

The Harvard Law School Record

VOL. 11 No. 9

CAMBRIDGE, MASS., WEDNESDAY, NOVEMBER 29, 1950

PRICE TEN CENTS

Casner & Kent Argue Divorce In Semi-Finals

Various legal and jurisdictional aspects of an international divorce case will be argued by members of the Kent and Casner Law Clubs in the Ames Semi-Final Competition on Dec. 5 at 8 p.m. in the Trial Court Room of Langdell Hall.

Kent Club will represent the Plaintiff-Appellee, and Casner Club will argue for the Defendants-Appellants.

Presenting the oral arguments for Kent Club will be George C. Caner, Jr., 3L (Harvard '46) of Boston, and Harold M. Wilcox, 3L (Yale '47) of Philadelphia. Mr. Wilcox replaces Bigelow Watts, Jr., 3L (Chicago '47) of Chicago, who was an oralist for Kent Club in the quarter-finals last year, but subsequently was called to active duty with the U. S. Marine Corps.

Counsel on the brief include: Levin H. Campbell, 3L (Harvard '48) of Short Hills, N. J.; Daniel A. Demarest, 3L (Harvard '48) of New York City; Richard S. Emmet, Jr., 3L (Harvard '48) of Glen Head, N. Y.; James P. Grant, 3L (U. of Calif. '43) of Skyforest, Calif., and Henry W. Minot, Jr., 3L (Harvard '46) of Chestnut Hill.

The oralists for Casner Club will be Spark M. Matsunaga, 3L (Hawaii '41) of Honolulu, and Phillip E. Silberberg, 3L (Cornell '48) of Brooklyn. Counsel on the brief are: Joseph A. Blundon, 3L (Harvard '48) of Cambridge; John M. Brumbaugh, 3L (Swarthmore '48) of Washington, D. C.; Morrill Cole, 3L (Harvard '48) of Paterson, N. J.; George R. Cooper, Jr., 3L (M.I.T. '48) of (Continued on page three)

AMES COMPETITION ORALISTS



From left to right: Phillip E. Silberberg and Spark M. Matsunaga of Casner Club; George C. Caner, Jr. and Harold M. Wilcox of Kent Club.

Prof. Glueck Fills New Pound Chair; Name Jaffe To Byrnes Professorship

Professor Sheldon Glueck is the first Roscoe Pound Professor of Law in the Harvard Law School, Dean Erwin N. Griswold announced this week. At the same time, he announced that Louis L. Jaffe has been appointed Byrnes Professor of Administrative Law, succeeding Milton Katz.

The new professorship was established this fall to honor a leading authority on jurisprudence who was Dean of the Harvard Law School for 20 years. Dean Pound retired from the Harvard faculty in 1948 and is now Visiting Professor at the law school of the University of California in Los Angeles.

The Byrnes Professorship was first filled by Justice Felix Frankfurter from 1920 to 1939 at which time he resigned and accepted appointment to the United States Supreme Court. James M. Landis held the post from 1939 to 1946, also serving during that time as Dean of

the Law School. In 1948, Milton Katz was appointed to the Chair, from which he resigned this past summer to take his present position as Ambassador-at-large under the ECA.

Professor Glueck was born in Warsaw, Poland, on Aug. 5, 1896, and was brought to the United States at the age of six. He served with the American Expeditionary Force in World War I.

He studied at the George Washington Law School and was graduated from George Washington University in 1920. He also earned the degrees of Bachelor (Continued on page four)

PBH, Dorm Councilmen Plan Joint Meeting To Discuss Dance Finances

Representatives of the Dormitory Council and the Law School Committee of PBH will meet this week to thrash out the problem of how to finance the Saturday night dances at Harkness Commons. This problem was discussed at last week's meeting of the Council, along with the related question of creating a treasury for the council.

The need for a suitable financial arrangement was brought to a head recently when the administration reported it could no longer bear the costs of the Saturday night dances. In addition, the Council is faced with financial problems. Several solutions to the problem were proposed at the meeting. A voluntary assessment of 50 cents or \$1.00 on each student, it was pointed out, would not only cover the costs of the Harkness dances, and the expenses of the Council, but also may make the PBH semi-formal dances in the future admission free. Criticism of a voluntary assessment on all students centers on the possible inequity of allocating money to meet expenses of the Council from an assessment including non-dormitory residents who have no representation in the Dormitory Council, as well as those living in the dorms.

The proposal that a fee be levied on all students and be collected by the administration along with the term bill was objected to at the Council meeting on the grounds that the Dormitory Council would not then have an independent treasury.

No-Name Club Continues Traditions; Two Platoon System Recently Adopted

Recent editions of the Yearbook indicate that publicists of the majority of Law Clubs, whose history the Yearbook has traced, seem to agree that lack of evidence as to the precise time of origin of a club would entitle a club to the benefit of a presumption of antiquity. See generally *Harvard Law School Yearbook*, 1948, 1949 Editions.

