

The Harvard Law School Record

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PRICE TEN CENTS

CHAUNCEY EARLE WHEELER ROOM



Four students at the Harvard Law School, gather at Harvard's new Graduate Center in the Chauncey Earle Wheeler Room, named in honor of a prominent Providence lawyer who died in 1948. Seated at the table (left to right): Myles S. Backman, Melvin L. Zurier, David C. Rothman, Theodore A. McCabe, all of Providence. The Wheeler Room, which will serve both as a lounge and as a meeting room and moot courtroom for law students, is located in Holmes Hall, one of the seven new dormitories.

Grad Center Will Honor Memory Of Prominent Alumni

Lounges, living quarters, and the central court named after prominent alumni will be highlighted at the formal opening of the Graduate Center. These areas have been donated by relatives, friends, associates, and clients as a tribute to the men whose name they bear.

Students relaxing in the lounge at the southeast corner of the Commons Building pay tribute to the name of Robert Taylor Swaine (LL.B. 1910). The Robert Taylor Swaine Room was donated by members of the New York law firm of Cravath, Swaine & Moore as a memorial to their respected senior partner. This room houses the grand piano, radio-phonograph and comfortable furniture.

Robert Taylor Swaine was born in 1886 in Tingley, Iowa. After working his way through the University of Iowa, where he was elected to the Phi Beta Kappa and Delta Sigma Rho Honorary societies, Mr. Swaine entered Harvard Law School in 1907. In his senior year, Mr. Swaine became president of the *Harvard Law Review*. Graduating in 1910, *cum laude*, Mr. Swaine received the Samuel Phillips Prescott Fay Diploma, awarded annually to the law

PBH Loan Library Meets Big Demand

Termination of benefits under the GI Bill and an influx of new students without government aid has caused an unparalleled demand on the loan library of the Law School committee of Phillips Brooks House.

The library functions to provide books for students who are financially unable to purchase texts of their own. Because of the increased demand this year, the committee allotted \$600 of its funds for the purchase of new books. The number of books bought was equally divided between first, second, and third year courses.

According to Sidney Kess, 3L, Treasurer of the Committee, the increased expenditure permitted almost all requests for text loans to be satisfied. In anticipation of an additional demand next year the committee is instituting a program to encourage second and third year men to loan their books to underclassmen for one year through the facilities of the committee. In that way it is hoped that men who wish to keep their texts might make them available to students who are unable to purchase books.

graduate who shows the most promise of professional success.

Entering private practice in the Fall of 1910 with the firm of Cravath, Henderson and deGersdorff in New York City, Mr. Swaine soon became a specialist in problems of corporate law and finance, consolidations and reorganizations. Within a short time, he became

(Continued on page four)

Griswold Welcomes First Year Group

Members of the entering class received their official welcome from Dean Erwin N. Griswold on Tuesday, September 26, in the courtroom of Langdell Hall. During the course of his remarks, the Dean surveyed the history of the law school since the end of the war, explained the changes that have taken place in the admissions policy in the past fourteen years, and commented upon the ideals of the school.

Calling attention to the present world situation, Dean Griswold expressed regret that he could not welcome the first-year class under less strained circumstances.

(Continued on page eight)

'Record' Requested By 3,707 Alumni; Poll Held Success

With the tabulation almost complete, 3,707 members of the Harvard Alumni Association have requested that their subscriptions to the HARVARD LAW SCHOOL RECORD be continued on the usual weekly basis as part of the prerogatives of membership. Negative responses totaled 687 while 2,696 failed to respond.

During July and August 7,090 questionnaire postcards, return postage paid, were sent out asking members whether or not they desired to continue having THE RECORD sent to them each week. It was made clear that the dues they paid would remain the same regardless of their decision concerning THE RECORD. The Association is seeking to economize by not sending the newspaper to those who do not read it.

The Association established the conclusive presumption that those who failed to return the questionnaire indicated that receipt of THE RECORD was not desired.

"Of the 687 who asked to have the subscription terminated, a very large number, perhaps a majority, expressed praise for THE RECORD but regretted that the press of business left them no time for such reading," said Mrs. Lily Banwell, Association Secretary in charge of the polling.

Friday Dedication Ceremonies To Mark Formal Completion Of Graduate Center

With this issue of THE RECORD, we are distributing a questionnaire for the Survey of the Legal Profession to determine the attitude toward student loans. Please fill in the questionnaire and return the completed form to the RECORD boxes either in Austin or Langdell South before 5 p.m., Friday, October 6.

THE RECORD still has a number of positions open on its News, Features, Editorial and Business staffs. Commissions will be paid to men on the advertising staff. All men interested should leave their names in THE RECORD office on the third floor of Austin Hall.



President Conant Tops Program of Speakers; Expect Large Turnout

At formal ceremonies Friday, October 6, 1950, at 4 p. m., the newly constructed Graduate Center at Harvard University will be dedicated.

The occasion marks the completion of the five Law School dormitories, Dane, Story, Shaw, Ames, and Holmes, the two Graduate School dormitories, William James and Theodore W. Richards, and the Harkness Commons Building. The Center is the first effective answer to the long realized deficiency in living accommodations and social facilities for students at the Law School and Graduate School.

Participating in the ceremony will be James B. Conant, president of the University; Erwin N. Griswold, dean of the Harvard Law School; Willard L. Sperry, dean of the Divinity School; Provost Paul H. Buck, Dr. Walter Gropius, chairman of the Department of Architecture at Harvard and designer of the Center; John B. Marsh, Esq., and Malcolm Pirnie, Esq.

President Conant will preside at the dedication activities; Dr. Gropius will speak on behalf of The Architects Collaborative; Mr. Marsh for the Harvard Law School Fund; Dean Griswold for the faculty and students of the Harvard Law School; Mr. Pirnie for the Harvard Foundation for Advanced Study and Research; and Provost Buck for the faculties and students of the Graduate Schools in Cambridge. Dean Sperry will deliver the concluding benediction.

Law Students Invited

The speaker's platform will be located in the center of the Lansing R. Reed Memorial which contains the sunken gardens. The stand will face the Harkness Commons building. Chairs will be provided along the patio for those who

(Continued on page three)

Honor Groups List New Men Selected

The twenty-five men standing highest in rank in the present second year on the basis of the results of the examinations in June have accepted invitations to join the Editorial Board of the *Harvard Law Review*. In addition ten men from the third year, selected on the basis of their overall record also have accepted invitations. Some of these move up from the Board of Student Advisors and the Legal Aid Society. These other two honorary groups have also made their selections from high ranking second and third year men. The minimum grade necessary this year for second year men was 74 per cent.

The new second year members of the *Law Review* are Charles L. Barnes (Princeton '49) of Chattanooga, Tenn.; John J. Connel (George Washington '49) of Washington, D. C.; Bertram H. Fields (U.C.L.A. '49) of Beverly Hills, Cal.; Herbert L. Galant (Wisconsin '49) of New York, N. Y.; Allan E. Gotlieb (California '49) of Winnipeg, Canada; John Hand (Yale '48) of Cambridge, Mass.; Matthew G. Herold, Jr. (Yale '49) of Scarsdale, N. Y.; John R. Hupper (Bowdoin '49) of New York, N. Y.; Irving Jacobson (Harvard '49) of Dayton, Ohio; William J. Kirby (Harvard '47) of Kewanee, Ill.; Andrew B. Kirkpatrick (Davidson '49) of Wilmington, Del.; William T. Nyland (Yale '49) of Jersey City, N. J.; John H. McEvers, Jr. (Kansas '49) of Kansas City, Mo.; Herman J. Merinoff (Syracuse '49) of New York, N. Y.; Stanton S. Oswald (Pennsyl-

(Continued on page eight)

Socio-Economic Approach At Yale Law Favored By Transferee From Harvard

As Jesse J. Dukeminier ex '49 predicted, his classes at Yale did not interfere and he was able to find time to write this comparison of Yale and Harvard, both of which law schools he attended. Mr. Dukeminier is a Mississippian and a veteran of the Army and one year at the Harvard Law School.

There are certain suppositions about Harvard Law School and Yale Law School which, while true or false, repetition has accorded a certain validity. Among these stereotypes: Harvard turns out brilliant practitioners, Yale potential judges and administrators; Harvard follows the logical, analytical approach to law (which is called conceptualism in some circles), while Yale has adopted the policy approach (which also comes in for its share of depreciation); in New Haven one learns that men are governed by men under law, not by Law and God; Harvard is philosophically committed to the proposition that the Law is something unto itself; quite to the contrary, the Yale Law School is committed to the hypothesis that law can be understood only as part of the societal process. Anything I might say about the educational objectives which cause such assumptions would undoubtedly be banal, since they have been extensively discussed by, among others, Professor McDougal in the Yale Law Journal and Professor Leach in the Journal of Legal Education. A discussion of educational philosophy had best be left to the professionals in the field.

Horizontal Approach

My remarks, then, are restricted to a subjective evaluation of the effect of these pedagogical policies on a student who has observed legal education horizontally and not vertically. With this limitation in mind, perhaps sitting on a double edged razor will not be so uncomfortable. If at times I lean heavily to one side of the razor, it is because of a belief that flattery is never provocative.

To teach anything well, it seems to me, a teacher must catch, then stimulate and develop, a student's interest. A typical law student comes equipped with an A.B. degree and an interest generated from a desire to study law but with only a vague notion of what this study entails. Just how does Harvard catch the student's interest? By throwing before him Lord Coke, the courts of Massachusetts and of New York, and cases that must be read *ad infinitum* and, to some, *ad nauseum*. By dissecting, probing, and analyzing these cases the student soon "thinks like a lawyer" or, put otherwise, develops a tough analytical

mind. But, like a knife, the student's knowledge can cut only one way—in this instance, down. Does he sacrifice a desirable breadth of vision in exchange for this depth? Would not a better law student, and lawyer, be one who stops to be aware of, and is interested in, what he is doing for the client and the public?

The Yale Approach

Yale, on the other hand, makes a definite attempt to catch the student's interest and throws itself open, perhaps, to the criticism of spoon feeding. The student is taught that the law is a dynamic mechanism which he may one day have the power to shape; he explores the cases to find that the courts often do not do what they say they do and then the problem becomes one of finding out what they really do. As trite as it may sound, there is an element of high adventure in the law as seen through the Yale kaleidoscope.

Obviously there is not a consistent difference between the type of student who goes to Harvard and the type who inhabits New Haven's gingerbread Gothic, and I doubt if there is much difference between them after they pass the bar examination. What is all the fuss about then? Yale simply thinks that it is better to teach law allied with the practicalities of the social process,

(Continued on page eight)

"Reducators" List Met With Derision

"If Professor MacLachlan is a Red, I'm the Queen of Sheba." This characterized the reaction of a high University official to the National Council for American Education list of "Red-ucators" at Harvard. A week ago, Cambridge councilman Lynch brought out the two year old list. THE RECORD's source, who did not wish to be named, termed the list as "completely indiscriminate" and evidencing "complete unreliability." He noted the NCAE as "extreme right wing" and as having "no conception of what they are doing." The fact that Professor Mack DeWolfe Howe was mistaken for his father indicates its inaccuracy.

