

The Harvard Law School Record

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PRICE TEN CENTS

American Novel Is Topic For Forum Panel Friday

Farrell, Guthrie, Forbes, Schulberg To Partake In Literary Discussion

The American Novel will be the focus of discussion for the third Harvard Law School Forum Friday evening, November 17, at 8 p.m. in the Cambridge High and Latin School auditorium. Novelists James T. Farrell, A. B. Guthrie, Jr., Budd Schulberg and Esther Forbes will discuss the force and the position of the novel. Prof. Howard Mumford Jones will moderate.

The speakers represent different writing styles and different sections of the country in their writings. Farrell's work centers around Chicago and its people. Miss Forbes is well known for her fictionalization of American history with the action of her books generally in New England.

Guthrie has expressed the pioneering spirit of the Americans and the westward expansion. Schulberg has drawn his writings from the popular idols of the day, drawing attention to the shakiness of the foundation of character on which their achievement is built or the rawness of their occupation.

Miss Forbes, a resident of Worcester, won the Pulitzer Prize for history in 1933 for her first work of non-fiction, *Paul Revere and the World He Lived In*. Her first novel, *O Genteel Lady*, was the third selection of the Book-of-the-Month Club in 1926.

Farrell is best known for his *Studs Lonigan* trilogy which rocked the liter-

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PBH Charity Drive Uses New Devices; Giving Made Easy

PBH's Law School Committee has hit upon a painless method for making contributions to the Combined Charities Drive. For those faltering students who suppress a grimace as cash leaves the hand, this new plan seems to ease the burden considerably.

The Committee has arranged that when a pledge is made the student may also sign an authorization slip, which will be forwarded to the bursar's office. The amount pledged will then be added to the quarterly bill issued in January, payable February 10th. Thus, along with the tuition will come a much needed contribution to the Charities Drive.

All objectionable high pressure methods of the past, the buttonholing of individuals, and the periodic reminders have been eliminated.

The Committee in charge of the Drive in the Law School feels that this method will be more convenient for the student. Those who take advantage of this plan will be able to give any amount that is a multiple of \$5; that is, \$5, \$10, \$15, etc.

This plan is primarily intended for those who did not sign a pledge at registration. The Committee reports that about 20% of the students did sign at registration, pledging an amount in excess of \$2,000.

The Committee intends to send out, within the week, letters to all those who have already signed pledges. Another letter will be mailed to all non-contributors urging them to make their contribution when the drive officially opens.

The Committee in charge of this drive are: chairman, Charles F. Wheatley, Jr., 3L (Princeton '48) of Washington, D. C., and James B. Johnson, 2L (Montana '49) of Billings, Mont.; Harold Trachtenberg, 3L (Wisconsin '48) of Brooklyn, N. Y.; and Scott C. Whitney, 2L (Nevada '49) of Reno, Nevada.

The Committee points out that each student may, as in the past, designate a specific charity to which he wants his money sent.



ESTHER FORBES

Amory Stands Pat On Letter to Record

Admitting some haste and lack of circumspection, Professor Robert Amory, Jr., LL.B. '38 of the Law School reiterated his intention to stand behind his controversial letter written to the *Record* and published in today's edition.

The dispute, aired over radio and in the press, arose as a result of one letter Prof. Amory sent to the *Record* on November 9, censuring student political activity. The *Crimson* learned of the move through student Republican circles and attempted, with final success, to get a statement from Professor Amory who spoke for publication thinking that the *Record* had released the letter for general publication. His remarks to them specifically named the Harvard Law School Democratic Club while his letter to the *Record* did not name them. In other respects his statement of the *Crimson* paralleled the sentiments in the letter.

In an effort to set the controversy at rest, Professor Amory explains that his

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Select New Heads For Dorm Council

Officers and two members-at-large were elected by the Dormitory Council at its last meeting held on November 7. Those elected are: President, Edward H. Snyder, 3L (Wisc. '48) of Milwaukee, Wisc.; Vice-President, S. Kenric Lessey, 3L (West Point '45) of Doylestown, Pa.; Secretary, Nathan J. Siegel, 3L (Cornell '48) of Utica, N. Y.; Treasurer, Albert L. Cohn, 3L (Georgetown '48) of Paterson, N. J.; members-at-large, Jack E. Hollenberg, 3L (Syracuse '48) of Brooklyn, N. Y. and Robert D. Taicher, 2L (N. M. '48) of Santa Fe, N. M.

The Council prior to the elections ratified its new Constitution. It provides for all law dormitory residents to be members of the Harvard Law School Dormitory Association. Although meetings of the entire HLSDA membership may be called by petition of 20% of the dormitory residents, the Constitution calls for the Dormitory Council, which is composed of 21 representatives elected by the dormitory floors and entries, to do the every day work of handling the grievances and problems that arise in the Graduate Center.

In addition to adopting its Constitution and electing officers, the Council heard an appeal from the decision of its Parietal Committee by a parietal rule violator who had been denied entertainment privileges for 45 days for overstaying the curfew time by an hour and 50 minutes. The Council reduced the sanction to 30 days because it believed it to be excessive.

The Constitution outlines a procedure for the receiving of grievances and for their solution. The dormitory residents

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Student Bar Association To Hear Claude Cross Talk On Trial Practice

Mr. Claude B. Cross, LL.B. '20, will be the principal speaker at the meeting of the Student Bar Association this evening at 8:30 in the Associated Harvard Clubs Room, Holmes Hall. Mr. Cross will lead a discussion on *Trial Technique*.

