I believe, from the destruction of the confidence which the great mass of our citizens now have in their own future. . . ."

It would behoove Professor Chafee to glance over his shoulder "outside this country" and to consider the "chance of foreign conquest" which he so neatly slips over, for that is precisely the motivation of the Mundt Bill and others of its type. . . . It was patently absurd for the country to be shaken by fears of "anarchists" advocating violent revolution [following World War I]. But the menace of today is tantamount to that of the posturing Germany of 1938-39 rather than the revolution-torn Russia of 1920, and I think I may be forgiven if I call to the professor's mind the effectiveness with which Germany made use of its infantile (by today's standards) fifth columns. The interesting feature of the Czechoslovakian and Italian situations which Professor

Chafee "fully recognizes" . . . is that the key men in the party were trained in Moscow and have consistently taken their orders from that headquarters. They were not merely successful revolutionaries gaining power in their own countries according to traditional patterns.

. . . 70,000 well-organized saboteurs and spies, located in key positions, could mightily assist an invading army. A government which failed to recognize that menace and take what steps it could, . . . would indeed be derelict in its duty.

PHILIP P. GREEN, JR., LL.B. '49

To the Editor of the RECORD:

The new dormitory policies incident to the completion of the new Law-Graduate center offer a marked illustration of the tendency of modern universities to degenerate into "collections of trade schools." This is the last year that law and graduate students in Perkins, Conant, and Divinity Halls will have a chance to live in the same building and cultivate the interchange of ideas from the viewpoint of their respective schools. The separation into all law and all graduate dormitories will make it increasingly true that legal education will "sharpen the mind like a pencil sharpener" with a corresponding loss in the breadth . . . of the student's outlook.

The same unhealthy tendency toward the introversion of student life is to be found in the possible rule obligating dormitory residents to take 21 meals a week in the new dining hall. This would have the effect of severing the student's contact with the surrounding community, and fixing his daily life in well regimented grooves between the classroom, the dining hall, and the dormitory.

The inevitable answer to these objections is that the proposed cultural segregation is necessary for bookkeeping convenience and administrative efficiency but should these be the dominant criteria in shaping university policy?

HOWARD P. STALEY, 2L.

To the Editor of the RECORD:

The RECORD's article of March 29 on the Harvard Legal Aid Bureau was incorrect in one respect. The error was not that of the RECORD but of the Legal Aid Bureau in giving out the information. In 1936 the Bureau prosecuted a successful appeal to the Supreme Judicial Court of Massachusetts in a case which it had lost in Superior Court. *Garabed Der Minasian v. Aetna Life Insurance Company*, 295 Mass 1 (1936). The appeal involved the evidentiary effect, in a later civil action, of a plea of guilty to an indictment for manslaughter. The brief in the case was prepared by members of the Bureau, although it was printed under the signature of an attorney of the Boston Legal Aid Society. The oral argument was not presented by a Bureau member, principally because recent changes in the Massachusetts statutes had cast some doubt upon the legal position of the Bureau, which shadow happily has been dissipated.

DONALD E. PARADIS, 3L.

President Harvard Legal Aid

To the Editor of the RECORD:

In your "Letters to the Editor" column of Wednesday, March 29, 1950, you printed a letter from Henry M. Channing, LL.B. '04. About it I ask just one question: who attempted to translate the King James version of the Bible by inserting the word "thorns" in brackets in the second paragraph of Mr. Channing's letter—Mr. Channing himself, or the editors? I cannot believe that an obviously vigorous writer like Mr. Channing would rob his exclamation of its allusive force by a bracketed insertion, merely because the 17th-century original and a modern vulgarity are spelled the same way. Matter of fact, the same coincidence existed at the time the King James version of the Bible was written, but that didn't impel the authors of the translation to use "thorns." (See 8 Oxford English Dictionary [ed. 1933] 1344, par. V-13, and 1345, par. V-17.) Also, it appears that, if they had felt called upon to use another word, it would have been "goads" or "spurs," not "thorns."