Professor MacLachlan called the list "utterly irresponsible. The government of Cambridge is too far left for me. I am a right-wing Republican. About the only activity I have engaged in lately has been the Atlantic Union committee whose purpose is to unite Western nations in the fight against Communism."

Professor Chafee, on being asked to reply, noted, "Better be damned than not

(Continued on page five)

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.

It has been the policy of THE RECORD in the past to have all editorials initiated by their authors. In this way the editorial reflected the view of the individual writer.

By a vote of the Editorial Board and the officers, composing the Board of Directors of THE RECORD, it has been decided that editorials will be submitted to the Board for approval, and since the writings will speak for THE RECORD as editorials, they will no longer be initiated.

A GREETING AND A THEME

The School we have returned to this fall is truly a changed one. Everywhere, in the faculty, the student body, the curriculum and in the physical plant itself there is something new and exciting. Although the changes seem rapid the pages of past volumes of the RECORD reveal the slow succession of important decisions, the work and the worry which have gone into the postwar Law School.

The RECORD has always considered it to be one of its main functions to act as a real link between the student body and the alumni. And we believe that in helping to unite student and alumni during the past five years we were helping, in a small way, to build the Harvard of today.

Although the term is young it is evident that the new Grad Center has met with enthusiastic approval. For a great many it will make life immeasurably more comfortable. Perhaps now, with more integrated living quarters, students will have greater opportunity and incentive to participate in student activities and help share the responsibilities involved in solving their day to day problems. This is a theme we will dwell on further during the course of the year. For the time being, to all members of the Harvard Law School, old and new, the RECORD extends its best wishes for a successful school year.

THE WOMEN

Last month, as they must come to all schools, women came to Harvard Law. In the library there was the strange, swishing sound; the dining hall hum seemed to be pitched a little higher; and in the class rooms one could detect an unfamiliar, foreign fragrance. But now in October it is apparent that the Law School has remained, as cooler heads had insisted at the outset, quite the same. The break with tradition has been clean, and we can announce with satisfaction that the Key Reporter is on his shelf and all is well in the reading room.

THE CALIFORNIA PETITION

On Monday night, September 25, 87 members of the University faculty sent a statement to the University of California's Academic Senate protesting the latest move of the California Board of Regents in the current dispute concerning faculty members who would not sign a non-communist oath. In view of the feverish list-making activity going on throughout the country which has reached its vicious, tragi-comic extreme here in Cambridge, the faculty action seems to be a healthy sign indeed. This is not the season for protest, and identifying oneself with a controversial issue has become an act of courage.

Letters to the Editor

To the Editor of the RECORD:

Referring to the April 26th RECORD, it seems incredible to me that a lawyer of the apparent standing and reputation of James Lawrence Fly would let his personal animosities as a disgruntled former Government officer sway him to denounce in a fashion beyond all reason the "wire tapping" activities of the FBI. As a former Chairman of the FCC, who tangled with, and lost to, the FBI on a question of wartime internal security jurisdiction, Mr. Fly is in a position to know the facts which he has so glibly misstated.

1. Wire tapping is an extraordinary technique used only in matters involving internal security of the country, or when human lives might be in jeopardy.

2. In each case express authority of the Attorney General is received in writing.

3. Information secured as a result of wire tapping is not used as evidence and is not divulged publicly by the FBI, except under force of judicial compunction over the objection of the Government.

In a country of 50,000,000 telephones, only 170 of them were being tapped by the FBI as of recent date. As Mr. Fly should know, if he ever asked his subordinates in the FCC, it takes a lot of manpower to tap a telephone, about four men per telephone per day. The FBI has less than 5,000 agents, charged with innumerable duties. A little common sense and arithmetic should tell Mr. Fly that if the thousands of telephones he thinks are tapped were actually under surveillance, the FBI would have no personnel left to carry on regular investigations.

Mr. Fly criticizes the "apathy" of the Bar toward wire tapping. I would criticize Mr. Fly's apathy toward the acute problem of dealing with Russian espionage in the United States, a problem not made easier by irresponsible McCarthys or by Mr. Fly. The Roberts report on Pearl Harbor indicated that the devastating sneak attack could have been averted if the intelligence agencies had not been so polite about intercepting Japanese communications. The Japanese problem may turn out to be child's play compared with the Russians. I doubt if many people will agree with Mr. Fly that now is the time to put more shackles on the FBI.

WILLIAM R. HULBERT, JR., LL.B. '40

Off the Record

On Entering HLS

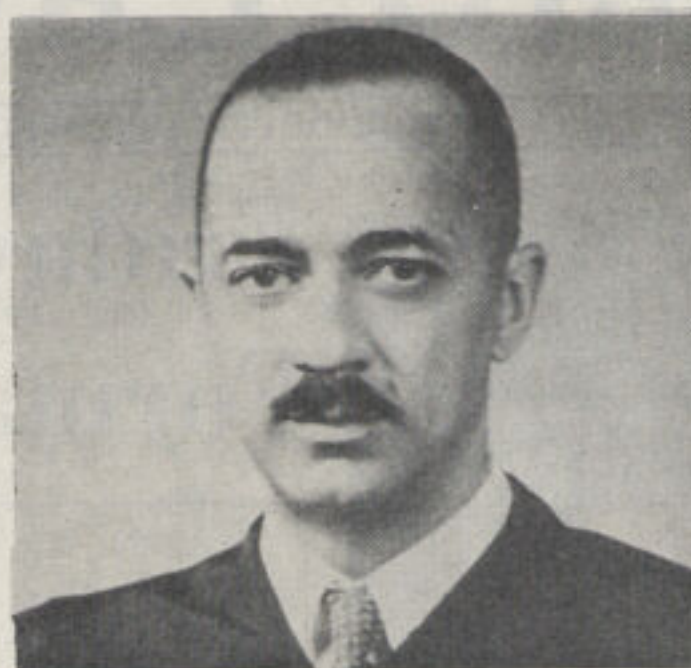
With trembling hand, and nervous gait,
And sweating brow, I contemplate
The horrors that will be in store
When first I cross the classroom door. . . .
For all I've heard of HLS —
A ghastly Hell of strain and stress —
Is briefing cases by the mile,
In rough, unknowing, awkward style. . . .
Of midnight oil, burning brightly,
Of haggard faces, sagging slightly,
For I have heard there is no rest
From spending days chained to my desk
And reading pages by the score
Of words I never heard before;
And always wishing, deep inside,
I had the guts for prof-icide.
Yet though the present's filled with dread,
I shudder when I look ahead,
For all around, with toilworn looks
Are those who carry two-year books.
Their bodies, bent and broken, tell
The story that is known too well. . . .
These are the ones who tried to pass
The end-terms, leading all their class.
Yes, they are back, but grooves of strain
Appear upon their tortured brain;
And hardly daring to relax,
They hurry to the rows of stacks;
They try to find why Black abstains
In *Pushcart vs. Railroad Trains*;
Or what defendant had to fear
In *Whisky vs. Keg O'Beer*.
Yet all this class is strong and true
When third-year men come into view.
By arduous grind, THEY passed again,
These wrecks that are but shells of men;
Their gaunt expressions can't conceal
The rigors of the past ordeal.
But as they stagger slowly by,
Their heads — though bruised — are raised on high. . . .

For they are of the chosen few
That soon will have some job to do —
That soon may work without a flaw
For these are men WHO KNOW THE LAW;
Perhaps the day may come for me
When I — a third-year man will be.
When after lying in the wells
And depths and faults of countless Hells,
And working 'till my brain be raw —
PERHAPS . . . I, too, MAY KNOW THE LAW!

CLARK A. BARRETT, 1 L.

Gallery

WILLIAM HENRY HASTIE
Federal Judge



A combination of lawyer, scholar, judge, and public servant, William Henry Hastie is the embodiment of the aspirations of all students of law. Judge Hastie of the Court of Appeals, Third Circuit, has achieved in the brief span of his forty-six years what few men have realized in a lifetime.

Born in Knoxville, Tennessee, grandson of a slave, Judge Hastie took his undergraduate work at Amherst College. He stood first in his class, won prizes in physics and mathematics, was elected to Phi Beta Kappa, and graduated magna cum laude. At Harvard Judge Hastie earned a place on the Law Review along with Professors Freund and Hart and Milton Katz, U. S. Representative in Europe for E. C. A.

Opportunities to practice law with dignity in the South in 1930 were few, but Judge Hastie found employment with his cousins in the Washington, D. C. firm of Houston and Houston. He received his S.J.D. degree at Harvard in 1933.

The following year he entered the government service as Assistant Solicitor in the Department of Interior where his assignment included legal problems of the Virgin Islands. In 1937 President Roosevelt accorded him national prominence by appointing him to the bench for the District of the Virgin Islands. He was the first of his race to be so rewarded and honored. Two years later, Judge Hastie, at this time only thirty-five years of age, resigned from the bench to become Dean and Professor of Law at Howard University.

Early in 1940 the United States Army began mobilization. In the capacity of a civilian aide to the Secretary of War, Dean Hastie temporarily left Howard University to help solve the problems of race relations that would and did arise. Three years later he voluntarily resigned his post and returned to law due to lack of cooperation and disregard for his work in attempting to stamp out discriminatory practices.

In 1946 Judge Hastie caught the national eye again by his appointment to the governorship of the Virgin Islands. It was another "first" for Judge Hastie. Today he sits on the bench for the Court of Appeals, Third Circuit, by virtue of President Truman's appointment last year.

With a career so pinpointed with national distinctions, Judge Hastie recalls that his most thrilling and gratifying moment was the publication of the Supreme Court decision of *Smith v. Allwright*. Prior to this case sporadic and scattered gains for the Negro in civil liberties were leading to nothing of great moment. As a member of counsel, Judge Hastie realized that the time was at hand to start a wave of reform by first smashing the racial discriminatory practices in the Texas state primaries. In winning this case the door opened for greater and more meaningful application of constitutional guarantees.

The finest tribute to Judge Hastie has come from one of his associates, Hon. Albert B. Maris, who wrote in the April, 1950 issue of *The Shingle*, published by the Philadelphia Bar Association: "The association of the judges on an appellate bench is most intimate, and although Judge Hastie has been a member of our circle for only four months it has been long enough for us to take the measure of the man. To say that we are delighted with our new brother is putting it mildly. He has brought to our conferences a wide knowledge of law, a keen analysis of the problems confronting us, and a broad and practical experience in human affairs. His opinions speak for themselves and demonstrate his legal scholarship. He is a hard worker. No appellate judge could ask for more in a brother."

Author of several literary articles on the American Negro today and subject of many others, Judge Hastie has said "The Negro youth of today believes in his own ability. He believes in the ability of other Negroes."

Perhaps the best paraphrase on Judge Hastie's primary goal in life is his own statement, "As long as there exists any difference in opportunity in our country because of race or color, I shall do all I can to obliterate that distinction."