The Student Bar Association was organized last year and joined the American Law Student Association which is the student division of the American Bar Association. This is the first of a series of meetings which are open to all students in the Law School. These meetings will present noted leaders of the Boston and New York Bar who will present the problems which they face in their respective fields. The SBA also plans to inaugurate court trips to acquaint students with courtroom technique. Several judges have expressed a willingness to meet the students before and after the trial and go over the salient features of the case.

Mr. Cross, whose career is described in today's *Gallery*, is a well-known trial lawyer. Recently, he has handled the Van Waters and Hiss defenses.

Committee Studies Scope Of World Law Subjects

WORLD LAW CHAIRMAN ANNOUNCES PLANS



DAVID F. CAVERS

Group Foresees Ground For World Lawyers To Solve Mutual Problems

Plans for a world law school at Harvard are being developed by the Committee on International Legal Studies of the Law School. Professor David Cavers is the chairman of the committee, which includes Professors Scott, Fuller, Freund, and Bowie, the latter now on leave of absence. A project for the creation of a world law school, which would be an adjunct of the present law school at the graduate level, has been the result of the group's investigation of the possibilities of extending the work of the Law School in the international field.

Commenting on the proposal, Dean Griswold said in his 1950 *Report*: "One of the important features of Harvard Law School is its national character. It... has brought men together as students here with diverse backgrounds and outlooks. It has enabled them to live together, work together...."

"What the School has done on a national basis, it might well do on a broader, though smaller scale for the world community.... The potentialities of such a program seem very great indeed."

A school of this kind would be a significant departure. Since it would be breaking new ground, it would necessarily develop gradually. A curriculum would have to be built up, with the school pioneering courses offered nowhere else. Since much of the area involved has not been subjected to systematic study, extensive research would be needed in order to develop some of

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State Ownership of 'Tidelands' Urged By Prof. Hanna, Despite U. S. Claim

This article was written for the *Record* by John Hanna, LL.B. '18, Professor of Law, Columbia University School of Law, before the Supreme Court decided both the *Texas* and *Louisiana* cases in favor of the United States and denied rehearings. (The Supreme Court vote in the *Texas* case was four to three, Justices Frankfurter, Reed and Minton dissenting, and Jackson and Clark not participating). Professor Hanna has been consulted professionally by attorneys opposed to the government position and wishes it made clear that the consultation was occasioned by his known views on the law.

The controversy regarding submerged lands and their resources is frequently called and indexed as the "tide lands" problem. The entire question includes lands under navigable rivers, inclosed tidal waters, lands between the boundaries of high and low tide, filled areas beyond low tide, and marginal sea lands beyond the low tide limit, either within three miles or beyond but inside the continental shelf. The government by Presidential proclamation, September 25, 1945, claimed jurisdiction over the soil and its resources within the continental shelf.

Federal v. State Ownership

Our problem is a clear matter of state against Federal ownership.

Some supporters of the Federal position have attempted to define the issue as between oil interests and the people. This aspect is irrelevant. Both the Federal government and the states invite exploration of public areas to encourage the discovery of oil and other resources. If the government wishes to acquire and hold in reserve oil in the ground in proven state oil lands, it can do so. On the whole it is probably a better policy to encourage private interests to develop new fields. In the case of the known oil lands in the California submerged areas, it would likely be impossible to maintain the oil in the ground because of drainage which could occur to the on-shore wells.

So far as oil interests are concerned, there is simply a contest between actual and prospective state lessees and prospective Federal lessees. In the case of the California lands, the state licenses were held, on the whole, by established oil companies. Those who sought to benefit by appeals to the Federal government were, on the whole new enterprises in the promotion stage. The real issue is whether the revenues from these lands are to go to the respective states and their municipalities, chiefly for education, or whether they are to be

long to the nation as a whole. Those who wish to deny to the states the advantage of their natural resources are in accord with the policies that accept it as a function of government to place all individuals on a common economic level.

First Oil Case

The Supreme Court in 1947 (*U. S. v. California*, 332 U.S. 19), decided that because of the Federal functions of national defense and the conduct of foreign affairs, the United States has paramount authority over the resources in the soil underlying California's marginal sea boundaries and that California and its lessees were trespassers in this area. The case did not involve any lands except those claimed by California in the three mile littoral area. The decree presented by the Attorney General recited a proprietorship in the Federal government as to such lands and disclaimed authority over tide lands under the inner navigable waters. Both these features were stricken from the actual decree.

A theoretical argument has been made that the decision and decree mean that the submerged lands have no proprietor. The Court, by Mr. Justice Black, said categorically that the state did not own the three mile belt along its coast.

The precise question in *United States v. California* had never been before the Supreme Court. There was no precedent for the Court's decision. The Court had declared a contrary rule on many occasions when the matter concerned land under harbors, bays, navigable tidal rivers and the Great Lakes. As Judge Manley O. Hudson said at a Senate Judiciary hearing in 1945, "It is a reversal of what all competent people had taken to be the law relating to those lands."

(Continued on page four)

Law School Left Three Per Cent of Odd Residue

Under the terms of an unusual will filed a week ago in Suffolk probate court, the Law School will soon receive a \$17,080 gift.

Mrs. Hattie M. Jacobs, who died April 17, 1948, after leaving \$205,000 in specific bequests, directed the trustees of her estate to divide the balance of \$569,344 among charitable organizations.

Dudley H. Dorr '07 and Reginald Heber Smith, LL.B. '14, the trustees, split the money into 100 equal parts, and gave three of these to the Law School and two to the Divinity School.