JOSEPH L. WYATT, LL.B. '49

(Ed. Note: We confess.)

Off the Record

For the men who are griping about the priorities under the new dormitory policy, there is some consolation in that things could be worse. From the *Virginia Law Weekly*, March 16, 1950, we learn that "only second and third year law degree applicants standing in the upper half of their class will be considered" for dorm rooms. Again, R. H. I. P.

Professor Scott has probably delivered the final blow to those litterateurs who claim that Lord Chancellor Sir Francis Bacon was responsible for Shakespeare. Declaring on the recent Brattle Theatre production of *King Lear*, his criticism attached to the king's disposition of his estate. "Not only didn't he make an irrevocable trust, he made an irrevocable gift." Would any good lawyer be guilty of such poor drafting?

Gallery

SAMUEL B. HOROVITZ
Workmen's Compensation Lawyer



Photo by Fabian Bachrach

"If a fellow wants to make a lot of money, I don't think he should be a lawyer. My feeling is that the lawyer is more than a businessman; he has a public duty so to speak." Samuel B. Horovitz of Horovitz, Petkun and Rothschild, Boston, is a man you can get to know very quickly. He speaks frankly and encourages you to draw him out. And so almost at the outset, Mr. Horovitz made it clear that he stands emphatically for the rights of injured workmen; a glimpse of the work crossing his desk convinces you that his beliefs are translated into action.

The man is 53 years old; you would take him for 35. Graduating from Harvard College in 1919 (although class of 1920) a magna cum laude, he was awarded the John Harvard Scholarship and entered the Law School, receiving his LL.B. in 1922. He worked for the Boston Legal Aid Society for the next ten years, then entered private practice, specializing in workmen's compensation.

Today he is editor-in-chief of the *NACCA Law Journal*. This is a semi-annual review of the recent authorities and articles dealing with the rights of injured workers in admiralty, railroad, workmen's compensation, and allied fields. It is published by the National Association of Claimants' Compensation Attorneys (NACCA) of which he was co-founder in 1946. His textbook, *Horovitz on Workmen's Compensation* has been cited or quoted by 34 Supreme Courts, including the U. S. Supreme Court, and is used in many law schools.

Why is Mr. Horovitz devoting all his time to the rights of injured workers? The answer begins with his conception of the lawyer as a public servant. "There is no one but the lawyer who is legally able to aid the injured worker in protecting his rights. Labor unions do what they can to aid the injured worker in protecting his rights. I know because I have been associated with the Massachusetts Federation of Labor since 1932. But only four per cent of their members are seriously injured each year. The unions have to work for increased wages and benefits for the other 96 per cent as well. This leaves lawyers the only ones capable of protecting the rights of the two million workers injured in industry each year."

At present, Mr. Horovitz handles only a very few cases himself, devoting most of his time to NACCA and turns over his large compensation practice to his four associates. Besides editing the *Journal*, he travels extensively, organizing local units of NACCA, which has grown to include 1500 members in the four years since its inception. Two weeks ago he flew to Oklahoma to attend a lecture and meeting of NACCA, and then went to Ithaca, N. Y., to introduce Professor Arthur Larson of Cornell who spoke on the rights of injured workers under Workmen's Compensation. Recently he has been in Bermuda with time for only a short stay before returning here on April 27 for the NACCA lectures by Professor Mark DeWolfe Howe, LL.B. '33, on the rights of injured maritime workers.

"I'm a Republican," Mr. Horovitz said, "but my wife says I'm the most Democratic Republican she knows." The record bears him out, going back to his membership in the Republican Town Committee in Wafefield from 1925 to 1935. But to hear him express his forceful views on the "vested interests" which oppose claimants leads one to agree with his wife.

