

The Harvard Law School Record

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PRICE TEN CENTS

Casner Article Heads Review Contributions

Lead Article Discusses Powers of Appointment In Planning For Estate

Contributions by three members of Harvard Law School faculty are included in the next issue of the *Harvard Law Review* to be published this week.

Professor A. James Casner discusses the role of powers of appointment in estate planning in the leading article. Professor Casner has served as Adviser to the Restatement of Property, Associate Reporter for the section on Class Gifts, and as Reporter for the Uniform Property Act. He examines the questions whether powers of appointment should be created, and if created, whether they should be exercised, emphasizing the need of anticipating recurring tax and perpetuity problems.

Professor Archibald Cox, LL.B. '37, and Mr. Marshall Seidman, LL.B. '50, in an article entitled, *Federalism and Labor Relations*, consider the impact of federal labor legislation on state power to regulate labor relations. Professor Cox joined the Law School faculty in 1945 after serving as law clerk to Judge Learned Hand, with the National Defense Mediation Board and the Department of Labor. Mr. Seidman is with the Division of Law Enforcement of the National Labor Relations Board.

State Jurisdiction

The authors outline the limitations on state jurisdiction to deal with questions of representation, employer unfair labor practices, employee concerted activities, and the terms and enforcements of collective bargaining agreements. They approve of the recent trend in the Supreme Court toward a broader sphere of exclusive federal jurisdiction and contend that the need for state experimentation in the field of labor policy can best be recognized by permitting state regulation of those business activities whose effect on commerce is too slight to warrant federal regulation.

Mr. Theodore F. Stevens' (LL.B. '50) article, *Erie v. Tompkins and the Uniform General Maritime Law*, is based upon a paper which received honorable mention for the Addison Brown prize. Mr. Stevens describes the basis of federal and state jurisdiction in the maritime field, and then discusses the development of the federal law in maritime cases.

Professor Arthur E. Sutherland, Jr., LL.B. '25, a former case editor of the (Continued on page three)

Charity Drive Ends

PBH Combined Charities Drive booths appear today in the halls of Austin and Langdell. These booths represent the last stage of the Law School's Committee's Campaign.

At the booths, the Committee will have available the Bursar's Authorization slips, which permit students to make their pledges now and pay with their February Quarterly bill. Also payment of pledges and other contributions will be accepted.

The Committee announces that over \$2,000 in cash has already been received thus far. About \$1,000 in pledges still remains to be paid. These figures, the Committee reports, represent contributions from only about 400 of the over 1500 Law students.

Job Opportunities In New York Held Brighter This Year

High grades may possibly be a handicap for the future job hunter, Louis Kunin, LL.B. '35, warned tongue in cheek last week during a lecture on *Placement Opportunities* in New York.

Mr. Kunin, director of the School's New York Placement Office, pointed out that grades are not as important as has been thought. He explained that such items as personality, special talents and perseverance each contribute toward getting a satisfactory job.

High grades possibly can be a handicap, he said, when it is considered that most lawyers did not have them in school and may resent those who do.

The 1951 graduating class can be divided into three groups for job purposes, he explained. These three groups will be composed of those who won't have any trouble getting jobs; those who will have a little trouble; and those who will have a lot of trouble.

Honor men and "personable B men" will fall into the first group. The rest of the "B" men and all "C" students fall into the last two groups, he explained.

Both Mr. Kunin and Assistant Dean Louis Toepfer, who also spoke, expressed optimism for the future of the class of 1951.

A split of opinion developed between Mr. Kunin and Dean Toepfer on the questions of Christmas job-hunting and the chances of obtaining a position in New York City government.

Mr. Kunin felt students had nothing to lose by Christmas interviews, while Dean Toepfer thought they had nothing much to gain. Dean Toepfer also suggested that some jobs could be had on merit with the New York District Attorney's office.



RAY SPRIGLE



IRVING H. SAYPOL



LOUIS B. NICHOLS



SHELDON GLUECK

Saypol, Nichols, De Toledano, Sprigle To Discuss Organized Crime Friday

Organized crime in the United States will be discussed from four different points of view this Friday evening at 8, when the Harvard Law School Forum presents the last in this term's series of forums at Rindge Tech High School auditorium.