LOUIS E. SELTZER

Sub Judice

SUPREME LAW OF THE LAND

Sei Fujii was born in Japan in 1882 and came to the United States in 1903. By reason of the federal naturalization laws, he was ineligible to become a citizen of the United States. Fujii attempted to buy some land in California in 1948. Under the Alien Land Law of California (constitutionality of which was upheld in the Supreme Court of the United States more than 30 years ago), the land went by escheat to the State of California. From a judgment of the Superior Court of Los Angeles County adjudging that property described in the deed to Fujii had escheated to the State, Fujii appealed.

HELD, on appeal, that the provisions of the Alien Land Law restricting ownership of land by aliens who are ineligible for citizenship are unenforceable, under the Charter of the United Nations. This is the first (and perhaps only) case reported in which the Charter of the United Nations was held to supercede local state law. The words of the court are significant:

In the period of thirty years since the Alien Land Law was adopted we have revised our opinions concerning the rights of other peoples. Out of the travail of World War II came the concept of "respect for human rights and for fundamental freedoms for all without distinctions as to race, sex or religion" as expressed in the Charter of the United Nations. . . . The position of this country in the family of nations forbids trafficking in innocuous generalities but demands that every State of the Union accept and act upon the Charter according to its plain language and its unmistakable purpose and intent. . . .

On December 10, 1948, the General Assembly of the United Nations passed and proclaimed and called upon all member countries to publicize, disseminate and expound in schools and elsewhere, a "Universal Declaration of Human Rights" affirming among other things that "All human beings are born free and equal in dignity and rights. . . . Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. . . . Everyone has the right to own property alone as well as in association with others." This Declaration implements and emphasizes the purposes and aims of the United Nations and its Charter.

. . . The integrity and vitality of the Charter and the confidence which it inspires would wane and eventually be brought to naught by failure to act according to its announced purposes. Its survival is contingent upon the degree of reverence shown for it by the contracting nations, their governmental subdivisions and their citizens as well. . . .

Clearly such a discrimination against a people of one race is contrary both to the letter and the spirit of the Charter which, as a treaty, is paramount to every law of every state in conflict with it. The Alien Land Law must yield to the treaty. The restrictions of the statute based on eligibility to citizenship, but which ultimately and actually are referable to race or color, must be and are therefore declared untenable and unenforceable. *Sei Fujii v. State*, Cal. App. 217 P2d 481 (1950).

MONEY TO BURN

Litberg went on a drinking spree one day. In the process of getting drunk, he passed three counterfeit \$5 Federal Reserve notes and used a fourth one to light a cigar. He was prosecuted for possession and passing of counterfeit money with knowledge that it was counterfeit. A jury trial was waived. He was found guilty as charged. The court relied exclusively on the fact that Litberg used a counterfeit bill to light a cigar as a basis for finding that he had knowledge that it was counterfeit (a vital requisite for conviction). Litberg appealed on the ground that the evidence was insufficient to support the conviction. *HELD*, conviction reversed. "We are not impressed, however, much less convinced, that this incident under the circumstances shown was such as to reveal defendant's knowledge that the bills were counterfeit. The government in its brief states, 'Being slightly under the influence of liquor by that time, the defendant undoubtedly to some extent lost his normal sense of caution and judgment.' We suspect that this is a mild statement, that he was greatly under the influence of liquor and had lost all sense of caution and judgment. Such being the situation, it appears quite likely that defendant would have entertained no greater scruples against destroying a genuine bill than one that was counterfeit. *U. S. v. Litberg*, 175 F.2d 20 (1949).

Students may have the RECORD mailed to their parents at a special rate of \$3.00 per year. Subscriptions should be left at the RECORD office, top floor, Austin Hall.

As dear as Austin Hall can become to most law students, the stark oblongs and cubism of the new Center cannot fail to inspire, after a very short tour, any of us to an acknowledgement of its success. Although Austin cannot be called entirely nonfunctional, its wintry aspect is ruined by the contrast. It stands in lovable devastation and henceforward can but feebly call for more and more shrubbery.

Nor can parallels to the great progress in legal technology be resisted: Austin, a sweet old Chitty, striving sturdily toward Justice like the Galapagos turtle; the Center, like the Uniform Codes (our own "advanced modern") and like the still-fresh air of Holmes-and-after pragmatism. And something more, paralleled by the Miro-Arp-Gropius: we have the future of legal science; the cleanest of lines, the abstractionism of analysis and reason in the irreducible diagram, the ultimate grace of x and y , yes, of Messieurs A and B, framed in the frank colors of humanism, i.e. the future of our discipline.

It is to be expected that even the most philistine young lawyer will be in some way affected by the architecture. Like the not-overused copy of Cardozo's *Judicial Process* sitting on the mantelpiece, the Center's squares and spheres provide a constant ambience of the new, the fresh, the progressive. The laughed-at abstractionism of America's Twenties and Thirties surround them in solid fact, exuding light and air and good sense and a love of the real. It cannot fail to have an effect even on the most cautious, because the structure is beautiful, the colors are beautiful, the mood is sensible. And in all the detail there is humor (which Mann has called the most humanizing attribute) and gayety. And if art and architecture can affect young men at all, the Center should do it.

The supremely successful job bespeaks the ab-

THE COMMONS



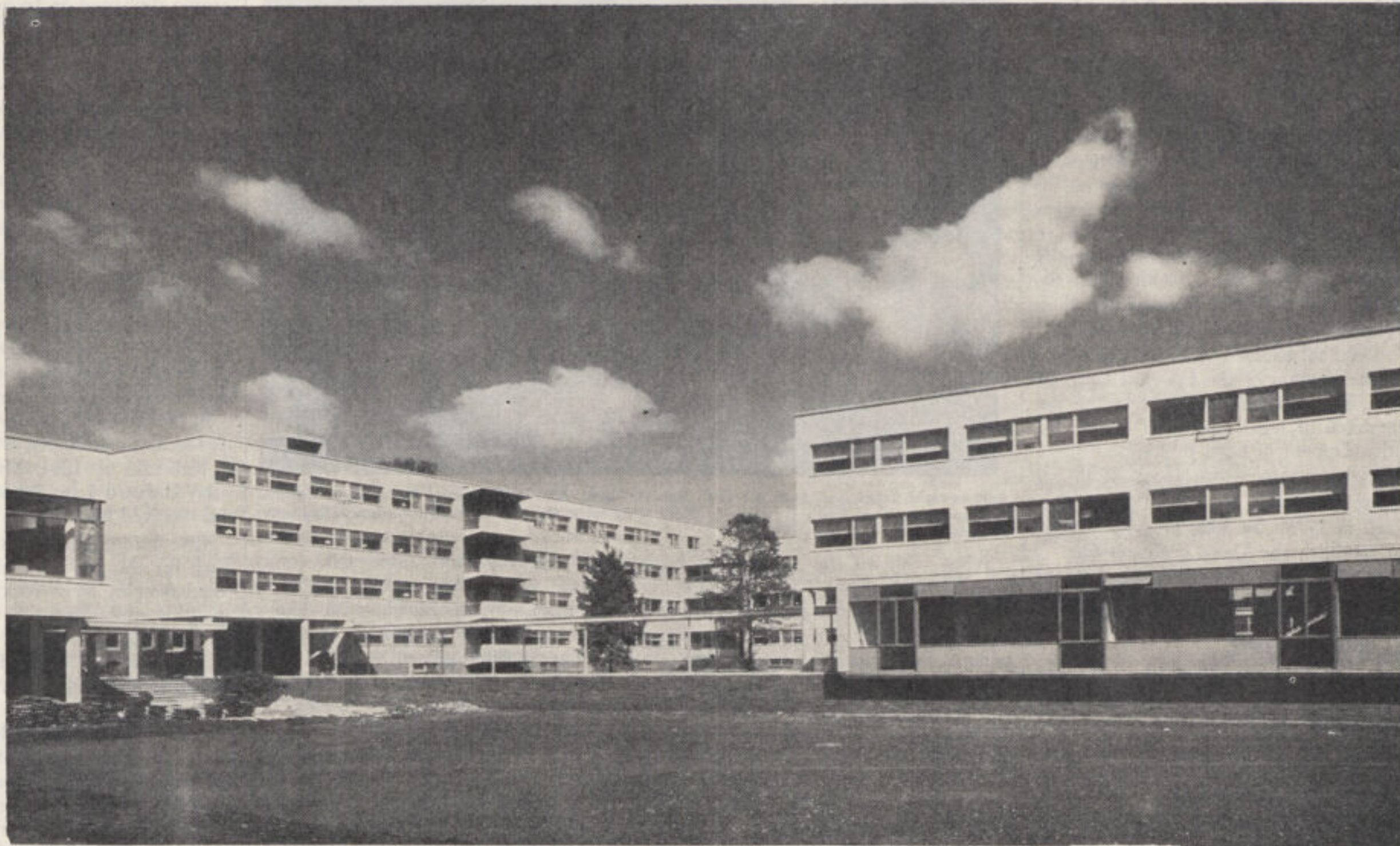
solute good sense of recognizing the common field between art and science; leading artists recognize the fact that the machine, frank colors and hyperbolic curves can be classically right, in the Shakespearean sense. This should come as no surprise to serious lawyers. The nonfactual, the erroneous, the irrational is the enemy of justice. The rubbish of pleadings, delay, sloppy opinions exasperate these lawyers just as the sickish junk of Mid-Victoria revolt the artist. In other words, Gropius's directness has a beauty in common with what the lawyer calls "beautiful" in a brief. The Center is a vindi-

VIEW OF THE DORMS



cation of experimental art; what was once daring and arty is now pleasant and useful. There is the second obvious motif for lawyers which may bear repetition: what was laughed at is now useful and makes what was accepted, outdated and less useful. The bohemian of yesterday is vindicated, as is true in chemistry and law as well. Therefore, the Center says: see how you must keep your eyes and ears open for new ideas, don't write off the new as merely eccentric, analyze. The Center says: I am an artistic success. I am accepted. Twenty, thirty, forty years ago, most people would be unable to appreciate what pleasure and comfort the ideas embodied in the Center's architecture could afford. Today their eyes are opened. The Center tells us to look into the avantgarde of law, to keep abreast of the times in our own field, to see the practical necessity of legal philosophy.

As dear as Austin Hall



DEDICATION —(Continued)

wish to attend the historic occasion. There will be standing room along the pergolas surrounding the Memorial area. Students are requested to refrain from taking seats until alumni and visitors have been seated as a large turnout is expected.

Although all law students are invited to attend, formal invitations are being sent only to those students and alumni who contributed to the Law School Fund, which, in large part, financed the construction of the Center. It is expected that certain law students will be asked to serve as ushers.

Dean Griswold, commenting on the new dormitory and dining hall project said, "Great thanks and appreciation are due to the Harvard Corporation for its substantial contribution to the project, and to the Harvard Law School Fund and the thousands of alumni who have contributed through the Fund towards the Law School's portion of the costs. The new buildings should contribute much towards developing a sense of unity among the students, and towards enhancing each student's feeling that he is a vital part of the school. For the first time, we will have adequate meeting rooms and common rooms, which will provide added facilities for law club work, group meetings, and other activities.