This presumption, to the extent that it now has become sufficiently rooted in custom, would certainly include within its scope the No-Name Club. Not only do the records of the Board of Student Advisers fail to disclose even a scintilla of evidence as to the origin of the club,

Placement Prospects Best In Recent Years—Toepfer

Draft, Increased Government Activity Boosts Unprecedented Demand For Graduating Class

Prospects for the future for young lawyers are the best ever according to Assistant Dean Louis Toepfer, Director of Admissions, who also runs the Law School Placement Office.

In recent weeks, there has been an unprecedented boom in demand. Firms in the past have always moved early in order to attract the best men in the graduating class. This year's activity, however, is far above normal. Still better is the news that the pace shows no sign of slackening, at the moment.

During the week before last, for example, the Placement Office handled more than two hundred interviews between third year men and law firms seeking assistants. Firms from New York, Cincinnati, Chicago, St. Louis, and Phil-

adelphia were among those represented.

The reasons are not hard to find. There are more jobs and fewer candidates. Law business seems to be better than usual right now. Law firms are faced with the prospect of a smaller available supply of young lawyers, due to the draft and the calling up of reserves. Future law classes are very likely to be smaller. Law firms remember that they had to hire women during World War II, for lack of men. Consequently, they want to obtain all the available men they can right now, before the lag in supply sets in.

Government demand for lawyers is likewise increasing. The international situation has increased the need for lawyers in the Defense Department. More lawyers are also needed, particularly in the Federal Security Administration, because of the increase in social security benefits and in the Department of Agriculture.

Two cautionary notes ought to be added. First, placement is extremely individualistic. There are always men who will never have any trouble finding a good position. On the other hand, there are always men who will have a good deal of trouble. The great bulk of men are in between and it is for them that things are now much easier than they have been previously.

Second, law firms are showing an understandable reluctance to hire men likely to be called into the service. They want men who will be with them for some time, not men who may soon be gone. Although no figures are available, it is estimated that about one-third of the 1951 class are vulnerable on this score.

For these men who are likely to be called, prospects are not so rosy. For the remainder of the class the outlook is very bright, the best in recent years.

Girls Man Booths For HCCD Climax

Booths will be set up in Austin and Langdell South next week, Dec. 6-8, when the Law School Combined Charities Drive reaches its climax.

The booths are to serve the double purpose of distributing information about the drive and collecting cash gifts and pledges from those students who have not made other arrangements for contributing. Louise Florencourt (Radcliffe '47) and Mary O'Connell (Chestnut Hill '50) both first year members of the PBH Committee, will staff the booths.

Letters are being sent out this week to all of those who did not sign up for the Charities Drive at the time they registered this Fall. Those desiring to contribute may either donate immediately or have their pledged amount added to their term bills.

(Continued on page four)

Neurotic America To Be Forum Topic For Allport, Gardner, Horney, Leslie



KAREN HORNEY

Neurotic America and the practical uses of the science of the mind will be discussed this Friday at 8 p.m. at the fifth Harvard Law School Forum at Rindge Tech.

Four authorities from the field will speak on the topic: *Psychiatry in Neurotic America*.

Dr. Karen Horney, psychiatrist and author, heads the list of distinguished speakers. With her on the program are Dr. George Gardner, Prof. Gordon Allport and the Rev. Robert C. Leslie. Associate Professor of Psychology Jerome Bruner of Harvard will serve as moderator.

The forum will not deal with technical exposition of procedural devices, but will discuss the practical aspects of the science.

Dr. Horney is dean of the American Institute for Psychoanalysis and also gives a regular course at the New School of Social Research in New York. Her office is in New York.

She has written a number of books for laymen explaining the purpose of psychoanalysis. Among her works are *The Neurotic Personality of Our Time*, *New Ways in Psychoanalysis*, *Our Inner Conflicts*, and a new work published this year, *Neurosis and Human Growth*.

Professor Allport is chairman of the department of Psychology at Harvard. He is Director of the National Opinion Research Center and a past editor of the *Journal of Abnormal and Social Psychology*.

Director of the Judge Baker Children's Psychiatric Clinic in Boston, Dr. George E. Gardner is also a professor in child psychiatry at the Boston College of So-

(Continued on page three)

Critical Summary Of McCarran Act Endorses Presidential Veto Message

This article was written especially for the RECORD by W. Covington Hardee, LL.B. '47, Assistant Professor of Law. A biographical sketch of Professor Hardee appeared in the RECORD Vol. 11, No. 5, page 2, November 1, 1950.

Almost everyone knows that in its closing hours the Eighty-first Congress passed, over presidential veto, a bill which makes important changes in what have come to be thought of as fundamental civil liberties. Very few people, however, have examined the text of the Internal Security Act of 1950 to see exactly what it provides. This is understandable, since the statute itself has not as yet been widely reprinted. Furthermore, the text is long and complicated, running to nearly fifty pages in the Conference Report print. The purpose of this article is to describe the major provisions of the Act.