"With their emphasis on profits, the insurance companies, the railroads, and the shipping interests stubbornly oppose the claims of injured workmen on a strict business basis. The injured worker, however, feels that the statute was placed on the books for his benefit, and should be construed liberally. In this natural clash of interests, the corporate interests have at their finger-tips large scale organization and complete educational aids for their attorneys. That's why through NACCA we are trying to provide a meeting place for the counsel of injured work-

Sub Judice

NO HARM IN WATCHING

The Supreme Court of Mississippi was recently confronted with the weighty problem of deciding whether the persons standing around a dice game are all guilty of "engaging in a game of chance." The facts in the case are uniquely presented by HALL, J.:

"The locus delicti was in a verdant pine grove, typical of South Mississippi, a short distance from old state highway No. 13—a significant number since there were thirteen defendants there assembled; recalling the traditional superstition, this ill omen should have warned of impending disaster. The time was a tranquil Sunday afternoon in the sultry month of August.

"A diligent constable, intent upon upholding the peace and dignity of the State of Mississippi, having learned of this assemblage and being dubious of his ability to cope with the number involved, called upon and 'deputized' four other people to accompany him to the scene. They approached the unwary and hapless appellants and discerned that they were huddled in a manner similar to that of the players in our popular collegiate game of football but there is no evidence of the presence of the proverbial pigskin. Some of the appellants were in a circle instead of the single wing formation of the gridiron, and were approximately in that position assumed by the linemen when ready for the snap-back; others of the appellants were behind these linemen in what we judge to be the double wing formation of the backfield. The appellant, Tom Newsome, was calling the signals and carrying the ball; at the moment the play was interrupted he was calling for a six and was rolling something out upon the ground which one of the witnesses identified as dice, though no such instrumentality of popular pastime was ever found by the raiders.

"There was money upon the ground in front of some of the appellants but not all of them, and those who possessed the coin of the realm thus lavishly displayed were not identified so as to separate them from those who were mere interested spectators. Upon the discovery of the presence of 'the law' the formation broke into a running match, but two skyward shots from the constable's gun brought to a halt all the players save the fleet-footed appellant, R. D. Stubbs, who apparently seized the ball from the mass of scrimmage and sprinted over the hill as if running for a touchdown; he did not return for an attempt to convert for the extra point, but was subsequently apprehended. These, in brief, are the facts disclosed by the post-game cinema."

All thirteen defendants were convicted and each appealed. *HELD*, conviction affirmed as to Tom Newsome (the "shooter"), reversed as to the others.

"It is generally accepted in some sections of the state that a mere spectator at a game of chance is, by his presence alone, guilty of encouraging the game. If such were the rule, then every spectator at the great American game of baseball could be guilty of encouraging a game of chance if it be shown that he knew of some one who had placed a bet upon the game.

"Analyzing the testimony, it is shown that Tom Newsome was 'rolling the bones' and had money in front of him. It was not necessary for the prosecution to show that the game had proceeded to the point where Tom had realized his heart's desire in throwing a six and had thereby won his bet, or that he had lost by turning up a seven. The whole case is based upon Tom Newsome's shooting for a six. It is not shown with whom he was betting. Supplementing the description of the game of 'craps' as reflected by the record here, and applying thereto our combined meager and insufficient knowledge thereof, we are unable to find any proof in the record here that all of the appellants were engaged at play in the game or were wagering money thereon. The idea that some of the appellants were mere spectators is just as consistent with the proof as is the idea that all of them were gambling." *Stubbs et al. v. State*, 40 So. 2d 256 (1949)

men to exchange views, and through our bulletins and the *Journal* we are trying to gather together the articles and cases in point which will better prepare counsel to present claimants' cases. Besides organizational and editorial duties, Mr. Horovitz takes an active part in legislative activity.

It was while indicating his work on present legislation that a seeming paradox developed. Mr. Horovitz is opposed to the present attempt to bring injured maritime and railroad workers under a comprehensive federal compensation system. He said that he was opposed to this extension of the present type of compensation legislation as out-of-date since the majority of compensation acts have failed in their promise to give weekly subsistence levels and to pay fully for medical bills.