No Luxuries

"The School continues to count on self-reliance and individual responsibility among its students. Its instruction is conducted with the same high standard and the same rigor for which the School has been famous in the past. It has, however, taken significant steps to improve its facilities and modes of operation in areas in which there has been a felt lack. This was not done to soften the lot of students. It includes no luxuries. The purpose of all these developments has been to increase the educational facilities and opportunities of the School."

Construction of this three million dollar project started during the summer of 1949, after the temporary veteran's housing development on Jarvis Court had been pulled down. Before the Second World War this area was largely devoted to tennis courts, and much earlier, some seventy years ago, it was the scene of Harvard's first football games.

Inspection Invited

Following the dedication several other activities are scheduled. Guests are invited to visit the buildings during the hour from 5 p.m. to 6 p.m. Student guides will be chosen to assist the visitors as they inspect Harvard's newest and most modern buildings.

Law School alumni activities for the evening commence at 6 p.m. with a reception in the Robert T. Swaine room in Harkness Commons under the auspices of the Harvard Law School Association. An alumni banquet in the Dining Hall will follow at 7 p.m. Speakers at the dinner will include Dean Griswold, Professor Williston, John

B. Marsh, and the Honorable Calvert Magruder. John G. Buchanan, president of the Harvard Law School Association will be chairman.

Five leaders in the development of American law, all Harvard graduates, are honored in the naming of new dormitories in the Harvard Law School: Dane, Story, Shaw, Ames and Holmes.

Dormitories for other graduate students in Cambridge are named for William James (1842-1910), the philosopher and psychologist who founded the first psychological laboratory in America at Harvard, and for Theodore W. Rich-

ards (1868-1928), an analytical and physical chemist who was awarded the Nobel Prize in 1914 for his experimental work at Harvard on atomic weights.

Last of the new buildings to be named is the Graduate Commons which will be named for the late Edward S. Harkness of New York. The Harkness Commons is the central dining, meeting and recreation building of the Graduate Center, designed to provide community living for graduate students in law, arts and sciences, education, divinity and design.

HARVARD UNIVERSITY



Dedication of the Graduate Commons and Graduate and Law School Dormitories

October 6th, 1950

JAMES B. CONANT, President of the University

DR. WALTER GROPIUS
FOR THE ARCHITECTS COLLABORATIVE

JOHN B. MARSH, ESQ.
FOR THE HARVARD LAW SCHOOL FUND

DEAN ERWIN N. GRISWOLD
FOR THE FACULTY AND STUDENTS OF THE HARVARD LAW SCHOOL

MALCOLM PIRNIE, ESQ.
FOR THE HARVARD FOUNDATION FOR ADVANCED STUDY AND RESEARCH

PROVOST PAUL H. BUCK
FOR THE FACULTIES AND STUDENTS OF THE GRADUATE SCHOOLS IN CAMBRIDGE

DEAN WILLARD L. SPERRY—BENEDICTION

MUSIC BY THE HARVARD GLEE CLUB
G. WALLACE WOODSWORTH, Conductor

736055

Faculty Committee Discloses Basis of Dorm Name Choice

Final choice of the names of the five new law school dormitories was made by the Harvard Corporation, according to Vice-Dean Livingston Hall, from a list of suggestions and recommendations.

Last year THE RECORD made an appeal to students and alumni for suggestions of possible names. Thirteen replies were received and included twenty-eight suggested names. Out of the five finally selected, four were among those submitted by alumni and students.

The final choice represents those who, in the opinion of the Harvard Corporation, have contributed most to the furtherance of legal education and to the advancement of legal thinking.

Nathan Dane, a distinguished Massachusetts lawyer, graduated from Harvard in 1778. In 1829 he gave \$10,000 to establish the Dane Professorship. A few years later Dane advanced \$7,000 to the school to construct an adequate building, and the original Dane Hall was dedicated in 1832.

Joseph Story received his A.B. from Harvard in 1798. He later became Associate Justice of the United States Supreme Court. His scholarly inclinations and the inducement of Nathan Dane brought him back to Harvard in 1829 to accept the Dane Professorship. This he held until 1845.

Lemuel Shaw received his A.B. from Harvard in 1800. He went on to become one of the most famous judges of his time. He served as Chief Justice of the Supreme Judicial Court of Massachusetts and it was during this time that he presided over the now-famous criminal law case, *Commonwealth v. Webster*.

Oliver Wendell Holmes graduated from Harvard in 1861 and from the Law School in 1866. From 1871 to 1873 he served as University Lecturer in Jurisprudence and later as Professor of Law. Like Shaw, Holmes also served as Chief Justice of the Supreme Judicial Court of Massachusetts.

James Barr Ames received his A.B. from Harvard in 1868 and his LL.B. from the Law School in 1872. In 1873 he became a member of the faculty and from 1895 to 1910 served as Dean of the Law School.

"... Some Facts and A Few Figures."



Left to right, front row: Ruth Marshall, Roberta Good, Ann Pfohl, Louise Florencourt, Carolyn McTeer; rear row: Edith Henderson, Mary O'Connell, Beverly Coleman, Miriam Clippinger, Charlotte Horwood.

What with all the words that have been written about "The Women" in past months we believe that there is still a genuine interest among the alumni and perhaps even more the student body in some facts and a few figures. We had hoped our presentation would be different, but an attempt to create something light and airy soon was completely out of hand, and a somewhat heavier piece crashed dismally. This sturdy pastiche is the product of vermouth, biters and just a little ice.

The above picture introduces ten of the twelve female students in a plushy Root Room setting. To date no one has managed to bring all twelve together; that, it appears, would require an administrative talent far greater than our own. The previous record was nine out of twelve, a fact which offers some consolation in that it entitles us to current honors.

At this point we resist the strong inclination to bring out the solemn procession of stuffy statistics (age, home address, etc.). For notwithstanding the delicate questions which now arise when considering the dispensation of material of this nature, we feel that such information is not only of passing interest but of slight importance. After all, history shows that women of all ages and from all points have gone to law school be-

fore. Actually those interested simply have an inarticulate yearning to know what the Law School is like with women present and what women are like with the Law School present.

Is there a difference . . . ? We have lived fully during the past weeks, examining everything, hoping to note even the most subtle nuances. One observer suggested that a red dress made some of the barren and angular expanses of the Langdell reading room much more pleasant to the sensitive eye. He is no longer with us. The fact is that the Law School remains strangely unchanged. Except for the start a preoccupied male may get coming face to face with a blonde in the shadowy areas of Austin Under, school activities continue at the same day to day pace.

"The Women" though they have voiced complaints about the hygiene fee and inadequate housing already seem well adjusted to all phases of Law School life. Like the men, they have college backgrounds while some have business experience besides. From a more impersonal angle: They were most patient and cooperative with our photographer; appeared reticent and self-conscious in conversation, especially on conditions social, and, thank goodness, displayed the same charming and fragile innocence that identifies all of our first year personnel.

DORM GIFTS—(Continued)

senior partner in the firm. Although he greater portion of his professional time was dedicated to counselling, Mr. Buckner did excel as an advocate before many appellate tribunals, especially in cases of corporate reorganizations.

Named for an outstanding trial lawyer, the Emery R. Buckner Lounge and Recreation Room is on the north side of Holmes Hall, on the first floor. This room was donated by the members of the well-known New York law firm of Root, Ballantine, Harlan, Bushby & Palmer to commemorate the name of their departed senior partner who passed away in 1941.

Born in Pottawatomie, Iowa, on August 7, 1877, Mr. Buckner early in his life showed an interest and talent for the law by working as a court stenographer in the Oklahoma Territory while yet in his teens. A graduate of the University of Nebraska in 1904, Mr. Buckner entered Harvard Law School in that year and received his LL.B. in 1907.

After graduation, Mr. Buckner went to work for the law firm of Cravath and Henderson in New York City, but left upon his appointment to the staff of the Attorney General of the United States in 1908. In 1910, Mr. Buckner joined the office of the District Attorney of New York City and later he organized the law firm of Root, Clark, Buckner & Howland. In 1927, President Coolidge appointed Mr. Buckner an attorney for the United States, in which capacity Mr. Buckner conducted many prosecutions for the Federal Government, one of the better known being the prosecution of Harry M. Daugherty, in the Teapot Dome scandal.

As a trial advocate, Emery R. Buckner was known for his ability to marshal great masses of facts, to organize those facts and present his case in a manner which won him great fame. His special contribution to trial practice was his expert utilization of charts, graphs and diagrams.

The landscaped court formed by Holmes, Ames, Shaw and Story Halls is named the Lansing P. Reed Memorial. This green, with its white walkways, was donated by the late Mr. Reed's law firm of Davis Polk Wardwell Gardiner & Reed of New York.

Lansing P. Reed, LL.B. '08, was born in New York City on April 2, 1882. Active in his class at Yale University where he was elected to Phi Beta Kappa, Psi Upsilon and Skull & Bones, Mr. Reed graduated in 1904. At Harvard Law School, his career as a student was highlighted with a position on the editorial board of the *Harvard Law Review*.

Upon his graduation in 1908, Mr. Reed entered the practice of law with the New York firm of Stetson, Jennings & Russell. His rise to success was due to his ability

for sustained and accurate work, especially in the field of law concerned with banking and investments. His work as a solicitor was well recognized by many of the foremost banks, investment houses and industries including the firm of J. P. Morgan & Co., for whom Mr. Reed acted as a legal consultant. His legal abilities were well recognized in the industrial and commercial field as well as in banking and investments; in this regard he acted as counsel for such firms as International Telephone & Telegraph and Standard-Brands, Inc. Mr. Reed passed away on December 2, 1937.

On the first floor of Holmes Hall, in the southwest corner of the building, is the large meeting room named for Chauncey Earle Wheeler (LL.B. '12). The inscription on the plaque in this room reads, in part: "Clients, who took many important steps with the utmost confidence in his legal knowledge and skilled craftsmanship, and turned to him even more because of his integrity and his understanding of men, join with his partners and associates and other friends in giving this room."

Chauncey E. Wheeler was born in Three Rivers, Massachusetts on July 22, 1888. He attended Brown University, graduating in the year 1909 when he entered Harvard Law School. A brilliant student, he served as an editor of the *Harvard Law Review*, graduating in 1912.

Mr. Wheeler practiced law for 36 years in the Providence firm which later became Hinckley, Allen, Tillinghast & Wheeler.

Active in Bar Association affairs, Mr. Wheeler served as President of the Rhode Island Bar Association and as a member of the House of Delegates of the American Bar Association. He was also Chairman of the Board of Examiners of the State of Rhode Island for 25 years, and at the time of his death, October 13, 1948, he was a Trustee of Brown University.