The Act is divided into two titles, Title I—Subversive Activities Control and Title II—Emergency Detention. It is interesting to note that Title I commences with the statement that nothing in the Act shall be construed to limit freedom of the press or of speech as guaranteed by the Constitution. After this comforting statement there is a section dealing with Congressional fact-finders concerning the Communist movement. In general the Congress finds that there exists a world-wide Communist movement of a conspiratorial and totalitarian nature, operating by treachery, deceit, infiltration, espionage, sabotage and terrorism, and that the purpose of the movement is to establish totalitarian dictatorship and abolish the fundamental rights and liberties which are characteristic of a representative form of government.

Communists Classified

Section 3 of the Act contains nineteen definitions. Communist organizations are divided into two classes, (a) Communist-action organizations, and (b) Communist-front organizations. A Communist-action organization is one which is substantially controlled by the Soviet

Union, and which operates primarily to advance the objectives of the world Communist movement. A Communist-front organization is any organization which is dominated by a Communist-action organization and is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement. The purpose of the distinction appears later in the Act.



W. COVINGTON HARDEE

Section 4 of the Act contains certain prohibitions against individuals. It is unlawful for a person to conspire to perform any act which would substantially contribute to the establishment in the United States of a foreign-dominated totalitarian dictatorship. The phrase "substantially contribute" is not defined, and the President pointed out in his veto message that it may be unconstitutionally vague. It is unlawful for any employee of the United States to communicate classified information to any member of any Communist organization. And it is unlawful for any member of such an organization to receive classified information.

Section 5 of the Act deals with employment of members of Communist organizations. No member of a Commu-

(Continued on page four)

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Ames Semi-Finals

Next Tuesday, the Ames competition reaches the semi-final stage. Our congratulations are extended to the thirty-two men representing the four law clubs that have survived the qualifying and quarter-final rounds. Since nearly every student in the school has already participated in this work, we all are well aware of the significance of such a distinction. The court which will hear the first semi-final argument is as international in composition as the case it will decide. Canada, England, and the United States will be represented. Since the case involves questions of private international law, the choice of judges is the more commendable.

Clearly there are many reasons to attend arguments such as these semi-finals. The time involved in so doing will be well invested. It can be anticipated that a close study of styles and techniques used in the briefs and in the orals may suggest possible improvements for each of us. There are so few opportunities for us to observe exemplary appellate arguments while yet in law school that this factor alone should be sufficient. But, in addition, there is the close analysis of certain legal problems by counsel and by distinguished members of the legal profession. For the first and second year Ames clubs this will be the occasion to witness the high caliber of work required to reach this advanced stage in the competition.

Athletic Facilities

Again the perennial complaint arises. The many squash enthusiasts among the student body and the several faculty members with whom the sport is so popular are finding their sports activities drastically curtailed by the present policy at Hemenway Gym. As many as half of the squash courts are being reserved for college freshman and varsity teams, not just occasionally and not for the half hour limit imposed on all other players, but every afternoon for the entire afternoon. Even without such measures the dozen courts at Hemenway were inadequate to meet the afternoon demand. This restriction has, thus, been felt by many who have attempted to reserve squash courts.

One factor not generally known by the student body is that law students use Hemenway at the sufferance of the college officials. The purpose of the gift under which that building was established was to provide squash and gym facilities for college freshmen and varsity squash teams. Over the years, however, use by law students of the facilities has been permitted, since college use alone was not extensive, particularly during those afternoon hours.

Nevertheless, we suggest that a desirable solution could be found for this problem by college athletic officials. Since there are many other squash courts in the main Athletic Building, as well as courts for the undergraduate houses, perhaps those teams could practice elsewhere. But even if these courts are equally popular, perhaps the teams could play in the evenings or earlier in the afternoon, so that, at least from 4 to 6 p. m., there would be no such interference as now exists.

Equity Lectures Needed

When the greatly revised curriculum was inaugurated in September, 1949, the second year course in Equity was dropped from the program. We are not in a position to criticize the desirability of such a change. At the time the decision to drop Equity was announced, it was announced that a series of lectures would be given to bridge the transition. No such lectures have yet been given. Now there is an increased amount of attention in various first year courses to the subject matter of Equity, but for the third year students the revision has left something of a hiatus.

We, therefore, again urge that lectures on Equity be given, at least to the third year students. The large number of students who last spring signed the petition circulated by P. B. H. indicates the need.

Letters to the Editor

To the Editor of the RECORD:

Mr. Shipley takes exception to Prof. Chafee's exceptions to the ABA's proposed loyalty oath for lawyers. Although I'm as fond of oaths as the next man, permit me to except to the exceptions to the exceptions, and indeed, were it not for my friendly leanings, I might make a motion to strike.