A. S.

Alumni Notes

Final plans for the 25th Reunion of the class of '25 have been announced. 109 of the living 227 members have indicated their intention of being present at the two day meeting in Boston and Cambridge on April 28 and 29.

The class will meet on the 28th at the Harvard Club of Boston for dinner. During the two days, the members will visit classes to listen to their old professors and to hear some of the newer crop.

Luncheon at the Hotel Commander on the 29th will be highlighted by accounts of recent developments at the Law School from Dean Griswold and Professors Amory, Cavers and Fuller.

Professor Arthur E. Sutherland of the Cornell Law School, but recently appointed a full professor at the Law School, the Class Marshall, will preside at the dinner. Eli W. Debevoise of Debevoise, Plimpton and McLean of New York City will preside at the luncheon.

The committee in charge of arrangements included: Leonard Wheeler, Jr., Boston, chairman, Melbourne Bergerman, Eli W. Debevoise and Judge J. Edward Lumbard of New York. Boston members include: Brigadier General Ralph G. Boyd, reunion treasurer, Judge John J. Burns, Haskell Cohn, R. Ammi Cutter, Class Secretary, Henry E. Foley, Robert H. Hopkins and John S. McCann and Harrison S. Dimmitt, Secretary of the Law School.

Since 1947, the class has been engaged in raising a 25th Anniversary gift to the Law School Fund. Thus far \$47,000 has been raised and it is hoped that it will reach \$50,000 by the time of the Reunion. At that time the gift will be

presented to Dean Griswold. The money will be used to endow a block of rooms, to be known as the "Class of 1925 Rooms" in one of the new Law School dormitories.

LL.B. '06—Arthur W. Coolidge announced last week that he is candidate for the Republican nomination for governor of Massachusetts. He has served as Lieutenant Governor and President of the Massachusetts State Senate.

LL.B. '20—Albert Levitt has filed as candidate in the primary election for United States Senator from California. He has been Professor of Law in the law schools of the New York University, University of California and others. His public service includes being Special Assistant to the Attorney General of the United States and Judge of the United States District Court of the Virgin Islands.

LL.B. '25—Howard L. Hyde was elected as vice-president of the Goodyear Tire & Rubber Co. at the 1950 meeting of the board of directors. He has been general counsel and assistant secretary of the company since 1940.

LL.B. '27—Stanley H. Johnson, formerly judge of the Juvenile Court '31-'36, and of the District Court '37-'42, Denver, Colorado, is now a member of the firm of Johnson & Robertson and president of the Denver Bar Association.

LL.B. '28—Robert P. Eckert, Jr. has joined in the formation of a partnership to be known as Eckert, Eckert, Schmelze & Schnebly with offices at Freeport, Illinois. He has been judge, and later chief justice of the Illinois Court of Claims.

NEWS IN BRIEF

AMES PRIZES

George Schmidt, chairman of the Board of Student Advisers, announced Monday the awarding of prizes for the second series of first-year Ames arguments.

Herman Fox (Seton Hall '49) of Trenton, N. J., a member of the Magruder Club, won the prize for the best oral argument. The award for best brief went to E. Warren Club members, Robert A. Goldston (Bucknell '49) of Brooklyn, N. Y., and Marvin W. Weinstein (Bucknell '49) of Washington, D. C.

Richmond Prescott (Harvard '49) of South Dartmouth, Mass., and Edwin S. S. Sunderland, Jr. (Harvard '49) of Morristown, N. J., both of the Kent Club, won the prize for the second best brief. First year club with the best average score is the Story Equity Club.

Winner of the supervisor's prize will be announced within the next few weeks.