The four dormitory commons rooms in Story Hall have been donated by the celebrated firm of Sullivan & Cromwell in New York City. In addition to this gift, Mr. William Nelson Cromwell, senior partner of the firm at the time of his death in August, 1948, left a fund of \$255,000 to the Harvard Law School in his will.

The dining room in the southwest corner of the second floor of the Graduate Commons is the Mallory Smith Room, given in memory of Mallory Reynolds Smith (LL.B. '43), by Henry Lee Shattuck. (Continued Next Page)

Genius Of "Gropius" Lies Behind Modern Design Of New Grad Center; Cell Windows And Harvard Red Brick Go

The apostle of modern design responsible for the new Graduate Center is a man known as "Gropius," or more formally, as Dr. Walter Gropius.

When he stands among his eight new buildings to the north of the Law School, waving his arms gracefully and demandingly like Stokowski concluding a Beethoven symphony, architectural associates come to heel, contractors dig into their blueprints and workmen hustle to put the finishing touches on one of the most significant developments in American architecture.

Walter Gropius is chairman of Harvard's Department of Architecture and Design, doubling as senior partner of The Architects Collaborative which is responsible for the creation of the Graduate Center.

The graduate dormitory problem went onto the drawing boards of "Gropius's" advanced students back in 1947. Three solutions proved to the satisfaction of the Harvard Corporation that modern functional design had something special to offer in an era of high construction costs. Gropius' private architectural firm was given a free hand to proceed with final plans.

No more great over-hangs; cost too much money. No more "cagelike windows"; a ridiculous hold-over from an age when plate glass was unknown. No more Harvard red brick; yellow appears lighter and shows more delicate shadows.

"The large glass panes," explains Gropius, "permit us to make sections of outdoor space a part of the total architectural composition, which does not stop at the walls as in the past."

Rumor has it that one workman has

already tried to walk through one of the glass walls, hence the large crosses of paper tape to make it plain to the uninitiated that glass is there.

The Graduate Center is a radical departure in college construction. "We cannot go on indefinitely reviving revivals," says Gropius expounding his favorite theme. "The spirit which has guided the architecture of the new Graduate Center has grown from the belief that there is no finality in architecture."

Not the least of the reasons why functional design has been so readily accepted is the ingeniousness with which it gets around the high construction costs of today. The Gropius associates can prove that the new dorms cost only about half what it would have cost to duplicate the heavy and ornate dormitory styles of the past.



Harvard architect, Benjamin Thompson, has been in charge of interiors and furniture, contributing some of the most novel and attractive features to the building program.

The ramp to the cafeteria is a unique solution of the queuing problem. "A line was inevitable," explains Thompson, "so we provided a place for it. We added the Herbert Bayer tile mural to give in-

terest. It will not become monotonous as a regular pattern might after three years, nor can it be damaged by hands as might happen to an oil at that point on the ramp."

Different fine woods give variety to the interior—oak and birch wall panelling, mahogany doors, a birch railing on the ramp. Two large oil murals for the dining hall are due shortly. One large map of the world and 14 small ones are being prepared for the dormitories by Gyorgy Kepes. A 20-foot stainless steel pylon by Richard Lippold is on order for the front of the Commons building.

The lower courtyard in front of the Commons building has been designed to provide an ice surface in the winter, and it has just been planted with a special grass capable of withstanding the punishment of water on its surface during the winter months when it is planned to use the courtyard for ice skating.

Seven dormitories provide living accommodations for 575 students. The dining hall seats 512 at a time. Holmes Hall includes discussion rooms for the Ames Competition. All furniture is movable "to give a sense of as much freedom and variety as possible."

The project is the result of the collaboration of many minds and hands. Partners in the firm with Gropius and Thompson are: Norman and Jean Fletcher, John and Sarah Harkness, Robert McMillan, and Louis McMillen.

But behind it all is the "job captain," a stoop-shouldered man with a little bow tie and a beret jammed down tightly over his greying hair.

That's "Gropius." And the Graduate Center is his baby!

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tuck, A.B. '01, LL.B. '04. Mr. Shattuck, who was Treasurer of Harvard College from 1929 until 1938 and Fellow of Harvard College from 1938 to date, is now Senior Fellow of the Harvard Corporation. He first came to know Mr. Smith when the latter was in the Law School.

Mallory Reynolds Smith was born in Greenville, South Carolina in 1918. He received his A.B. from Furman University in 1939, and, having spent a year taking graduate work and teaching at Louisiana State University, he enrolled in Harvard Law School. Upon completion of his first year, Mr. Smith was awarded a Sears Prize as second-ranking student in his class.

In 1942, Mr. Smith accepted an Ensign's commission in the United States Naval Reserve and served in Iceland, on the Atlantic and on the Mediterranean, being discharged a Lieutenant Commander. Returning to the Law School, Mr. Smith completed work for his LL.B. very successfully, being a Recent Case Editor of the *Harvard Law Review*.

Graduating in 1943, Mr. Smith entered the Washington, D. C. office of the firm of Sutherland, Tuttle and Brennan where he specialized in tax law and was a part-time teacher on the faculty of the Law School of George Washington University. It was on a trip from Cairo, Egypt back to the United States, which was taken on a client's business, that Mallory Smith's plane crashed and he was killed on August 31, 1950.

On the second floor of Holmes Hall are three single rooms dedicated to the names of six men, five of whom are living today, well-known and active in their respective fields. Holmes 204 is the Judge Augustus Noble Hand Room; Holmes 202 is the Walter L. Fisher Room; and Holmes 218 is The Busy Bees Room.

The Judge Augustus Noble Hand Room was donated by a group of the justice's former law clerks.

Judge Hand was born in Elizabethtown, New York on July 26, 1869. He attended Harvard University where he

graduated with his A.B. in 1890, *magna cum laude*. Entering Harvard Law School he showed the brilliance which has made him the renowned jurist he is today, graduating with an A.M., and LL.B. *cum laude* in 1894. He also received his LL.D. from Harvard Law School as well as honorary Doctorates of Law from Middlebury College (1918), Williams College (1928), University of Pennsylvania (1938), Yale University (1939) and Harvard University (1944).

In 1895, Judge Hand began his formal practice with the law firm of Curtis, Mallet-Prevost & Colt in New York City. In 1901 he organized the firm of Hand, Bonney & Jones with which he was associated as a senior partner until 1914 when President Wilson appointed him Federal District Court Judge for the Southern District of New York. In 1927, in recognition of his outstanding abilities as a member of the Federal bench, President Coolidge appointed Judge Hand to the United States Circuit Court of Appeals for the Second Circuit, which is presently the United States Court of Appeals.

The Walter L. Fisher Room has been donated in memory of Walter L. Fisher in behalf of his sons and grandsons, many of whom attended Harvard Law School, by his wife Mabel Taylor Fisher. Mr. Fisher served as Secretary of the Interior during the years 1911-1913 and made his home, during his lifetime, in Chicago, Illinois.

The Busy Bees Room has been donated by four alumni of the class of 1910 who, when they attended Harvard Law School, called themselves "The Busy Bees" when they roomed together on Kirkland and Brattle Streets.

These four men are Francis R. Appleton, Harrison Tweed, and Harold S. Vanderbilt, all presently of New York City, and Dudley L. Pickman of Boston.

In addition to the gifts mentioned, suites of rooms in Ames Hall and Story Hall will be named in honor of the classes of 1917, 1921, 1922, 1925 and 1927 who have contributed \$50,000 each to the Graduate Center Fund. Also to be named later on, in honor of the classes of 1906, 1910, 1914, 1916, and 1928, are other suites of rooms in these halls. The latter classes are well over the \$40,000 mark in contributions to the Graduate Center Fund.

Sheldon Prize Awarded To Best Ames Finalist



Philip E. Silberberg, 3L (Cornell '48) of Brooklyn, N. Y., a member of the Casner Law Club is the recipient of the Sheldon Prize for the best orals in the quarter-final round of the Ames Competition. He was chosen by John W. Scott, Jr., LL.B. '47 of Carbondale, Ill. Faculty Assistant of the Ames Competition and Bernard Nemtsov (Brown '48) of Newport, R. I., newly elected Chairman of the Board of Student Advisers who listened to all quarter final arguments last spring.

The Sheldon Prize is a sum of money set up from funds left to Harvard Law School in the will of William Dubose Sheldon, LL.B. '38, who died in 1943 while on active duty in the Navy. Mr. Sheldon was a former member of the Board of Student Advisers and was Faculty Assistant of the Ames Competition in 1937 and 1938.

"REDUCATORS" — (Cont.)

mentioned at all." He then continued to answer the charges point by point. He stated, "The pamphlet, 'Reducers,' has the low qualities of an anonymous letter since no individual has had the courage to attach his name to it. Its worthlessness can be illustrated by one passage. It mentions five organizations with which, it says I have been affiliated. I had no connection whatever with two of them except possibly to be on their mailing lists. (National Federation for Constitutional Liberties and Veterans of the Abraham Lincoln Brigade.) If I received any communications from them, these went into the wastebasket.

"As for the so-called statement defending the Communist Party, I remember signing a petition to Congress which did not defend Communists at all, but objected to actual and pending legislation against them because it is contrary to the traditions of liberty.

"Although I recall nothing about the American Committee for Democracy and Intellectual Freedom, it was probably a temporary organization sponsoring a petition against censorship and suppression of thought, similarly signed by honesty and brains.

"The only organization on which I spent more than ten minutes of time was the Citizens Committee to Free Earl Browder. I refused to sign a general petition to President Roosevelt for Mr. Browder's pardon because it implied that he had committed no crime deserving punishment. I stated that he ought to have been punished because citizens have a very strong obligation to tell the truth when dealing with their government. At the same time, I thought that the Senate was too severe and that he had already been imprisoned long enough to expiate his crime. Therefore I said I would write a letter of my own.

"The pamphlet neglects to mention several other organizations to which I belong, all readily accessible in *Who's Who in America* and occupying infinitely more of my time and energy than any organization it mentions."

Other law school professors who could not be reached immediately for comment include E. M. Dodd, S. Glueck and R. Pound.

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NEWS IN BRIEF

LAW DEMOCHATS

At the first fall meeting of the Democratic Club of Harvard Law School, the activity plans for the year were outlined by the President of the organization, Robert Ehrenbard 3L.

Of immediate importance is the coming election on November 7, in which the club will participate on all levels from registration to speechmaking. Plans for "A School For Politics," legislative research, organizational work and a social program of stags and dances were discussed and committees formed for their implementation.

The present officers, Vice President John H. Dalton, 2L; Treasurer Albert K. Hill, 3L; Recording Secretary Norman Hurwitz, and Corresponding Secretary Robert Bailey, 3L, were introduced to the membership.

The next meeting is to be held within the next two weeks. It will be of special importance to first year men, since at that time the first year representatives to the executive council will be elected. New members who join at that meeting will be allowed to vote, and are eligible for election.

CLASS OF 1953 STATISTICS

Information released by the Admissions Office indicates that the class of 1953, composed of 511 men and 13 women, is at least as heterogeneous as any in the past. Though having fewer than last year's 554 men, the group contains students from 132 colleges and universities, from forty states, the District of Columbia, Hawaii, Canada, Cuba, and France. By coincidence, the average age of this class, 22.56 years, is exactly the same as that of a year ago.