Mr. Shipley refers to Prof. Chafee's "large prestige, faculty halo" and the "certain awe" he inspires in Shipley. Mr. Shipley needs a loyalty oath to Harvard, and I'm sure he won't mind taking one, for nothing could be more un-Harvardian than respecting a man because of his position or reputation.

Since I read the Supreme Court Reporters as they come out, a practice I commend to all counsels for Young Republicans, I read *ACA vs. Douds*, 70 S. Ct. 674, about six months ago, and well before exposure to the "razzle-dazzle theories in Prof. Chafee's article. I agree that many of these theories were "ably chewed up" by the Supreme Court, however it is regrettable that they spat them forth instead of digesting them. Indeed six of their "hard and practical minds" produced four divergent opinions, one of which was a dissent.

Next we are told "A license to practice law is a privilege and not a right." I regard this as totally un-American, as the Law never is, but is always about to be. Since 48 states license lawyers I should suppose there could be at least 48 views on what such a license is. Different states might call it a privilege, a right, an easement or a tort, all with adequate justification.

We are asked "When it became unconstitutional to be expected to support the Constitution?" Surely most, if not all, lawyers take an oath to support the Constitution at the time they are licensed. The question remains unanswered as to why lawyers should be singled out for a special genuflection to the tower of righteousness. And in conclusion, I must warn you, Mr. Shipley, that oaths, peas, beans, and barley grow.

WILLIAM L. HUNGATE, LL.B. '48

To the Editor of the RECORD:

If Professor Amory meant to deplore the outcome of the election in Cambridge, he should have confined his remarks to that subject. The logic of his "carpetbagger" charge, however, indicates an acute lack of awareness of politics. A student is entitled to an opinion about the place where he lives, even though he may not legally be considered a resident. And there is no reason why he ought to feel self-conscious about speaking anywhere for candidates whom he supports.

The argument of Professor Amory, in a larger sense, is exactly the same one used by those who say that the United States has no business helping democratic governments in Europe. It is the same argument used in New York City when a resident of one Congressional District speaks on behalf of a candidate in another Congressional District. What is lost sight of is the fact that good government is never really a local issue. The Harvard Law School Democratic Club may have been on the wrong side of the issue. But other students should not be deterred from participating in a Cambridge campaign.

I cannot help wondering whether Professor Amory condemned with equal vigor the vast expenditures of money made by people outside Ohio in the campaign to elect Senator Taft or whether he would be as outraged over similar action by the Harvard Young Republican Club.

BERNARD WEITZMAN, LL.B. '49.

To the Editor of the RECORD:

What strikes me as being *really* indefensible about the three-cornered dispute involving the Democratic Club is the repeated use by all parties of gerunds without possessive nouns. On the other hand I am certain it is laudable and at least 100% American, for students to follow their political inclinations, professors to have opinion-emotions, and semi-official publications to take sides in partisan controversies.

T. D. TAUBENACK, 3L

Gallery

LOUIS L. JAFFE

Byrne Professor of Administrative Law



Louis L. Jaffe, who is the only Professor on the Harvard Law Faculty teaching students of all three years, and who is a former Dean of University of Buffalo Law School, never particularly wanted to be a lawyer but has never regretted that he did become one. "It was my father's idea for me to study law because he wanted to be a lawyer."

With his father's fond hopes, off he went to Harvard Law. His closest friends during those years were Nathan L. Jacobs, Note Editor of the *Review* who aided Chief Justice Vanderbilt in redrafting the New Jersey Constitution and who is now a distinguished judge in New Jersey; and A. H. Feller, General Counsel to the Secretary General of the U. N.

He received his LL.B. in 1928 and then became clerk to Justice Brandeis. Following his clerkship Professor Jaffe went to California where he practiced with Long and Levit for three years, "mainly writing briefs."

It was while there he became acquainted with Max Radin, Professor at the University of California Law School. Professor Jaffe, now desiring to teach law received advice from Professor Radin to turn east. He did so and received his S.J.D. from Harvard in 1932. The thesis he wrote at that time "Judicial Aspects of Foreign Relations," is still considered one of the authorities in the field.

Dean of Buffalo Law School

From there Professor Jaffe spent several years working for governmental agencies, including the A.A.A. and the N.L.R.B. In 1936 he joined the faculty of the University of Buffalo Law School and he was appointed later Vice-Dean and then Dean. While there, he taught Federal Jurisdiction, Administrative Law, Equity, Evidence, Criminal Law, and Corporations.

Professor Jaffe has not yet had time to form a just estimate of Harvard as compared with Buffalo students. He was very much impressed, however, with the performance of the first Ames competition in which he sat as judge and with the intellectual independence of *Law Review* men who have consulted him in connection with their work.

Regional Law Schools Lead

Professor Jaffe is convinced that good regional schools such as Buffalo have a vital role in legal education. "There is a great variety of legal skills involved in practice. Some of the best trial lawyers and negotiators have been mediocre students both at college and law schools and under present admissions procedures will be trained in regional schools. The great national law schools tend to produce specialists for the highly paid offices. Yet the bar can and should provide leaders in the political and social life of the localities. The regional law school having as it does a predominant voice in setting the tone of the local bar plays a decisive role in this training for leadership."