Although the Divinity School grant was unrestricted, the Law School money, Dorr and Smith directed, is to be used for loans and scholarships.

Legal Aid Sets Up Specialties Sections On Rent, Alien Law

The Harvard Legal Aid Bureau has announced the establishment of two administrative law sections in the fields of Immigration and Naturalization and Federal Rent Control. These divisions will be composed of Bureau members who are interested in developing specialties in the fields involved.

Members of both sections will represent clients in initial hearings in Boston and in appeals to Washington. However, due to the financial inability of clients to defray travel expenses to Washington, all appeals thus far have had to be submitted on briefs alone.

In addition to preparation and presentation of cases, both sections are in the process of preparing comprehensive treatises on the substantive law involved.

Four present third year members of the Bureau have been admitted recently to practice before the Board of Immigration Appeals, Department of Justice: Clarence C. Ferguson, Jr. (Ohio State '48) of Baltimore, Md.; Robert B. McDermott (Princeton '48) of Glendale, Calif.; Jay J. Newman (Purdue '46) of Evansville, Ind.; and Howard J. Aibel (Harvard '50) of Brooklyn, N. Y.

Members of the Federal Rent Control Section will appear before the Office of Housing Expeditor under provisions of Rent Regulations. Counsel permitted to appear are Allen Grossman (Michigan '48) of Chicago, Ill.; Burton Caine (Pennsylvania '49) of Philadelphia, Pa.; Harry H. Wellington (Pennsylvania '47) of New Haven, Conn.; and Harvey S. Kronfeld (Delaware '49) of Wilmington, Del.

Clarence C. Ferguson, Jr., president of the Bureau, has stated that a section will be formed in December to handle cases before the Board of Unemployment Compensation, a Massachusetts administrative agency.

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Unsound Political Comment

Professor Amory has raised many partisan issues in his comments on the recent election which it is not our intention to deal with here. But on two issues, the use of un-American appeals and the charge of "carpetbagging," his comments do require exploration.

In his statements to the *Crimson*, Professor Amory has accused the Democratic Club of canvassing with mendacious propaganda and with appeals to racial and religious prejudices. When he made these charges, Professor Amory did not have evidence which he was willing to bring forward to support his statements. At present also he does not have evidence which he is willing to publicize. While we join Professor Amory in condemning the type of campaigning which he attacks, we must oppose with equal vigor any such allegations when undignified by demonstrable evidence.

What Professor Amory has succeeded in doing is to injure the reputation of an organization of about 150 men. That the injury is serious can not be doubted. The RECORD knows of one student in the Democratic Club who received a phone call from his parents in California asking if he were a member of an organization described by a law professor as racist and bigoted. At no time has Professor Amory come forward to remove the stigma which he has cast upon the entire organization, although at best it can only be the actions of one or two irresponsible members of the group. Such action is indefensible.

Professor Amory also indicated that he did not approve of students participating in the state representative contest because it was a local problem. He has no objection to out-of-state students participating in Congressional or "even" gubernatorial contests, but when they take an interest in such contests as the state representative fight they are "carpetbaggers" interfering "in local affairs of no concern to them."

But clearly the party line-up in the General Court is of national concern in 1950, when it is this legislative body which will redistrict on the basis of the recent census. Whether Massachusetts continues to send Republicans to Congress from safely gerrymandered districts is of national importance.

Furthermore, it does not seem sensible for Professor Amory to draw the line at the gubernatorial contest. Having endorsed the principles of Paul Dever and rejected those of Arthur Coolidge, the next step for a practical student participating in politics is to attempt to provide Mr. Dever with a legislature that will aid him in carrying out his program.

Finally, both the Young Republicans and the Democratic Club conducted house-to-house canvassing on behalf of their respective party candidates. Both organizations felt that this helped their members in learning some of the practical aspects of politics. The wisdom of this decision was determined by the members of each organization, and it would seem that their decision should be final.

Letters to the Editor

To the Editor of the RECORD:

I take exception to the conclusion reached by Professor Chafee in his article in the November 1 issue wherein he criticizes the resolution of the A.B.A. requiring loyalty oaths from lawyers. Against the background of his large prestige, his Harvard faculty halo, and a certain awe he inspired in me as I huddled in the last row of his Bills and Notes class not so long ago, the shrewdly fashioned arguments, the plethora of out-of-text quotations, and the careful advocacy, all tended to engender in me, as I read the piece, a sympathy with his point of view.

For those who experienced a similar temporary loss of sanity, I recommend a reading of *American Communications Association v. Douds*, 70 S.Ct. 674, wherein most of Professor Chafee's razzle-dazzle theories are ably chewed up by the hard and practical minds of the members of the United States Supreme Court. After such a catharsis, it is difficult to imagine anyone concluding other than that the Chafee arguments, like the Chafee reasoning, are skillful but just simply no good.

A license to practice law is a privilege, not a right. The public is entitled to expect a certain quality in its lawyers, the same as it does in its doctors and public officials. It is not unreasonable to set as a requirement for a license to practice law, to become an officer of the Court, that the applicant reveal whether he is a Communist, or whether he believes in overthrowing the government by unconstitutional means. An applicant will know whether he swears falsely when he takes the oath, just as he does with reference to every other scrap of personal information required in the application, and the sanctions of the law will be brought into play on this score the same as with any false oath. Since when has it become unconstitutional to be expected to support the Constitution?

CARL L. SHIPLEY '48

Legislative Counsel, Young
Republican National Federation

To the Editor of the RECORD:

I would appreciate the use of your column to express my congratulations to the carpetbaggers among the student body who did such an effective job in yesterday's election in torpedoing decent local government in Cambridge and bankrupting the Commonwealth of Massachusetts.