CALIFORNIANS

On Sunday evening, April 30, the Wellesley California Club will give a "mixer" party for Law School students from California. All those interested are urged to contact either Vic Rosen (EL 4-4062) or Pat Mower (EL 4-8028).

LAW REVIEW BANQUET

On Saturday night, April 8, 1950, at the Harvard Club of Boston, the *Harvard Law Review* held its sixty-third annual banquet. The banquet was in honor of Professor Edmund M. Morgan, who also served as toastmaster.

The speakers included Professor Austin W. Scott, Dean Erwin N. Griswold, General Kenneth C. Royall, and Chief Judge Learned Hand. Besides the faculty, the Overseers of the *Review*, and the editors, the guests included many members of the Law School Visiting Committee.

ROBERTS REVIEWS FREUND

Included in the April, 1950, issue of the *Harvard Law Review* is a book review written by Owen J. Roberts, Dean of the University of Pennsylvania Law School and former associate justice of the Supreme Court of the United States, on the recently published book by Professor Paul A. Freund, LL.B. '31, S.J.D. '32, of the Harvard Law School Faculty.

Professor Freund's book, *On Understanding the Supreme Court*, embodies a series of lectures given by the author at the Law School of Northwestern University.

PROF. HOWE LECTURES

Professor Mark DeWolfe Howe, whose lectures on Maritime Law have made him preeminent in that field, will give two lectures on the Rights of Maritime Workers on Thursday, April 27, 1950, at 8 p.m. and on Thursday, May 4, 1950, at 8 p.m.

These lectures were arranged for by the National Association of Claimants' Compensation Attorneys Law Journal and are part of a series of talks scheduled.

Other law schools where similar lectures on the rights of injured workers will be given are Cornell, Minnesota, and Tulane Law Schools.

HOUSING DECISION: NO

Following submission of the AVC report to the University concerning the veteran's housing program, Vice-president Reynolds announced that there will be no change in the earlier decision to (Continued on page four)

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LAST AMES QUARTER FINALISTS



John J. Murphy, Joseph K. Godfrey, Philip E. Silverberg, Spark M. Matsunaga

ADVISERS—(Continued)

'46) of Duluth, Minn.; and William E. Willis, 2L (Marshall '48) of Huntington, W. Va., as second year facts chairman, replacing William W. Rymer, Jr., 3L (Tennessee '43) of Chattanooga, Tenn.

The Sheldon Room, where the Board met, was made possible by the generosity of the family of William DuBois Sheldon, a former member of the Board 1935-'37. Mr. Sheldon died in 1943 from an illness contracted in the South Pacific. He was faculty adviser of the Ames Competition in 1937-'38 and was always vitally interested in the Board and its work.

Mr. Justice Frankfurter wrote of Mr. Sheldon, when he learned of his death, that "he had all the gentler qualities—loyalty, modesty, high courtesy, regard for the tender places in life—to a degree unusual in so young a person and an unselfishness remarkable in a person of any age." This letter from Mr. Justice Frankfurter and a picture of Mr. Sheldon adorn the wall of the new Sheldon Room.

AMES—(Continued)

ly by Spark M. Matsunaga (Hawaii '41) of Honolulu, T. H. and Philip E. Silverberg (Cornell '48) of Brooklyn, N. Y. Of counsel on the brief are Joseph A. Blundon (Harvard '48) of Keyser, W. Va., John M. Brumbaugh (Swarthmore '48) of Washington, D. C., Morrill Cole (Harvard '48) of Paterson, N. J., George S. Cooper, Jr. (M.I.T. '48) of Charles-town, W. Va., Jerrold M. Sonet (Cornell '48) of New York, N. Y., and Don S. Willner (Harvard '48) of New York, N. Y.