The number of veterans entering the law school has dropped sharply in the past year, falling from 374 to 222 men. Translated into percentages, this represents a reduction from 67.5 per cent to 43.4 per cent of the entering class. Signs of another, more recent war, are nevertheless apparent. Over half a hundred men wrote to the Admissions Office during the summer, requesting information and help concerning draft deferments. Fourteen potential first year men were actually called to the armed services.

Records show that sixty-eight men, comprising almost thirteen per cent of the class were married at the time of registration. This contrasts with the little more than ten per cent of married men that were in the class of 1949.

STUDENT REPRESENTATIVES

Harold Putnam, 1L, of Needham, Massachusetts, is a member of the House of Representatives of the Commonwealth of Massachusetts and represents the people of Dedham, Canton, and Needham, Massachusetts. He is also a member of the Committee on Education. Mr. Putnam was formerly on the editorial staff of the Boston "Globe" and has now joined the news and features staffs of THE RECORD.

YOUNG REPUBLICANS

A new public service has been initiated at the Law School this Fall under the auspices of the Harvard Young Republican Club and its Law School Committee. This organization, known as the Discussion Program Service, will provide discussions for organizations throughout Massachusetts.

There is no charge for the services of the organization, and its programs are available to any group desiring objective discussions or debate programs on any of a series of current issues. The programs to be presented by the Discussion Program Service for this season will be announced in the first week of October.

Any organization outside of Cambridge and immediate vicinity will be expected to defray travel and any other incidental expenses of the discussion teams.

This new public service needs discussion leaders, chairmen, speakers, and research staffmen. Members may determine for themselves how much time they wish to devote to the service. Travel and meals are paid for.

The Discussion Program Service is under the direction of John B. Harrington, 2L. Those interested in participating in the program should see the director personally or come to the first meeting which will be held on Friday, October 6 at 3:00 p.m. in Langdell South Middle.

YEAR BOOK

The photographer will be here only one more week. Pictures taken at this time are the only ones that will run in this year's book. Sign up for a sitting outside the South entrance to the Langdell Reading Room.

Apparently some students mistook information cards that were available at registration for subscription blanks for the 1951 Year Book. An information card must be filled out for each student at The Law School. Do this when your picture is taken or stop in at Gannett House within the next week and do so.

DUPLICATE BRIDGE

All Harvard Law School students and their friends are invited to participate in a series of Duplicate Bridges presented at the Cambridge Center for Adult Education, 42 Brattle St., Cambridge. The first of the series will be Friday evening, October 6. Players are asked to be at the Center by 7:45 p. m., so that play may begin promptly at 8 p. m. Latecomers will not be admitted. A small fee will be charged.

AMES JUDGES

All second and third year men who are interested in judging first year Ames arguments are requested to submit their names to the Board Receptionist. It is desirable to have a list of volunteer judges available at the Board of Student Advisers office in order to aid club supervisors who may encounter difficulty in obtaining judges for their club's arguments.

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Alumni Notes

U. K. ALUMNI

Mr. Mayo A. Shattuck, LL.B. '21 of Boston, Mass. was guest at a dinner of the Harvard Law School Association of the United Kingdom on the 27th of April. It was an informal meeting with Sir John Morris, Sp. '20-'21, English High Court Judge, presiding. Among those present were Professor Sir Percy Winfield, former lecturer at the law school, and Sir Harold Danckwerts, Sp. '10-'11, also a



Left to right: Professor R. H. Graveson, Hon. Sec'y; Mr. Adrian W. Franklin of the Chancery Bar; Sir Harold Danckwerts.

Judge of the High Court. The chairman paid tribute to the late Professor Harold Laski, whose association with the law school has made his name almost equally well known on both sides of the Atlantic.

In reply to a toast Mr. Shattuck paid a flattering tribute to the good points he had seen in the English character and stressed the need for a much closer collaboration between lawyers in the United States and England, not only on the governmental and academic levels, but also among lawyers in private practice.



Left to right: Mr. M. A. Shattuck, Sir John Morris, Professor Sir Percy Winfield.

The United Kingdom Association has only been in existence for a little over a year, and out of a possible maximum of around 40 members it has a membership of 25. While it is not in a position to offer lavish hospitality, the members of the Association are anxious to do what

they can in the way of help for any Harvard men visiting England. The Honorary Secretary, Professor R. H. Graveson, S.J.D. '35 ('36) can usually be contacted at King's College, Strand, London, W.C.2., telephone number TEMple Bar 5651.

A new unit of the Harvard Law School Association was formed recently in Kentucky. With 50 of the 80 Kentucky alumni present, an organizational meeting was held at the Pendennis Club in Louisville, Ky., recently. Harold F. Gallagher, sp. '17, and Kurt F. Pantzer, LL.B. '17, were speakers at the meeting. Officers were elected and Judge Shackleford Miller, Jr., LL.B. '17, became president of the new association. The other officers designated were: Clinton Harbison, LL.B. '09, vice-president; Thomas W. Bullitt, LL.B. '40, secretary-treasurer; and John E. Tarrant, LL.B. '23 to represent the group as a vice-president of the Harvard Law School Association.

Amos Eblen, S.J.D. '34 and Victor A. Bradley, LL.B. '07 were named to the executive committee.

LL.B. '28—Richard W. Morin has been appointed as librarian of Dartmouth College. He formerly was with the United States Foreign Service, served for five years with the State Department in Washington, D. C.

LL.B. '35—John S. Marshall, heretofore general attorney of the Chesapeake and Ohio Railway Co. in Cleveland, Ohio, has been appointed assistant to executive officers.

LL.M. '25, S.J.D. '34—Horace E. Read has been appointed Dean of the Dalhousie University Law School, Halifax, Nova Scotia.

LL.B. '27—Jack J. Levinson, formerly Associate Counsel of Commercial Credit Co. and a member of the firm of Dills, Muecke, Shelker and Levinson, announces the opening of offices at 100 E. 42nd St., N. Y. C.

LL.B. '30—Frederick Bernays Wiener announces the opening of offices for the general practice of law before the courts and federal administrative agencies, specializing in appellate proceedings at 1009-1015 Tower Building, Washington 5, D. C.

Chafee Assumes Duties Of University Professor

Professor Zachariah Chafee, this fall commenced his tenure as the first "University Professor" from the Law School since Dean Roscoe Pound.

The appointment of Professor Chafee was announced by the Harvard Corporation last May, simultaneously with the appointment of 1946 Nobel prize winner, Professor Percy W. Bridgeman, to the same post.

Professor Chafee is recognized among lawyers as an authority of the law of Equity and on Commercial Law, and as draftsman of the Federal Interpleader Act of 1938. Author of numerous texts and articles in equity and commercial law, his latest work is "Some Problems of Equity."

He is known to a wider public because of his books, "Free Speech in the United States" (1941) and "Government and Mass Communications" (1947). In public life, he has served as a consultant to the Commission on Law Observance and Enforcement (the "Wickersham Commission"), (1929-1931); as a member of the Commission on Freedom of the Press (the "Hutchins Commission"), (1943-47), and as a United States delegate to the United Nations Conference on Freedom of Information in 1948.

A member of the Rhode Island bar, Professor Chafee was born in Providence on December 7, 1885, and was graduated from Brown University on December 7, 1907. After completing studies at the Harvard Law School in 1913, he returned to Providence to practice law for three years. He joined the faculty of Harvard Law School in 1916, and became Langdell Professor of Law in 1938.

An active member of the American Bar Association, he served from 1938 to 1948 as a member of its Bill of Rights Committee, participating in three briefs before the Supreme Court.

University professors, of whom there are now six, are free to work anywhere in the University on projects which cut across the usual boundaries of specialized research. Professor Chafee is engaged in giving two courses in the College this year, including "Fundamental Human Rights" in the General Education Department. It will consider human rights in terms of legislation, judicial decisions and social conditions and needs.

HLSA Holds Luncheon As Bar Groups Gather

On Sept. 20, 1950 during the American Bar Association and Canadian Bar Association meetings in Washington, D. C., the Harvard Law School Association held a luncheon for Harvard Law School alumni at the Mayflower Hotel.

John G. Buchanan, LL.B. '12, of Pittsburgh, Pa., President of the Harvard Law School Association, presided at the luncheon which was attended by more than 400 alumni. The speakers included Dean Griswold, LL.B. '28; Professor Casner, Harold J. Gallagher, '16-'17, retiring President of the American Bar Association, and Wilkie Bushby, LL.B. '21, of New York, National Vice-Chairman of the Harvard Law School Fund.

Several members of the Canadian Bar Association were present at the luncheon as guests of the Harvard Law School Association.

It was voted to send to Professor Samuel B. Williston, LL.B. '88, a telegram of "Greetings to the greatest of all law teachers from 400 Harvard Law School Association members." In a letter to John G. Buchanan, Professor Williston said: "I greatly value and appreciate your telegram. I wish I could communicate my affectionate regard to all the 400 whom you represent. I did not reply by telegram to you in Washington for lack of your address, but I send my thanks to you now, to you and to all whom you represent."

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The Wheeler Room, which will serve both as a lounge and as a meeting room and moot courtroom for law students, is located in Holmes Hall.

Left to right: Theodore A. McCabe, Myles S. Backman, David C. Rothman, Melvin L. Zurier.

Board of Student Advisers To Coach Second Year Men in Drafting Project

A drafting project for second year students, in line with the general policy of the Faculty Committee on Drafting, will be conducted by the Board of Student Advisers during the Spring semester for the purpose of giving as many second year men as possible training in the drafting of legal documents.

There will be 64 men picked from various clubs which have participated in the qualifying round of the Ames Competition who will compete in this project. The prime requisite for eligibility is participation in the qualifying round. Naturally, those students who belong to second year clubs which qualify for the quarter final rounds of the Ames Competition will not be eligible for this project.

Although all details have not been worked out, the main outlines of the project have been studied. The 64 men who are picked will be put into groups of eight men each. The eight resulting groups will be divided into two units of four groups each. Each of the two units will be given a problem consisting of a set of facts which will require, as its final answer, some document drafted by the group. The document may be a contract, a statute, a lease or any other problem which the Faculty Committee on Drafting decides to use.

Each group of four men will do its own research and drafting, advised by mem-

bers of the drafting committee of the Board of Student Advisers. The four final instruments in each unit will be submitted to a set of judges for criticism. The document of each unit which most adequately deals with the problem set forth will be given a prize. Thus there will be two prizes, one for each of the best groups in each unit. Although there will be intra-unit competition, the two units will necessarily not be competing, since each will be working on a different set of facts.

It is not as yet certain of what the problems will consist, but they will probably be based on some particular jurisdiction in order that the students will have some framework of statutes, decisions and general policy of a particular jurisdiction within which to work.