Actually, what a Cambridge resident does in a political campaign is his own business; and I can see no objection to an out-of-state student participating in Congressional and even gubernatorial contests. But, what gripes the Hell out of me is to see a bunch of students from far away assiduously canvassing to defeat local state representatives with mendacious propaganda and un-American appeals to racial and religious prejudices. In the district in which Harvard is situated, these students have apparently been responsible for the defeat of the foremost champion of the Plan E (Council-Manager) Charter on Beacon Hill and of one of the local Civic Association's City Councillors and in supplanting them in the legislative by two of the lowest type demagogic politicians.

The net result of this contest, which spells the end of decent city government in Cambridge, and the Referendum in favor of a Massachusetts version of the Townsend Plan will be to raise the tax rate in Cambridge by at least \$20 per \$1000. The perpetrators might pause to consider that Harvard is the fourth biggest taxpayer in the city and that its increased tax expense will be the equivalent to more than one hundred full-tuition scholarships.

I cannot but conclude that only lawyer-like and emotional unwillingness to make a thorough investigation of the facts caused the hordes of young Democrats in the student body to interfere so disastrously in local affairs of no concern to them.

ROBERT AMORY, JR. '38

Professor of Law

Member Cambridge School Committee

To the Editor of the RECORD:

Professor Amory's latest charges in the *Harvard Crimson* of November 10 have become even vaguer than before and our requests for facts are still transversed. Since he now only refers to "carpetbaggers" and "hordes of young Democrats," we feel no further comment is necessary other than to decry the use of such loose accusations by a professor of Harvard Law School. As for Prof. Amory's conclusions concerning the evil consequences of the recent election—*res ipsa loquitur*.

ROBERT EHRENHARD, 3L

For the Executive Committee
Harvard Law School Democratic Club

Gallery

CLAUDE B. CROSS

Trial Lawyer



RECORD Photo by Pastors

Attorney by Court appointment for the defense in the treason trial of Douglas Chandler, pro-Nazi broadcaster from Germany during World War II, later representing Dr. Miriam Van Waters, Superintendent of the Massachusetts Women's Reformatory, in her successful fight for reinstatement, and attorney for the defense in the second perjury trial of Alger Hiss are some of the recent highlights in the trial work of Claude B. Cross.

Many a jury must have been captivated by the assertive cut of his chin, the conviction in his voice, and the warmth and sincerity which surrounds the man.

An A.B. at the University of Missouri in 1914, an A.M. at Harvard in 1915, and an LL.B. at Harvard Law School in 1920 formed part of the background for his future career.

From the South

Born in Mississippi, Mr. Cross turned to law "because down South the men of the legal profession are, in the main, leaders and highly respected in the community."

His years at Harvard Law were interrupted by a tour of duty in the Army where he was a captain in the 7th F.A., First Division, spending almost two years in France and Germany. His years at the Law School, in his opinion, prepared him as no other school could have for his future career in the law. He feels that Harvard today is turning out even better trial lawyers due to its new academic program.

He looks back upon his days in the Law School fondly. Those professors still vivid in his memory are Williston, Pound, Wambaugh, the Warrens, Beale, Scott, Chafee, and Frankfurter. "I was not a brilliant student and did not tempt fate by engaging in any cross-fire with the professors."

Upon graduation, he was employed in the President's office of the New York Central Lines where he did administrative work. The following year he turned back to the law and became associated with the late Sherman L. Whipple, who, Mr. Cross says, "was the best trial lawyer in New England and the best cross-examiner in the country."

In 1921 he married Miss Jeanette Macdonald of Peabody, Massachusetts, a graduate of Smith College.

Attorney for Hiss and Chandler

Mr. Cross is firm in saying that a lawyer must be convinced of his client's rights before he takes a case. "For two weeks, I personally investigated and interviewed people before I took the Hiss Case. I was convinced then as I am now of Alger Hiss' innocence."

The decision of the second Hiss case came as a surprise to Mr. Cross. He expected that the worse thing that could happen would be a second hung jury, and there were those in the courtroom who were willing to bet three to one on Hiss' acquittal.

He and his partner, Edward C. Park, who graduated from Harvard Law School in 1922, were appointed by the Court to defend Douglas Chandler. For their work in that case the local bar resolved:

"... that the Boston Bar Association commends the public and professional service rendered by Claude B. Cross and Edward C. Park who, being appointed ... to act without compensation as counsel for the defendant in the treason case of *United States v. Chandler*, at substantial personal sacrifice have served the principle of impartial justice with unsparing effort and exceptional ability in the highest tradition of the American Bar."

The Boston Bar Association also meritoriously cited Mr. Cross and his partner, Lothrop Withington, in 1939 for their work in the proceedings that the association brought to remove former

Sub Judice

WOOPS! DROPPED A STITCH

One day Mrs. Clarkson used the family car to visit a friend and borrow a circular knitting needle which she intended to use in knitting a sweater for herself. Upon returning home, Mrs. Clarkson negligently ran into another car. Mr. Clarkson was held liable as well as his wife on the ground that his wife's personal use of the car was within the purview of a "community interest". On appeal, in the Court of Appeals, the judgment against Mrs. Clarkson was affirmed, the judgment against her husband was reversed, the court stating: "[We] feel it incumbent upon us to find as a fact that the mission of a wife for the purpose of procuring a knitting needle in order to knit a sweater for her personal use and adornment is without the purview of a community interest." From this judgment, plaintiff appealed.