"It is often said that the function of a law school is not to teach the law but simply how to be a lawyer. This is professional overstatement. It is the business of the Law School to bring the student—as much as possible through his own efforts—to see the Law as a great integrated corpus of concepts and ideals; to understand it in a large way which unaided or caught in the minutiae of practice he might not see. If there is a danger in emphasizing rule learning, there is also a danger in emphasizing the law as so much matter for skillful manipulation. And on a practical level a lawyer must know some law to fulfill his responsibility to his clients. Of course, a great deal of law is taught at Harvard."

Less Emphasis on Case Method

Furthermore, Harvard is now putting much less reliance on the case method as compared to when Professor Jaffe was a student. The problem method, such as found in the first-year group program, handling facts as you would find in the courtroom and lawyer's offices may be more lively and searching than many lectures based on devitalized cases.

Professor Jaffe was married in 1938 and he has two children. His wife, the former Miss Mildred

Sub Judice

SOME DUMMY

Gilman was owner of a U. S. patent covering what he thought was a new type self-erecting football dummy. The dummy could be made in various sizes; smaller ones for children to play with, larger ones for mature football players to use. The dummy was hollow, inflatable, and resilient with a weighted bottom which, when the dummy was set on the ground, tended to keep it erect and, when knocked over, tended to bring it back to an erect position. Gilman brought a patent infringement suit against Kestral Corporation, seeking damages and an injunction against further infringement. His main claim to invention was the fact that "the base of the article has a non-rigid container attached to the interior of the bottom into which sand, or some other weighty material, may be introduced." By way of counterclaim, Kestral asked for a declaratory judgment to the effect that the patent was invalid for want of invention.

Held, patent invalid for want of invention.

"As early as 1915 a catalog of F. A. O. Schwartz, one of the largest toy sales companies, contained a description of a self erecting doll, called a 'rolly-polly,' with a rounded bottom. Beach balls and water toys composed entirely of an inflatable bladder had been in conspicuous production and use for more than a year prior to the date plaintiff filed the patent claim in suit, December 10, 1947. Furthermore, during the war the defendant was engaged in manufacturing a device for distilling fresh from salt water. This device was entirely of a vinylite plastic bladder which floated in the water and which was kept erect by water ballast in its base. . . . [T]he only new mechanical expedient to which the plaintiff resorted was to secure the weight to the inside of the bottom of the bladder. It is elementary that however new and useful, or even revolutionary and beneficial, an idea may be, it is not in and of itself patentable. The real problem involved was not a mechanical problem at all but consisted of so positioning the weight in the bladder as to produce a self-erecting device. The technique by which this was done was well known to the defendant and others long before the plaintiff had occasion to use it. It is impossible to dignify the obvious application of this technique to this problem with the name invention. Hence, I find as a fact that there was no invention in the plaintiff's patent." *Gilman v. Kestral Corporation*, 86 F. Supp. 765, affirmed 181 F.2d 188 (April, 1950).

FROM GOLD TO COAL

Miss Gill was attracted by the reasonable price charged for permanent waves at a local beauty school, the price being limited to the actual cost of materials used. A sign displayed by the school read "School of Beauty Culture—Work Done Exclusively by Students." It was Miss Gill's misfortune to have her pretty golden tresses handled by a relatively inexperienced student. What was formerly sunlight gold quickly faded to charcoal black under a mismanaged heat lamp. Miss Gill brought suit against the beauty school and was allowed to recover for injuries sustained. The School of Beauty Culture appealed.

Held, on appeal, judgment reversed. "The controlling question [is] whether a patron of a beauty college assumes the risk of injury. . . . [I]t is urged that [a beautician student] is classified as one not yet competent to engage in the practice of beauty culture and that a patron who accepts his services at a reduced cost assumes the risk arising out of such inexperience. The negligence alleged in the petition was not that of insufficient instruction or supervision, but rather that the operation was negligently performed. . . . It seems to us that under the facts of the case the appellee assumed the risk of the student operator's inexperience. This risk cannot be confined to less professional hair styling, but must include all the dangers which might result from treatment by one who is not yet qualified. Having assumed the risk, the patron can not then impose liability on another." *Wall v. Gill*, 225 S.W. 2d 670 (Nov., 1949).

Miles of Buffalo, read for the Bar in England and is a Barrister of the Middle Temple, and a member of the Bar of New York.

Thus far, Professor Jaffe has encountered only first-year students in Torts, and third-year men in his Administrative Law Seminar. Next semester, he will teach Administrative Law to second-year men. He feels that the first year fellows are interested in the broad problems underlying the law and are eager to participate. But after a time they are apt to become cagey and unwilling to "stick their neck out."