The Board of Student Advisers will do its own independent research on each of the two problems in order to advise the students. This advice will be of much the same type as given first year students who argue in the Ames Competition, with one or two conferences held with each group under the guidance of a Board member.

The temporary chairman of the drafting committee of the Board is William E. Willis, 3L (Marshall '48) of Huntington, W. Va., also Second Year Chairman of the Board of Student Advisers.

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Students At Dorms Elect Law Council

Representatives to the newly formed Law Dormitory Council have been elected from each floor of the five new law dormitory halls and every entry in Walter Hastings Hall. The 21 representatives to the council have already held three meetings.

S. K. Lessey, 3L, has been elected temporary chairman of the Dormitory Council, and the following committee chairmen have been appointed: Edward H. Snyder, 3L, Dormitory Committee; Stanley Rothenberg, 1L, Dining Hall and Grill Committee; Ernest Oakland, 3L, Commons Facilities Committee; and Nathan J. Siegel, 3L, Constitutional Committee.

Although the Council is still in its organizational stages, it has worked out a simple method of bringing complaints of dormitory residents and solutions thereof to the attention of the administration.

A dormitory resident with a complaint, or suggestion for improvement in the dormitory center, simply tells his floor or entry representative. The representative in turn relays this to the proper Council committee. Next the committee sifts the complaints, works out a possible solution, and consults with the proper administrative official in disposing of the problem.

At present the administration has in its hands the question of having pay phones installed in the new halls. Furthermore, the Parietal Committee is meeting with Vice-Dean Hall to establish parietal rules for entertaining in the dorms.

The new floor and entry representatives are: Albert L. Cohn, 3L (Georgetown '48) of Paterson, N. J.; Robert Coulson, 1L (Yale '50) of Nassau, Bahamas; Phillip N. Crawford, 2L (California '49) of Lakeport, Cal.; Francis D. Fisher, 3L (Harvard '47) of Winneka, Ill.; Jack E. Hollenberg, 3L (Syracuse '48) of Brooklyn, N. Y.; Monroe L. Inker, 3L (Brooklyn '48) of Brooklyn, N. Y.; Philip T. Kaplan, 1L (Yale '50) of New Britain, Conn.; S. Kenric Lessey, 3L (West Point '45) of Doylestown, Pa.; Seymour Levine, 2L (C.C.N.Y. '49) of Brooklyn, N. Y.; Anton M. Lund, 1L (Bowdoin '50) of Augusta, Me.; Lawrence Newmark, 1L (Brooklyn '50) of Brooklyn, N. Y.; Ernest Oakland, 3L (Ohio State '48) of Zanesville, Ohio; John Olin, 1L (Harvard '50) of Minneapolis, Minn.; Russell R. Pearson, 2L (Harvard '47) of St.

THE NEW COMMONS



This building, part of the Graduate Center, just completed, provides meals for 1,200 graduate students in Cambridge, as well as lounge and recreation rooms and meeting halls. It is the focus of the seven dormitories provided in the new Graduate Center for students in law, arts and sciences, education, divinity and design. The buildings were designed by Professor Walter Gropius and his associates in The Architects Collaborative.

Paul, Minn.; Stanley Rothenberg, 1L (N.Y.U. '50) of Brooklyn, N. Y.; Donald F. Ryman, 3L (Ohio State '48) of Canton, Ohio; Nathan J. Siegel, 3L (Cornell '48) of Utica, N. Y.; Edward H. Snyder, 3L (Wisconsin '48) of Milwaukee, Wisc.; Robert D. Taichert, 2L (N. M. '48) of Santa Fe, N. M.; Stuart B. Walzer, 3L (M.I.T. '45) of Scarsdale, N. Y.; and Howard H. Weisberg, 3L (C.C.N.Y. '48) of New York City.

Applications Taken For New Fullbright Awards

Approximately 300 Fullbright awards are available to citizens of the United States for university lecturing and advanced research abroad for the academic year 1951-52. Many of the lecturing opportunities are in specified subjects at designated universities; others are unspecified as to subject and institution.

Awards are made in the respective foreign currencies and will be adequate to cover all expenses abroad, including round-trip transportation, a maintenance stipend, which includes allowances for dependents, and a small supplementary allowance for travel or equipment.

These Faculty and Post Ph.D. openings are available in more than twenty nations in Europe, Asia, Africa, Australia and New Zealand.

Applications for Fullbright awards for 1951-52 must be filed before October 15, 1950, with the Conference Board of Associated Research Councils, 2101 Constitution Avenue, Washington 25, D. C. Additional information may be obtained from the Fullbright Committee, 54 Dunster Street, Cambridge, Mass.

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Placement Bureau Tells of Progress

While a more complete list will not be issued until later in the year, the Placement Office is able to report on the activities of several recent graduates who have secured positions during the past summer. Many of these were placed through the assistance of the Placement Office. This small sampling indicates that Harvard Law School graduates are still able to display their talents in varied ways.

The implementation of America's new foreign policy has resulted in the development of a new area of job opportunities. Our economic and military commitments in Europe since the war have led to an increased need for trained lawyers in overseas activities and today offer a chance for invaluable experience. The Placement Office reports that at least three members of last year's graduating class are now in Europe. Don Paradis, LL.B. '50, past president of the Legal Aid Society, is a member of the legal staff of E.C.A. in Paris. Joseph Bare, Jr., LL.B. '50, and William Dunn, LL.B. '50, are with the staff attached to the Office of the High Commissioner in the Military Government in Germany.

Besides these there are several who have been given clerkships to outstanding judges. Vincent McKusick, LL.B. '50, president of the *Law Review* last year, is clerk to Judge Learned Hand. Hugh Calkins, LL.B. '49 and Weaver Dunn, LL.B. '49 are both serving as clerks to Mr. Justice Frankfurter. Watt H. Denison, LL.B. '50 is with Judge Calvert Magruder, and Lewis C. Green, LL.B. '50 is clerking for Judge Orr of the Ninth Judicial Circuit in San Francisco. Buddy Hart, LL.B. '50 and Buster Hart, LL.B. '50 are with Chief Justice Loring and Judge Magney, respectively, of the Supreme Court of Minnesota.

AMES PRIZE

Dr. Ernst Rabel of the University of Michigan and Dr. Leon Radzinowicz of Trinity College, Cambridge have been awarded the Ames Prize for "a meritorious essay or book on some legal subject" awarded every four years by the faculty of the Harvard Law School. Dr. Rabel's prize was based on the first two volumes of his *The Conflict of Laws: A Comparative Study*, and Dr. Radzinowicz's on the first volume of his work entitled *A History of English Criminal Law and Its Administration from 1750*.

DAVIS AT MINNESOTA

Professor Kenneth C. Davis, LL.B. '34, formerly of the Harvard Law School faculty has been appointed to the staff at the University of Minnesota Law School. His hornbook on Administrative Law will be published this fall.

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Kings Bench Votes To Admit Women

Meeting September 26, King's Bench, the first organization to meet in the new Graduate Center Commons room was set to add to another first until constitutional difficulties intervened.

A vote to admit women to the organization had been passed over the objections that the action would interfere with the congeniality of King's Bench smokers. For a time it appeared that KB would be the first and only Law School organization to extend an invitation to the fair sex. The minority was quick to point out however that KB's constitution provided for no discrimination in the taking of new members on grounds of race, color, or religion, but that it was silent as to sex. A final decision was postponed until a committee reported on the constitutional problem.

The organization concluded its meeting with discussion of proposals to buy a house. Financing and possible locations were two problems left for committee work; the organization having voted for the general principle of obtaining a permanent home.

The following officers, elected last spring to form the Council of King's Bench for the Fall of 1950, presided for the first time: Chief Justice, Raymond P. DeMember, 3L (Harvard '48) of Utica, New York; Associate Justice, Melvin M. Prague, 3L (Tufts '48) of Cambridge, Mass.; Scrivner, David Field, 3L (Swarthmore '48) of Glen Ridge, N. J.; and Exchequer, Richard W. Kurrus, 3L (Harvard '46) of Newton, Mass.

Committee chairmen are: Paul Blawie, 3L Georgia '48) of Ft. Devens, Mass., Luncheons and Speakers; Vincent Leahy, 3L (Harvard '45) of Brookline, Mass., Social chairman; Arnold Nemirow, 3L (C.C.N.Y. '48) of Brooklyn, N. Y., Smokers; Ira Siegler, 3L (Princeton '49) of Staten Island, Athletics.

MORE FUNDS ASSIGNED

Twenty-fifth anniversary funds of the Law School Class of 1924 and the Law School Class of 1925 have been assigned to provide for rooms in the new Law School dormitories.

BLOOD DONORS NEEDED

Any student willing to donate blood for the blood bank at the Peter Bent Brigham Hospital in Boston is urged to telephone the Hospital for a specific appointment. Albert R. Ketcham, 2L, who has been at the hospital since Sept. 26 has required six blood transfusions thus far and may need more. The charge to a patient for blood is cancelled for each two blood donations made to the fund on behalf of the patient.

Both A's, Failures Decline Last Year

Fewer failures, but fewer A's, than preceeding first year classes, was the record hung up by the present second year class in last June's examination.

According to figures released by Mrs. Edith P. Newton, Registrar, 7% of the class of 1952 scored A's, as compared with 8% for the class of '51 in their freshman year. However, the present third year men recorded 8% failures, in their first year, while only 7% were dropped this summer. In both instances, it is interesting to note that almost the identical number of men failed, as got A's.

These grades continue the trend toward better and higher averages which has been noticed since the war. In 1948, 12% of the first year failed, while in 1938, typical pre-war year, 22% of the class failed to return.

The following is the compilation of grades received by the various classes for the June, 1950 examinations:

	A	B	C	D	Fail-ure
Class of '52	7%	22%	52%	12%	7%
Class of '51	5%	28%	61%	5%	2%
Class of '50	5%	30%	61%	4%	.6%

HLU AND ADA

Reginald Zalles, Administrative Director of Massachusetts CIO and former Executive Director of Massachusetts Americans for Democratic Action, will address a joint meeting of the Harvard Liberal Union and Radcliffe Students for Democratic Action on Wednesday, October 4, at 8:00 P. M. in Sever II. The topic will be "The Role of ADA in the 1950 Elections."



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OUTSIDE WORLD Symphony Concerts

"Students only" will be the rule at five concerts of the Boston Symphony this season. These will be the Thursday evening rehearsals of the orchestra. Allocation will be made to the various greater Boston colleges and students will be able to subscribe to these five concerts for nine dollars. Announcement will be made later of the dates and where tickets will be available.

HONORS—(Continued)

vania '49) of Philadelphia, Pa.; Richmond Prescott (Harvard '49) of Dartmouth, Mass.; Robert E. Rodes, Jr. (Brown '47) of Boston, Mass.; Frank E. A. Sander (Harvard '49) of Brookline, Mass.; Harvey L. Schein (N.Y.U. '49) of Brooklyn, N. Y.; Frank P. Sebree (Missouri '49) of Kansas City, Mo.; Richard E. Shapiro (Yale '49) of Beverly Hills, Cal.; Byron D. Sher (Purdue '49) of St. Louis, Mo.; Samuel A. Stern (Pennsylvania '49) of Philadelphia, Pa.; Herbert Stoller (Wisconsin '49) of Baltimore, Md., and Lucius H. Thayer, 2nd (Amherst '49) of Cambridge, Mass.