Joseph K. Godfrey, Jr. (Wesleyan '47) of Williamsville, N. Y. and John J. Murphy (Dartmouth '44) of Boston, Mass., are the oral representatives of the Story Club. Of counsel on the brief are John P. Forte (Amherst '48) of Somerville, Mass., Gerald B. Franklin (Amherst '48) of Woodmere, N. Y., Philip K. Horrigan (California '48) of Santa Monica, Cal., Benjamin H. Lacy (Harvard '49) of Dubuque, Iowa, S. Kenric Lessey, Jr. (West Point '45) of Doylestown, Pa. and Joseph G. Lynch (Wesleyan '47) of East Orange, N. J.

DALTON-ELCOCK BAR REVIEW

The Spring Review, Preparing Candidates for the Massachusetts Bar Examination to be held July 6 and 7, will begin on May 29, 1950 and will continue through July 3, 1950.

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Calendar

UNIVERSITY WORLD William James Lecture

Tomorrow at 4:30 p.m., Prof. Karl R. Popper will deliver Lecture X in the series on *The Study of Nature and Society*. His topic this week will be *The Ethics of Despair and Reason*.

Chamber Concert

The Department of Music presents a free concert of chamber music tomorrow at 8:30 p.m. in Sanders Theatre. The program consists of music by Ravel and Martinu.

Fogg Art Museum

From now until May 20, an exhibition of the paintings of Edward Munch is having its American opening at Fogg and the Institute of Contemporary Art. Fogg will display about 100 of Munch's works and some of the 64 paintings. The Institute will show the majority of his works.

Crimson Key Dance

There are still a few tickets available for the Crimson Key Dance "Orchids and Moonlight" on April 29. Tickets may be obtained from Bob Fischelis, Lionel Hall A-21, or by calling UN 4-0006.

Brandeis Institute

The speakers at this week's lectures at the Brandeis Institute will be Rene Leibowitz, noted Parisian composer and critic, who will speak tonight; Max Lerner tomorrow, April 27, continuing his series on American Civilization; the young Welsh poet, Dylan Thomas will speak May 2; Dr. Albert Salomon will speak about *Leadership, Terrorism, Caesarism* in the series on the Social Theory of Revolution on May 1. Lectures commence at 8:15 p.m.

AMES FINAL—(Continued)

bert A. Raphael, Jr., 3L (Yale '45) of New York, N. Y., and Marshall J. Seidman, 3L (Pennsylvania '47) of Pittsburgh, Pa.

Sharing honors with a trifle less glory, but given equal praise by the court, was the Powell Club orally represented by James C. Gibbens, 3L (Yale '45) of Oklahoma City, Okla. and William J. Holloway, Jr., 3L (Oklahoma '47) of Oklahoma City, Okla. and by counsel on the brief Joseph E. Bare, Jr., 3L (Rochester '47) of San Francisco, Cal., Charles F. Harrington, 3L (Rochester '47) of Hamburg, N. Y., Frank A. Howard, Jr., 3L (Miami '47) of Coral Gables, Fla., Duncan E. Lennon, 3L (Illinois '42) of Bloomington, Ill., Alfred M. Naff, 3L (University of the South '47) of Birmingham, Ala., and Burton C. Wood, 3L (Oklahoma '47) of Oklahoma City, Okla.

Justice Black and the associate justices said that the briefs and the orals were of the highest order. Justice Black further complimented both clubs by saying the argument was superior to many that appeared before the Supreme Court.

In the second year quarter finals argument on April 11, the Kent Club emerged victorious over the Gardner Club.

The Kent Club oralists were George C. Caner, Jr. (Harvard '46) of Boston, Mass. and Bigelow Watts, Jr. (Chicago '47) of Cambridge, Mass.

The following evening the Holmes-Pow-wow Club earned the honor of entering the semi-finals round by defeating the Pitney Club. Robert P. Bass, Jr. (Harvard '46) of Peterborough, N. H. and Robert B. Owen, Jr. (Harvard '47) of New York were the winning oralists.