Held, in the Supreme Court of Louisiana, judgment against Mrs. Clarkson affirmed; judgment of Court of Appeals reversing the trial court reversed (thereby affirming the judgment against Mr. Clarkson):

"The wife is entitled to her own recreation, enjoyment and pleasure as well as the husband and the community owes her those things in the same manner as it owes her the food or clothes she requires."

Fournet, C.J., dissenting:

"I have no quarrel with the author of the majority opinion in his feeling that a wife is as much entitled to her personal recreations and enjoyments as to her food and clothes, but in permitting this sentiment to control the decision in this case he overlooks the basic law of this state and the jurisprudence thereunder which is to the effect that a wife cannot bind her husband as head and master thereof for even the necessities of life unless the husband has failed or refused to supply them for her. . . . [A] husband [can] never be held liable as head and master of the community for the tortious acts of his wife unless it was affirmatively shown that at the time these acts were committed she was, with the express or implied consent of her husband, attending to the business or affairs of the community." *Brantley v. Clarkson et al.*, 46 So. 2d 614 (April, 1950).

BLOOD WILL TELL

Statti was convicted of assault and battery with intent to commit rape. During the alleged struggle, the victim bit her assailant's finger causing it to bleed. Blood found on the seat cover of the car in which the attack took place matched a specimen of Statti's blood and the two specimens were admitted as evidence. Statti tried to prove that the sample of his blood was taken unlawfully, without his consent. His objection that this violated his constitutional privilege against self-incrimination was overruled.

Held, on appeal, conviction affirmed. "Even if [Statti's blood specimen was] unlawfully obtained it is no objection to its admission unless defendant's privilege against self-incrimination was violated. . . . [T]he protection afforded under the generally accepted rule, is a privilege against testimonial compulsion, and no more. While there is a conflict outside of Pennsylvania as to whether anyone other than the accused may testify as to the result of blood tests, urine tests, or other physical examination of the accused made without his consent, in our opinion the better considered cases hold that the privilege against self-incrimination is not thereby violated."

Ross, J., dissenting:

"I dissent on the ground that it was error to admit testimony relative to the blood taken from the defendant against his will. In my opinion, this taking of his blood constituted an outrageous and unjustifiable violation of defendant's person. I agree completely with [the statement]: 'To exact blood by hypodermic needle from a person accused of crime, without his consent . . . for the purpose of obtaining evidence to be used against him, shocks my sense of justice and decency.'" *Commonwealth v. Statti*, 73 A. 2d 688 (May, 1950).

Sheriff John F. Dowd from office. It was alleged that Mr. Dowd had conspired with others to coerce employees under his control to pay him money as a condition of continuing their employment and that various employees, acting under coercion, secretly paid money to hold their jobs. On the day the trial was to begin, the Sheriff, knowing that a strong case had been built up against him, resigned.

Mr. Cross' trial experience has been entirely in the civil field except for a very few criminal cases.

When asked about his favorite case, Mr. Cross beamed, "The Van Waters case, of course. When you have a great client and a good cause, you can go places." E.F.

Alumni Notes

LL.B. '21—David E. Snodgrass, Dean of the Hastings College of the Law, was awarded the annual silver citizenship award of the Department of California by the Veterans of Foreign Wars. The Dean was cited for his fight against the accreditation rule of the State Bar, which he felt jeopardizes the right of veterans to obtain a legal education. Under the rule, a law school is dropped from the accredited list unless at least 60 per cent of the applicants charged to it in three years pass the Bar examination.

LL.B. '32—Harry M. Dracos has been elected secretary of the Liggett Drug Co., Inc., a subsidiary of Rexall Drug Co.

LL.B. '35—Joseph Richter announces the formation of a partnership with Daniel S. Levy under the firm name of Richter & Levy. The offices of the new firm will continue to be at the offices formerly occupied by Mr. Richter at 40 Exchange Place, New York 5, N. Y.

LL.B. '39—John T. Connor has recently been appointed vice-president of the firm of Merck & Co. of New Jersey. Prior to his position with Merck & Co. Mr. Connor was Special Assistant to former Secretary of Navy, the late James Forrestal.

LL.B. '40—Erwin Morse announces the removal of his offices for the general practice of law to Suite 512, California Bank Building, 9441 Wilshire Boulevard, Beverly Hills, California.

LL.B. '43 (48)—Wilfred G. Howland has accepted an appointment as General Counsel for the Springfield Fire & Marine Insurance Group of Springfield, Mass.

LL.B. '45 ('47)—Marvin S. Cowan has opened an office for legal practice at 90 Broad Street in New York.

LL.B. '49—Daniel D. Haber announces that he is now associated with Abraham Schlesinger, Esq., located at 522 Fifth Avenue, New York City.

LL.B. '49—John Wiener has recently become associated with the firm of Greenbaum, Wolfe & Ernst, which has its office at 285 Madison ave., New York City.

LL.B. '50—William A. Boylan of Iowa City, Iowa, won the essay contest conducted on a national basis by the Federal Communications Bar Association. The subject of his paper was *Legal Limitations on Television Programming*. It will be published in the *Federal Communications Bar Journal*.

LL.B. '50—Hunter L. Martin, Jr. is the new associate of Mr. Leroy Blackstock who practices law at 509 Oil Capital Building, Tulsa, Oklahoma.

AMORY—(Continued)

charges of racialism were based on three reports received by him, alleging the use of vulgar nouns in referring to certain candidates. Amory was unwilling to divulge his sources and also feels that any investigations should be carried on internally by the Executive Committee of the Harvard Democratic Club. The professor was not optimistic with regard to the success of any investigation, internal or public, even with full disclosure of all the evidence. These matters he feels are not amenable to settlement in ordinary ways.