New members of the *Law Review* from the third year are Jerome G. Ackerman (Cornell '48) of Cambridge, Mass., who moves up from Legal Aid; Alan N. Alpern (Harvard '48) of Brookline, Mass., a member of the Board of Student Advisors last year; Herbert I. Baer (Chicago '46) of Cambridge, Mass.; Rufus B. Clark, Jr. (Harvard '46) of Arcadia, Cal.;

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Edward D. Cohen (C.C.N.Y. '48) of Brooklyn, N. Y., a member of the Board last year; Melvin A. Dow (Rice '48) of Houston, Tex.; Phillip J. Nexon (Chicago '48) of Brookline, Mass.; Ira S. Siegler (Princeton '49) of Staten Island, N. Y.; William M. Stapleton (Washington '48) of Albany, Mo., also a member of last year's Board, and Lawrence A. Sullivan (U.C.L.A. '48) of Flushing, N. Y.

The new second year members of the Board of Student Advisors are Lucius H. Biglow, Jr. (Yale '48) of Old Lyme, Conn.; John P. Eastham (Princeton '49) of Andover, Mass.; Richard B. Gordon (Harvard '49) of Pittsburgh, Pa.; Charles N. Gregg, Jr. (Harvard '49) of Waban, Mass.; William A. Kaynor (Yale '45) of Waterbury, Conn.; J. Asa Rountree, III (Alabama '49) of Montgomery, Ala.; Daniel L. Skoler (Chicago '49) of Newark, N. J., and Richard B. Webster (Harvard '49) of Worcester, Mass.

Third year men selected for the Board include Lawrence J. Ebert (Northwestern '48) of Milwaukee, Wis.; Stuart C. Gaul (Reed '48) of Tacoma, Washington; William P. Hackney (Princeton '46) of Pittsburgh, Pa., and John S. Nolan (North Carolina '47) of Miami Beach, Fla., a member of Legal Aid Society.

New members of the Legal Aid Society from the second year are Bernard Bressler (Rutgers '49) of Roosevelt, N. J.; Burton Caine (Pennsylvania '49) of Philadelphia, Pa.; Earl F. Colburn (Cornell '49) of Rochester, N. Y.; Everett B. Ellin (Michigan '49) of Chicago, Ill.; Elliott H. Eisman (Michigan '49) of Brooklyn, N. Y.; Frank E. Feder (Yale '49) of Los Angeles, Cal.; Hartley Fleischmann (Harvard '49) of Palo Alto, Cal.; David H. Gambrell (Davidson '49) of Atlanta, Ga.; Totton P. Heffelfinger (Yale '49) of Mound, Minn.; Ralph H. Jefferson (Yale '49) of Rochester, N. Y.; Albert R. Ketcham (Vermont '49) of Greenwich, Conn.; Harvey S. Kronfeld (Delaware '49) of Wilmington, Del.; Arthur Lincoln (Illinois '49) of Los Angeles, Cal.; Paul Y. Macumber (Princeton '49) of White Plains, N. Y.; Charles R. Merckels (DePaw '49) of Chicago, Ill.; John H. Perkins, Jr. (Harvard '50) of So. Hamilton, Mass.; Robert R. Reid, Jr. (Washington & Lee '49) of Winchester, Ky.; Herbert B. Ruskin (Michigan '49) of Detroit, Mich., and Harry A. Wellington (Pennsylvania '47) of New Haven, Conn.

Third year men selected for Legal Aid are Sol N. Corbin (Columbia '48) of Brooklyn, N. Y.; Robert Ehrenbard (Vermont '48) of New York, N. Y.; Ronald Rothstein (Michigan '48) of Detroit, Mich.; William W. Schwarzer (Southern California '48) of Los Angeles, Cal.; Phillip M. Shiekman (Pennsylvania '48) of Philadelphia, Pa.; Brian Sullivan (Amherst '48) of Detroit, Mich., and Harold M. Willcox (Yale '47) of Philadelphia, Pa.

YALE METHOD—(Continued)

of economics, philosophy, and sociology, hoping for the double advantage of catching the student's interest and of producing more intelligent lawyers and community leaders. About this past advantage I am not qualified to speak, and student enthusiasm here needs no propagandist. As to the extra-legal factors which enter into the judicial process, the Harvard man must rely on his own ken. While this may produce just as good an end product—a lawyer, it doesn't produce as good a student—one who really enjoys the law.

Jurisprudence in First Year

If, in the first year at Harvard, a stimulating course in the philosophy underlying legal problems had been offered, I do not think learning concepts and fitting facts into them would have been such a meaningless task. The lack of a first year course in jurisprudence was certainly the greatest disappointment. Since the work load of the Harvard neophyte approximates the scientific maximum, where, one might ask, would jurisprudence fit? At the risk of appearing precocious I would suggest the abolition of agency. I thought it a great waste of time. A student cannot be expected to cover in courses all the fields of law; agency seems, like equity, one that should be consigned to the horn-

ENTERING CLASS—(Cont.)

stances. He referred to the fact that the faculty, the facilities, and the physical plant of the law school had been increased to a new peak since the end of the second world war and that conditions of normalcy had returned before the present crisis. Nevertheless, the Dean expressed the opinion that the present situation does not appear to be as difficult as that of eight or nine years ago.

Turning to the admissions policy and the rate of failure, Dean Griswold exploded the myth that one-third of those admitted to the law school do not com-



plete their first year. Prior to 1936, he explained, there was virtually no admissions policy, and, consequently, approximately 30 per cent of the entering class did drop out for one reason or another. At that time, however, a more selective admissions policy was begun, with the result that by 1940 only 20 per cent left during the first year. This figure was reduced to 10 per cent after the war, and to the all-time low of 7.6 per cent by the entering class of 1949. In the Dean's own words: "Most of those that won't be here next year aren't here this year!" Nevertheless, the Dean emphasized that this is "not a country club" and that there are forty-three faculty members who are determined that it shall not become one. Commenting on study habits, Dean Griswold remarked that "if you can apply yourself with reasonable seriousness—and that means that you can go to the movies at least every last Saturday of the month—you do not have to worry greatly about failure."

Dean Griswold concluded his remarks by commenting on the manner of instruction in use at the school. "This school might seem to some," he said, "as an impersonal place. I don't think that it is. We rely on the individual. We don't think of you as boys and girls; we think of you as men and women."

books. Assuming then that this concession to those of theoretical bent could be granted, would it be worthwhile? Some light might be shed on this question by considering the Yale curriculum.

Yale has instituted a first year course in policy, listed in the catalog as Property I but for the sake of simplicity I will put it in the vague category of "jurisprudence" since, though grounded in traditional property doctrine, such is not the real meat of the course. (There are two other property courses and two estates courses in which the student finds the essence of property law.) Professor McDougal exposes the student to socio-legal problems, to the irrationality of some extant dogma, to the semantic difficulties that forever perplex courts and lawyers. While not attempting to indoctrinate the student with any specific philosophy, he does show the student the various factors at work in decision-making, the values that the courts adopt. Notwithstanding the criticism to which this course, like Gertrude Stein, is subject, it does not fail to be provocative—at least to an auditor.

I do not intend to suggest that Harvard prescribe the same diet as Yale; all that is asserted is that some exercise in abstract problems of law—whether oriented toward classical theorists, or toward Pound, Cardozo, or McDougal—is needed to show the student the ideas at work in the law and that this exercise should come early enough to be of value in understanding basic courses and before the student becomes obsessed with specialties. An obvious footnote: Holmes on this, as on most matters legal, had something to say. See 10 Harv.L.Rev. 474-7.

Harvard Professors Endorsed

There is but one other criticism of the Harvard curriculum as I knew it and it is quite minor. Procedure with Professor Scott was indeed a pleasure but somehow I felt that the common law obscured the codes and federal rules which perhaps will be more important in practice. It ought certainly to be said, furthermore, that my dissatisfaction with the curriculum does not carry over to the pedagogical virtues of the Harvard faculty; I would have no wish to disparage, even if it were possible, your wizards in the teaching art.

A great deal has been said unofficially about the leisurely life of the Yale law student and frankly I regret having to say that proof of this idea must be obtained elsewhere as it is counter to my experience. Harvard may relish its mental machines and Yale its pipe and slippers but it is certainly unfortunate, at least for students at Yale, that actualities do not respond to popular conceptions. Spending six hours in Sterling library is not, however, quite the same as six in Langdell for in the latter one must spend an hour or so pondering the application of Darwinism to the Cambridge scene. I believe Professor Fuller's committee reported last spring that this emotional reaction, tension, had great educational value. I am in no position to controvert this claim, but if it be true

then I prefer to remain aboriginal—at Yale.

Personal Preference

In the end it is just that: personal preference. That many students have responded and developed under the Harvard treatment is evidenced by the brilliant graduates of the school; that a few are dissatisfied is certainly no indictment of the system. I think, however, that one can reap greater educational benefits if he has a personal satisfaction that his promise of usefulness is being enhanced. Whether an individual can achieve this satisfaction from a large or from a small school cannot be answered by a general proposition, and I have purposely refrained from discussing the large versus the small school since a review of the advantages and disadvantages of each could serve no enlightening purpose.

As the size of a school largely determines its character, however, this primary difference between Harvard and Yale must be noted. The advantages of bigness pervade Harvard's didactics, including much use of the professors' own casebooks, while Yale attempts to incorporate the best features of a small school: free curriculum, individual research, and honors work with professors. Perhaps it should also be noted that Harvard students have the cultural advantages offered in Boston and Wellesley while necessity compels forbearance of these pleasures in New Haven.

Critique of Yale

Though disparities of size prevent any complete synthesis of the two schools' educational policies they should not prevent each from profiting from the other's experience. The policy approach is not nearly so distasteful as it sounds. Now, having said that, perhaps I can speak of Yale without risking excommunication. While it is apparently proper to sneer at conceptualistic logic in New Haven, I have a certain respect for it which undoubtedly is a hangover from my heretical days; still sometimes it strikes me that breadth of vision is emphasized at too great a cost to analytical depth. I am sure the difference between Harvard and Yale as to legal analysis and policy has been exaggerated and I plead guilty to oversimplification; but the difference does exist if only in degrees of emphasis. When a curriculum depends upon degrees, it must be left to those who know more about degrees than I do.

Professor Chafee would analogize my educational wanderings to the experience of Tiresias, the character in Greek mythology who lived both as a man and as a woman, enjoying the latter status nine times more; it is unfortunate for the analogy, however, that the differences between Harvard and Yale are not as marked as sex differentiations which I am sure Professor Chafee will notice this fall. On the other hand, I hope to have made it obvious that the differences between the two schools are somewhat more than Henry Wallace would ascribe to the Republicans and Democrats.

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