Ever much the pedagogue lecturing to his students with his winsome smile, and sprightly manner combined with his seriousness of purpose, Professor Jaffe is bound to captivate future Harvard law men. E.F.

NEWS IN BRIEF

INSTITUTE OFFERS AID

The University has received information from Vienna about services developed by the Austro-American Institute of Education, to assist American students who are planning to study in any German-speaking country. The Institute offers information and assistance to all such students, to help them make full use of the available educational and social facilities. The Institute address is: Extension Study for American Students, Austro-American Institute of Education, Central Office: 1, Operngasse 4, Vienna, Austria.

DEAN'S WIFE SPEAKS

Mrs. Erwin N. Griswold will speak this evening at 8 at the regular Wednesday meeting of the Harvard Law Wives, in the Wheeler Room in Holmes Hall. Her subject will be *Guides to Mental Health and Happiness*.

DIRECTORY OUT DEC. 6

PBH Law School Committee announces that its 1950-51 version of the Harvard Law School Directory will be issued on Dec. 6. This Directory will include, besides the addresses and phone number of all students, a tentative calendar of Law School activities. Further information will appear in a notice which will be posted on all bulletin boards.

PLACEMENTS TOPIC OF TALK

Louis Kanin, director of the New York City placement office of Harvard Law School, will discuss job opportunities in New York, Friday, December 1 at 7:15 p.m. in Langdell North. The Placement Office urges all students interested in practicing in the New York area to attend this meeting.

GUILD SPONSORS TOUR

The Harvard Lawyers' Guild will sponsor a court tour of the Federal District Court in Boston next Tuesday, open to all students of the Law School.

Those interested are asked to sign up on sheets to be posted on the bulletin boards in Langdell and Austin. The group will leave from Austin Hall at 1:30 p.m.

SHAW WINS TROPHY

The first intramural touch football trophy was presented to the championship Shaw Hall team last Saturday night at the Yale Ball.

Receiving the trophy was Kingsley Jarvis, LL, captain of the victorious team. Shaw Hall celebrated its victory with a beer party at Holmes Hall last week.

The trophy will remain with Shaw for the next year and will be presented annually to the team winning the Law School intramural football title.

Alumni Notes

LL.B. '12—Max Lowenthal, after many years of serious and devoted study of the FBI, has written the *Federal Bureau of Investigation*, published by William Sloane Associates Inc. recently.

Mr. Lowenthal, former Executive Secretary to the National Commission on Law Observance and Enforcement under President Hoover and a former member of the commission for the Senate Committee on Interstate Commerce, has attempted to present an objective picture of the FBI, crowded with dramatic stories. His sources of information include: The Congressional Record, court decisions, statements by legislative and executive officials, and the FBI reports.

LL.B. '28 — A. H. Feller has been appointed general counsel of the United Nations. William H. Gulliver, Jr. has recently become a member of the firm of Powers & Hall, 30 Federal St., Boston. Associate Justice of the Supreme Court of Texas, James P. Hart, has been appointed Chancellor of the University of Texas, Austin, Texas. Another classmate, Charles Spofford, has become the United States Representative of the Atlantic Pact. Apparently, the Class of '28 is really moving!

LL.B. '43 ('46)—Jerome Rosen, and Seymour Stadfeld, '44 ('47), in cooperation with Lawrence Weiss, sp. 2/46-10/46, have organized a partnership for the general practice of law under the firm name of Roberts, Rosen, Stadfeld & Weiss in Boston.

AMES—(Continued)

Charlestown, W. Va.; Jerrold M. Sonet, 3L (Cornell '48) of New York City, and Don S. Willner, 3L (Harvard '48) of New York City.

The case involves Plaintiff-Appellee, George J. Wade, a minor by his next friend and maternal grandfather, Peter L. James vs. Defendants-Appellants George R. Wade, his second wife and minor child. Plaintiff brought suit in the lower court for a declaratory judgment to declare his paternity, and to declare illegal an American divorce between his mother and alleged father. Plaintiff alleged that before the divorce decree became final, his father left the United States and became a resident of Canada. There he married a Canadian woman and another child was born. Since the alleged father was an airline pilot, he had occasion to see his former wife again in America and plaintiff was born.

The lower court made a finding of fact that Defendant-Appellant was the father of Plaintiff-Appellee, and a conclusion of law that the divorce was invalid. Questions on appeal invoke divorce jurisdiction and choice of law.

FORUM—(Continued)

cial Work and has been a lecturer at Tufts Medical School since 1941.

The Rev. Robert C. Leslie is expected to discuss the ways in which faith and psychology can be reconciled. He serves as Chaplain at two Boston hospitals.