In using the term carpetbagging, Professor Amory explained that he sought to criticize participation of students from all over the country in politics on the ward, precinct and town level, including elections for the state legislature. While taking a party-line position on state and national policy and campaigning for it in the Cambridge election is understandable, Amory asserts that the demands of good local government cross party lines in local questions, and electioneering on a party basis without a sound background in the complexities of local problems is aptly called carpetbagging.

Bitterness over the inevitable destruction of Plan E, the city-manager system, which he predicts will be the proximate result of the last election, motivates the professor in this phase of the dispute.

Professor Amory admits that it is difficult to delineate the permissive area of student political activity however he feels it must be done. He argues that his stand must apply to Republican as well as Democratic student political action.

FORUM—(Continued)

ary world some fifteen years ago. At present he is at work on *Yet Other Waters*, the third volume of his Bernard Clare trilogy.

Budd Schulberg gained fame with his first novel, *What Makes Sammy Run?*, a hard boiled story of the success of a motion picture director. Another, *The Harder They Fall*, debunked the prize fighting business. His latest, *The Disenchanted*, was just published.

Guthrie's works are *The Big Sky*, a Pulitzer prize-winner, and *The Way West*.

Professor Jones, who will act as moderator, is a Harvard professor of English. His works of criticism include *Ideas in America*, *The Theory of American Literature*, *Education and World Tragedy* and, in collaboration, *Modern Minds*.

Van Waters Talk Scores Treatment Of Female Inmate

"I am still taking part in a crusade for education," said Miriam Van Waters, Superintendent of the State Reformatory at Framingham, Mass., during her lecture on "Women Offenders in State Institutions" in Langdell Courtroom last Wednesday evening.

She stated that in some respects, particularly that of self-help for inmates working in the community, Massachusetts has retrogressed in the past-half-century. Although a controversial issue today, it has been accepted by most states which maintain separate institutions for women. Under this system, Dr. Van Waters said, the amount of rehabilitation was "tremendous." "Suddenly," she continued, "all of this was swept away, and we're still trying to regain it."

After being introduced by Vice Dean Livingston Hall, Dr. Van Waters reviewed the history of the reform movement, and the part that such leaders as Lucretia Mott, Elizabeth Stanton, and Dorothy Dix played. The first reformatory for women in the state was established at Sherman about 1880. Even at that time, resident doctors and chaplains were part of the staff. Since that time, remedial treatment, rather than simply physical care, has been introduced, along with nurses, psychiatrists, and psychologists.

Majority Not Criminals

Over a period of ten years about 400 women enter the institution. Of these, however, the vast majority are not "criminals" in the ordinary sense of the word. Almost one hundred of these are socially maladjusted persons who have committed no crime. Other large groups are composed of alcoholics and unwed mothers, while mothers who have neglected their children constitute a smaller group.

"That leaves about twenty per cent who would be considered criminal offenders," Dr. Van Waters stated. In this group are prostitutes, forgers, arsonists, and thieves. She criticized the Massachusetts law which prevents the judge from exercising any discretion in larceny cases. Under the present system, anyone convicted of larceny must be sentenced to five years imprisonment, regardless of the severity of the crime. As a result, commented Dr. Van Waters, there are two nineteen-year-old girls now serving sentences for stealing one bottle of milk, and another serving a similar sentence for taking costume jewelry worth less than one dollar.

When she attempted to get the legislature to revise the statute, and define petty larceny as anything under fifty dollars, she was met with "complete opposition."

Vermont System Better

Although the present system in Massachusetts is good, according to Dr. Van Waters, that in Vermont is better because more emphasis is placed on teaching the inmates that they are living in a society which has ideals and standards which are worth living up to. Through Vermont's system of self-help and community work, the women have been paid in cash for their work, go to churches and movies, hear speakers, and have even held a Christmas party for underprivileged children at the reformatory.

Massachusetts, though also supporting many classes and groups which the inmates are encouraged to join, stresses prison industries, which provide all of the state agencies with such staples as eggs, chickens, and some clothing.

Dr. Van Waters also stressed that there must be a realization by the general public that the women released from the reformatory are not criminals, that they have paid their debt, if any, to society, and are themselves very conscious of the moral judgment which may be placed upon them.

NEWS IN BRIEF

YEARBOOK PHOTO POLICY

The Yearbook staff is preparing a complete statement explaining its policy concerning photographs, in reply to recent complaints. This statement will appear in next week's RECORD.

WHRB WEEKLY SCHEDULE

550 on the Dial

Daily Features

7:00-8:00—*Ivory Tower*, Larry Eanet at the piano.

8:00-9:00—*Concert Master*, recorded concert music.

5:00, 8:00 and 12:00—*News*.

Highlights of the Week

Today—9:30-10:00—*Jazz a la Carte*, Herb Pomeroy Sextet in Person.

Fri.—9:30-10:00—*Crimson Pageant*, Harvard band.

Mon.—8:30-10:30—*Collegium Musicum*, Mozart concert from Sanders Theatre.

TREASURE ROOM DISPLAY

The Treasure Room is displaying some representative samples of books printed by Richard Pynson, who was the first printer of English law books in any considerable number. The display, which will not be changed until December, is taken from the 103 book collection of Pynson's works owned by the Harvard Law Library. Pynson's total output of law books of various kinds was 151.