WIRE TAPPING—(Continued)

have bred illegality. Extensive wire-tapping had been employed. Yet the FBI had so effectively misled the Washington Trial Court in the first *Coplon* case that it had made a finding that no wire-tapping was involved. There was again much evasion before Judge Ryan, but the ugly facts finally emerged. The mails had been rifled. And on the eve of the trial a top directive had come down to the New York Agents to destroy all wire-tap records, and then to destroy the directive. At long last enough had come to light to shock the sensibilities of a number of citizens. Under the criticism, Mr. Hoover finally yielded to the public one tid-bit of information: On January 13th, 1950 he was tapping in 170 cases. It was "just a little baby."

That was the record for one selected day. Unreported was the number of taps for a week or for a year. Unreported the number of party lines tapped, or trunk lines tapped or innocent people involved in the dragnet. But what reasonable persons could object? He was doing this only to spies and saboteurs. Yet, with all this dirty business his agents testified they got nothing of value in their one espionage case. They had picked up a quarrel between Judy Coplon's brother and his wife; they had listened to and recorded lawyer-client conversations. The startling end result is that with the under-cover recording of thousands of voices in 1949, wire-tapping failed to pick up one spy. Indeed the record does not show that wire-tapping has ever yielded one single spy!

Public Accounting Demanded

So the Attorney General "approves" this admittedly unlawful conduct. The FBI says he has never disapproved one request. One may well wonder what sort of sworn proof of probable violation the Attorney General requires. Is it illogical to assume that this illegal conduct is engaged in on the sheerest suspicion, or because the FBI does not agree with the thinking of the victim?

It is high time these public officials were called to a public accounting. The challenge is to the bar. Has it the courage? If not, the bar may awaken too late to face the fact not only that freedom of social and business communication has been hampered and the basic privacy of persons and homes invaded, but also that our liberties have been permanently scarred. All of this is being done in clear violation of law and under the guise of preserving our democratic processes. What is the bar going to do, or would you rather play golf?

NEWS BRIEFS—(Continued)

tear down 72 units of the Harvard Way Extension housing development at the Harvard Business School this fall.

This move will leave only 66 units available by next fall. According to the AVC survey there are about 400 married students, now paying \$50 to \$100 rent per month, who desire housing of the type which the University plans to remove.

DORM ROOM ASSIGNMENT

A list of those men to whom rooms have been allotted, is posted in the North and South entries of Langdell Hall. The list indicates the type of room assigned, and the name of any roommate.

Announcement of the availability of Room Assignment Cards which will indicate the room number and building to which you have been assigned will be made later. Sometime after Room Assignment Cards become available, Room Contracts will be able to be signed here at Langdell.

PLACEMENT OPPORTUNITIES

Men seeking positions in New York are advised by the Placement Office that it may be to their advantage to register with the Lawyers Bureau, sponsored by the Association of the Bar of the City of New York and the New York County Lawyers Association. Registration fee is five dollars. The Bureau is in Room

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This year because some employers find it advantageous to interview men in advance of the actual hiring dates, the Bureau has decided to accept as registrants students whose graduation is imminent. The two bar associations which sponsor this Bureau have agreed to publicize in the next editions of their journals the fact that a "pool" of June, 1950 graduates is already available for interview.

Anyone who may have questions about this placement aid should call at the Placement Office where literature concerning the Bureau is available.

KING'S BENCH PRIMARY

Primary elections for Council in King's Bench will be conducted Friday April

28th from 9 a.m. to 4 p.m. at a table in Austin Lobby. All members are urged to vote.

MUNDT BILL PROTEST

Professors Zechariah Chafee, Jr., and Mark DeWolfe Howe have joined 77 members of the Harvard faculty in a statement protesting the Mundt-Ferguson Bill. This statement is a condensation of the views of Professor Chafee printed in the Record, April 5, and has been released to newspapers throughout the country.

TORTS CASEBOOK

Publication is expected of a new casebook to be used in the Torts classes written by Professors Seavey, Keeton and Thurston.

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