AMES JUDGE



PROF. JOHN MORRIS

NO-NAME—(Continued)

entirely agreed, there is at least a strong inference that the post-war trend among Law Clubs here at the Harvard Law School towards the double court system, is at least in part traceable to the radical innovations to which varsity football generally (at least elsewhere) has been subjected this recent decade. The fact that Board members, whose tolerance tacitly encouraged and fostered the development of double court clubs, have generally been football enthusiasts, lends at least colorable support to the soundness of this explanation. During past years the No-Name Club had most emphatically resisted any attempts to institute the double court system. However, when more radical elements finally gained the upper hand in the management of club affairs, the inevitable occurred, and the one-club tradition, like the "all male" tradition of the Harvard Law School, was reluctantly abandoned. Now No-Name has an EQUITY and a LAW club.

Thanks to its scientific selection techniques the club has been able in recent years to attract and muster a far more high-calibered membership than ever before in its history. As a result the grooming of Ames Finalists, a function which back in antiquity absorbed the main efforts of the membership, now no longer monopolizes club activities, and as a result the club has been able to devote itself to a few additional projects of general benefit to the School at large. Such projects have included promotion of intellectual improvement of the faculty, by affording faculty members the necessary informal contacts with students at club luncheons.

Future prospects for the No-Name Club are bright. Both first year courts give promise of going to the quarter-finals next year. With this in mind the club is petitioning the Board of Student Advisers to ensure that the two are not matched in the qualifying round next fall.

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Calendar

UNIVERSITY WORLD

Professor Arthur A. Schlesinger, Jr. will speak on Sunday, December 3, 1950 for the International Student Association of Boston. His topic is: *What Should We Choose: Left or Right?*

Doctor T. F. Tsiang, Chinese delegate to the United Nations will deliver an address at 8:00 p.m., Tuesday, December 5, 1950 on *Formosa and the Peace and Freedom of Asia* at the New Lecture Hall. The United Nations Council of Harvard University is sponsoring this address which is free and open to the public.

Highlights of the Week on WHRB

550 on the Dial
Wed., Nov. 29 - 9:30 - *Jazz a la Carte* - Good live jazz from Studio B.
Sat., Dec. 2 - 3:30 - *10th Anniversary Celebration of WHRB* - Documentary of first ten years.
Mon., Dec. 4 - 9:00 - *One Nite Stand* - New program of jazz records.

OUTSIDE WORLD

Professor Max Lerner of the faculty of Brandeis University will lecture on *Currents of Thought in Asia* on November 30 at 8:15 p.m. on Brandeis campus. This lecture is given as part of a series for the Institute of Adult Education at Brandeis.

The Cambridge Center for Adult Education announces the beginning of a series of Duplicate Bridge evenings to commence on Friday evening, December 1, at the Center headquarters, 42 Brattle St., Cambridge. Participants should arrive by 7:45 p.m. so that play may begin promptly at 8 p.m. There is a small admission fee. Further information can be obtained by calling Kirkland 7-0314.

CHARITIES—(Continued)

After all of the money has been collected, the committee will meet to distribute the funds to various charities. Those contributions earmarked for specific charities will be the first set aside. The committee, numbering about 20 students, will then vote as to which charities the remaining funds should be allotted. This year, the committee will be able to take advantage of an exhaustive survey made by the undergraduates regarding suitable charities, which placed emphasis on those which were financially well-organized, and spent the least on administration.

The organizations which received law school donations last year were the Community Chest, March of Dimes, Red Cross, Damon Runyon Cancer Fund, the National Salvation Army, Campaign Against Arthritis, Tuberculosis Fund, the American Cancer Society, and the American Friends.

The well-received advertising done on behalf of the drive is under the direction of James B. Johnson, 2L (Montana '49) of Billings, Mont.

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McCARRAN ACT—(Cont.)

nist organization of either type may be employed in a nonelective office in the United States government, and in seeking such a job it is unlawful for him to fail to reveal such membership. Furthermore, if he is a member of a Communist-action organization, rather than a Communist-front organization, he cannot be employed in any defense facility. The Secretary of Defense is directed to promulgate and publish in the Federal Register a list of all defense facilities, no matter how secret. This absurd provision is a patent justification of the charge that the statute would aid our enemies rather than hinder them.

Section 6 of the Act denies the use of a passport to any member of a Communist organization of either type.

Sections 7 through 16 of the Act are the so-called registration provisions. They stem from the Mundt-Nixon Bill, which was defeated in the first session of the Eighty-first Congress, and are prominently connected with the name of Senator McCarran in this session. Each Communist-action organization is required to file a registration statement with the Attorney General listing the name and address of the organization and the name, aliases, if any, and address of each of its members. Communist-front organizations must name their officers, but do not have to list their members. In both cases, an accounting of moneys received and expended must be given, listing the sources. The registration statement must be kept up to date by annual supplements. The Attorney General is required to notify any individual so listed and the individual may contest his listing, with right of review and appeal.

Individual Registration

Under certain circumstances the members of a Communist-action organization are required to file individual registration statements. Such statements are never required from members of Communist-front organizations, although the chief executive officer and the secretary of such organizations may incur individual penalties if they fail to file the required organizational registration statement.