In 1490 Pynson printed his first book on law, which was a *Yearbook*. (1 Edward 4 (1461).) In 1496 he published *Littleton's Tenures* and at the beginning of the 16th Century Pynson was printing the English Statutes, old and new. He was made Printer to the King sometime after May of 1508, and thereupon assumed the systematic publication of the *Yearbooks*, a first in English legal history.

Technically, Pynson is considered to

have been the best English printer of his time. His style included woodcuts, initials and even his own monogram that made his books easily recognizable. He owned many kinds of type and in 1509 introduced Roman type to England.

YEARBOOK PROOFS

If you have not yet received proofs of your *Yearbook* portrait, drop a card to Sarony's, Inc., 362 Fifth Ave., New York 1, N. Y. and duplicates will be sent.

RECORD ELECTIONS

The RECORD will elect new officers, editorial board, and department heads at a special meeting this evening at 7:00 o'clock in the RECORD office. Elections for those positions are held semi-annually.

DORM COUNCIL—(Cont.)

are to make known their complaints to their representatives who in turn will channel them to the appropriate Council committee. The committees have the more difficult job of seeing that the complaints are solved.

The Dormitory Council representatives will hold their positions for a school year. The Council officers and the members-at-large, who also serve for a year, form the Executive Committee. Its duties are to prepare the agenda for the Dormitory Council meeting and to act for the Council when it is not meeting.

Regular attendance at meetings by the Dormitory Council representatives and the performance of their jobs conscientiously are insured by Constitutional provisions. These provisions call for the removal of a representative for missing three meetings in a school term without good cause and for his recall by petition of two-thirds of his constituents.

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Calendar

LEGAL WORLD Legal Medicine

The third of Dr. Ford's lectures on legal medicine will take place on Tuesday evening, November 21 at 5:10 P.M. in Langdell North Middle. The subject Tuesday will be *Medical Evidence in Accidental Death*.

UNIVERSITY WORLD Norton Lectures

Thornton Wilder will deliver the second lecture in this series this evening at 8 P.M. in the New Lecture Hall. Tonight's topic will be *Thoreau, or the Bean-Row in the Wilderness*.

Mr. Wilder's play *The Skin of Our Teeth* is being presented here all this week by the Harvard Dramatic Club. Performances are at 8:30 in Sanders.

OUTSIDE WORLD Ford Hall Forum

Mr. Erwin D. Canham, Editor of the *Christian Science Monitor*, will attempt to answer the question *Is the American Press Really Free?* on Sunday, November 19 at 8 P.M.

Brandeis Institute

This week's lectures will be Irving Fine on Wednesday evening; Max Lerner and Claude Andre Vigee on Thursday; Harold Clurman on Tuesday. All meetings commence at 8:15 P.M.

Places To Go

In the theaters this week: *The Consul* at the Shubert; *Ring Around the Moon* at the Colonial; *Edwina* at the Majestic.

If your taste runs to jazz, Boston is bulging with new jazz bistros. Dixieland is featured nightly at the new *Rathskeller Room* with Jimmy McPartland, Vic Dickenson and Buster Bailey. The *Savoy* features Phil Napoleon and his Memphis Five. At the *Storeyville* Bob Wilbur and his Band are giving out with some hot jazz. *Wally's Paradise* is starring two bands.

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WORLD LAW—(Continued)

the fields of study. These are the reasons that precise plans for the school cannot be detailed. Only the general outlines can be noted now.

Under discussion at the present time are plans for a pilot program of about twenty-five students, about half of whom would be from other nations. No definite time can be set even for this beginning, since the requisite financial support is not yet available. Moreover, no alumni campaign for funds is contemplated. Ultimately, a hundred or more students might be enrolled in the school. Length of the course of study is still uncertain; present estimates are from one calendar year to eighteen months. The school would require a degree in law for admission and would give a distinctive graduate degree.

In discussing the school, Professor Cavers remarked, "the concept of 'world law' may suggest law promulgated by a world legislature or developed by world courts. In time, of course, we may have both. We have, however, conceived of the term in a broader sense, as embracing the laws most pertinent to the study of those legal problems which are of common concern to many nations, whether those laws are national or international in origin."

"Consequently, the school would not be simply a school of international law or a school of comparative law, the traditional departments of international legal studies. Most world problems today require for their solution an understanding of both international law and the relevant domestic laws of the nations involved. Since lawyers can seldom be expert in the laws of more than one nation, they must become able to work effectively with lawyers trained in other legal systems. It would be the function of the school to develop this ability."

In addition to its educational functions, the school, it is hoped, would also serve as a research center in world legal problems, with a staff which would include experts in foreign law and administration. Studies could be undertaken in aid of the school's own program and also to meet the needs of government and world commerce. Opportunities for aid to the less developed countries might prove of special importance.

Harvard is peculiarly suited to become the site of such a world law school. If a school is to be successful it must be clearly free from national domination of any kind. Harvard University has long had a prized record of academic freedom. The Harvard Law School's reputation for legal scholarship is world-wide. Its faculty includes a number of scholars who could contribute significantly to the school's program, outstanding among whom is Judge Manley O. Hudson, Bemis Professor of

International Law, who is chairman of the U.N. International Law Commission. Harvard's Law Library, with its unparalleled collection of foreign law and international law, would be of vital importance. Inadequate library facilities have been a serious block to international legal studies.

Graduates of the school would be found throughout the world in world and national government service, in practice with law firms and business concerns, and in teaching positions. Although the number of graduates would be small, they would be likely to reach key positions where they could exert a significant influence on future world legal problems and their solutions.

TIDE LANDS—(Continued)

In the *Abby Dodge*, 223 U.S. 166 at 117 (1912) the Court said "The principle has long been settled in this Court that each State owns the beds of all tide-waters within its jurisdiction, unless they have been granted away." (Citations omitted.) In *Manchester v. Massachusetts*, 139 U.S. 240 (1891) the court held the states have full ownership of the lands along their sea coast at least to the extent of "a marine league from the coast at the open sea (257)." In *Illinois*



JOHN HANNA

Central RR. v. Illinois, 146 U.S. 387 (1892) the court said, "It is the settled law of this country that the ownership of and dominion and sovereignty over the lands covered by tide water, within the limits of the respective states, belong to the respective states. . . ."

Reversed Former Policy

These judicial opinions, over 50 in the Supreme Court and over 200 in the state and lower Federal courts, were the guide to the uniform policy for the Federal government and its departments. The government in numerous cases acquired from the states land below the low tide mark. When the suit against California was in prospect the 80th Congress voted to disclaim Federal ownership in the submerged lands, but the resolution was vetoed by President Truman. The Conference of Governors, the Conference of State Attorneys General, the American Bar Association, the Congressional judiciary committees and other groups where legal opinion controlled were on the side of the states. Perhaps never have six men on the Supreme Court disagreed with a more overwhelming majority of informed legal opinion.

The Supreme Court's decision was not only a revolutionary innovation, it was based upon ideas of history rejected by almost everybody. As Judge Hudson has remarked, "If we must accept our law from the Supreme Court, we do not have to accept our history." The court took the position that the nation, not the thirteen original states, succeeded to the English Crown's property interests although the Treaty of 1783 was made specifically with the individual states. The Court thought that the idea of a three mile belt was embryonic in 1789 and has since been recognized by action of the Federal Government. While the three mile marginal limit was not established in 1789, and is not established in 1950, some marginal area was accepted as an incident of sovereignty long before

1789 and for most purposes it has been an established Anglo-American international doctrine.

Supreme Court's Theory

The theory of the Supreme Court in the California decision is that ownership follows responsibility for defense and international affairs. What makes this decision so radical is that this theory would give the Federal government the same authority over submerged lands under bays, lakes, harbors, and navigable rivers as under the marginal sea and by the Court's own statement no disclaimer by any Federal official can bind the government. As Mr. Justice Frankfurter pointed out in his dissent, the Court was confusing the *imperium* of sovereignty with the *dominium* that connoted property interests. The learned justice also asserted that as to the disposition of the disputed territory, Congress and not the Court is the appropriate agency. "To declare that the Government has *national dominion* is merely a way of saying that *vis-a-vis* all other nations the Government is sovereign. If it means more than that, it implies that the Government has some proprietary interest. That has not been remotely established. . . ."

California's claim depends upon its equality with the thirteen original states. The claim of Texas is far stronger because it is based upon a definite assertion of a marginal sea boundary during nine years of existence as an independent nation between its successful revolt from Mexico in 1836 and its annexation to the United States in 1845.

Texas became an independent republic in 1836. Texas by an act of its Congress, December 19, 1836, established its Gulf boundary three leagues (not three miles) from land. The Republic of Texas was recognized by the United States, the United Kingdom, France and other countries. Its boundary was confirmed by the Treaty of Guadalupe Hidalgo between the United States and Mexico in 1848.

Texas Is Different

The original proposals for Texan annexation had included a cession of minerals and public lands in consideration of the assumption by the United States of the Texas national debt. This was eliminated from the joint resolution providing for annexation in 1845. Texas expressly reserved all its "vacant and unappropriated lands" and was to take care of its own debt. Whether "land" includes submerged land is irrelevant. Texas certainly owned the submerged land as an independent republic. Land is transferred only by grant or cession. Texas indisputably never ceded its submerged lands. As Senator Colquitt said in the Senate, February 20, 1845 (14 Cong. Globe 254): "We acquire territory, but leave Texas as a State possessed of her entire domain, to dispose of as she

pleases, under our constitution, fixing only the terms by which she may become a confederate. The acquisition of territory is one thing; the admission of a state is another and totally different."

Texas (had it not reserved its public lands), as a matter of interpretation of this bargain by which as an independent country it became a part of the United States, might well argue that in view of the general understanding in 1845 as to the state ownership of the littoral marginal lands a reservation was implied in the bargain of annexation. If Canada today should accept annexation to the United States, reserving its ownership in public lands, could anyone seriously contend that the Federal government thereby acquired any proprietorship that had been Canadian?

Submerged Lands Not Registered

The government has argued that because nothing was thought about submerged lands in 1845, they are not covered by the expression "public lands." It is, of course, true that neither Texas nor the United States considered submerged lands for many years in its public land legislation. When the matter became important, as early as its law of July 23, 1919, c. 19, Texas did make legislative provision in respect of such lands. No similar action has yet been taken by Congress. It is interesting to note in this connection that Lord Chancellor Cranworth in *Attorney General v. Chambers*, 4 De G.M. and G. 486, a submerged land case decided in 1854 only nine years after the annexation of Texas, used the expression "unappropriated soil" to refer to land below the sea. His term is quoted by Mr. Chief Justice Hughes in the tide lands case of *Borax, Ltd. v. Los Angeles*, 296 U.S. 1025 (1935).

The Texas position on the ownership of submerged land is impregnable and need not depend on inference. It owned its submerged lands in 1845 three leagues into the Gulf of Mexico. It did not cede them to the United States. Texas kept these lands. It still owns them.

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