Section 10 denies the use of the mails to both types of organizations except where the envelope contains the statement, "Disseminated by _____, a Communist organization." Sponsorship of radio and television programs must be similarly labeled.

Control Board

In order to decide questions as to whether or not persons and activities should be listed, there is established a Subversive Activities Control Board consisting of five members, not more than three of which shall be members of the

same political party. Where an organization has failed to register and the Attorney General believes that it is required to register, he may petition the Board for an order requiring registration. Where listing has already taken place, any organization or individual may petition no more than once a year to have its or his name removed from the list, either because of changed circumstances or because the listing was erroneous. The Board is to hear evidence from both sides and make a decision as to whether listing is required or is required to be continued. The Act prescribes factors which the Board must take into account in making its decision. Any party aggrieved by an order of the Board may obtain judicial review in the United States Court of Appeals for the District of Columbia.

The remainder of Title I is a hodgepodge of amendments to various existing acts.

Sections 18 through 21 and Section 23 contain amendments to the Espionage Act. These portions of the bill were proposed by the administration on the request of the FBI. They would tighten control over delivery of classified documents to unauthorized persons, extend the statute of limitations to ten years, and broaden the registration provisions applicable to agents of foreign powers. Penalties are imposed for violating internal security regulations promulgated by defense agencies of the government. The Attorney General is given broadened power over the deportation of aliens.

Exclusion of Aliens

The section of the Act which caused all the commotion at Ellis Island is Section 22, which excludes certain aliens from admission into the United States. Among the excluded classes are "aliens who, at any time, shall be or shall have been" anarchists or members of the Communist or any other totalitarian party, or any branch, predecessor or successor thereof, anywhere in the world. In an

GLUECK, JAFFE—(Cont.)

and Master of Laws from the National University Law School. At Harvard, he received the A.M. degree in 1922 and the Ph.D. degree in 1924. He taught criminology and penology in the Department of Social Ethics at Harvard for four years before joining the Harvard Law School faculty in 1929. He has served on the Law School faculty continuously since that time.

A Gallery on Professor Jaffe appears on Page 2 of this issue.

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effort to relieve the congestion at ports of entry, the Attorney General has exercised power given to him previously under the Immigration Act to admit temporarily some of the aliens described in the preceding sentence.

Sections 25 through 30 contain amendments to the Nationality Act of 1940 and set up stringent tests to be applied to aliens seeking naturalization.

Finally, at the end of Title I there is a provision making it unlawful to picket in or near the federal courts with the intent of interfering with, obstructing or impeding the administration of justice.

Detention Provisions

The Emergency Detention Act, which is Title II, starts out with findings of fact similar to the findings which precede Title I. By its terms, it comes into effect only when there has been either (1) an invasion of the United States or its possessions, or (2) a declaration of war by Congress, or (3) an insurrection within the United States in aid of a foreign enemy, plus, in each case, a declaration by the President that there exists an internal security emergency.

During such an emergency, the Attorney General has the power to issue a warrant for the apprehension of any person where there is reasonable ground to believe that he probably will engage in or conspire with others to engage in espionage or sabotage. Within forty-eight hours after any person is arrested upon such a warrant, he must be brought before a hearing officer of the Detention Review Board. He must be informed of the grounds for his detention, of his right to retain counsel, of his right to a preliminary examination, and of his right to refrain from making any statement. If the hearing officer decides that there is not probable cause for detention, the person shall be released. If the hearing officer decides that there is probable cause, the person shall continue in custody and may petition for a hearing on the merits of his case before the Detention Review Board.

The Detention Review Board consists of nine persons appointed by the President, not more than five of whom shall be members of the same political party. It may sit in divisions of not less than three for any given hearing. Within forty-five days after a petition for review has been filed, it shall hear and decide

whether the person shall be released or detained, and it may award indemnification if there has been detention without reasonable grounds. The Act prescribes factors which this board must take into account in deciding whether there is reasonable ground for detention. Orders of the Detention Review Board are subject to judicial review in the Federal Court of Appeals for the circuit wherein the petitioner is detained or resides.

Opponents of the Internal Security Act of 1950 can draw strength and support from President Truman's reasoned and temperate message to the Congress accompanying his veto. A copy of this message may be obtained from the Democratic National Committee, Washington, D. C., for the asking. The message points out that, far from aiding the government in controlling subversive activities, this statute will constitute a positive obstruction to the Department of Justice and other security agencies. Its passage was opposed by Mr. J. Edgar Hoover and by other administration officials who have security responsibilities. The President said that many of the provisions were unworkable and that there were serious doubts as to the constitutionality of significant parts of the Act. There is every reason to be on guard against the dangers to constitutional government from Communism and other forms of totalitarianism. But we should not allow ourselves to be stampeded into unwise and impractical restraints of liberty. The mature counsels of those charged with responsibility for internal security should not be unheeded. The Congress should re-examine the Internal Security Act of 1950 at the earliest opportunity and should repeal those provisions to which the President objected in his veto message.

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