Irving H. Saypol, U. S. Attorney for the Southern District of New York; Louis B. Nichols, assistant director of the FBI; Ray Sprigle, Pulitzer Prize winning columnist of the *Pittsburgh Post-Gazette*; and Ralph de Toledano, editorial staff member of *Newsweek* will discuss *Crime in the U. S.* Sheldon Glueck, Pound Professor of Law and a noted criminologist, will serve as moderator.

Current Senatorial investigations of organized crime which have revealed wide-spread crime rings throughout the United States have caused general interest and alarm among the public. The two newspapermen with the Federal attorney and FBI agent will discuss the various facets of the problem.

(Continued on page three)

Surrey, Casner Address Institute On Aspects Of Federal Tax Revisions

Last Saturday, before a crowded audience of local members of the Bar and Harvard Law School students at the Hotel Statler, Professors A. James Casner and Stanley S. Surrey spoke to a Federal Tax Institute of New England Forum over which Dean Griswold presided.

The meeting of the Institute, which is a non-profit, educational institution organized to further federal tax knowledge devoted its discussion to the Revenue Act of 1950 and Income Tax Planning for Trusts.

Professor Casner discussed the question of *Income Taxable to the Settlor*, warning about the broadness of the new law, and suggesting possible ways the law may be applied to the Settlor's benefit.

Professor Surrey, who spoke on *Capital Gains Aspect of the Revenue Act of 1950* gave his informative views on "Collapsible" Corporations and Stock Options to Executives of Corporations.

Other speakers included Robert D. Price, Attorney of Worcester, on *Income Taxable to the Trust or the Beneficiary*; Richard F. Barrett, a director of the Institute and Boston attorney, on *Estate Planning under the Revenue Act of 1950*; and E. F. Bogan on *Corporate Aspects of the Revenue Act of 1950*, and Herbert Allen on *Capital Gain and Loss Problems in Connection with the Administration and Termination of Trust*.

(Continued on page three)

Coke v. Holmes Vie Tomorrow In Arguments

Foley, Carr, Sears Hear Trust Taxation Case In Ames Semifinal Contest

Tomorrow evening at 8 p.m. in Langdell Courtroom, the Holmes and Coke Clubs will argue the case of *Celler v. Commissioner of Internal Revenue* in the second semifinal argument in this year's Ames Competition.

Judge James T. Foley of the United States District Court, Albany, New York, will be Chief Justice, and Mr. Melvin Sears, Assistant Chief Counsel, New England Division, Technical Staff, Bureau of Internal Revenue and Mr. Earle W. Carr, LL.B. '30 from Gaston, Snow, Rice and Boyd of Boston will be the Associate Justices.

Coke's third year court represents the petitioner, Celler. Oralists are Daniel H. Margolis (Johns Hopkins '48) of Charlestown, W. Va., and Richard C. Welden (Yale '47) of West Hartford, Conn. Of Counsel on the Brief are Richard K. Brown (Harvard '48) of Bedford, Mass., Robert B. Dudley (Columbia '47) of Cambridge, Mass., Robert J. Ensher (Columbia '48) of New York, N. Y., Marvin N. Geller (Brown '48) of Boston, Mass., James R. Patton, Jr. (North Carolina '48) of W. Durham, N. C., and Howard P. Staley (Pittsburgh '48) of Brackenridge, Pa.

Oralists for the Holmes Club, representing the Commissioner, are Robert P. Bass, Jr. (Harvard '46) of Peterborough, N. H., and Roberts B. Owen, Jr. (Harvard '48) of New York, N. Y. Of Counsel on the Brief include Theodore F. Cro-

(Continued on page four)

Benefits, Qualifications For Teaching Fellow Listed As Openings Announced

A meeting for third year and graduate students who may be interested in applying for teaching fellowships in 1951-52 will be held in Langdell North Middle at 2:10 p.m., Monday, Dec. 11. Dean Griswold will speak briefly on the place of the group work program in the Law School, and Professor David F. Cavers, LL.B. '26, Faculty Supervisor of the program, will describe the work of the teaching fellows and respond to student questions. At the request of the *Record*, Professor Cavers prepared the following comment on the teaching fellowships.

Next Monday's meeting for students interested in teaching fellowships will be the third annual meeting for this purpose since the Law School authorized the group work program in 1948. Still an experiment in legal education, the program itself and the opportunities the fellowships open up are moving from the highly speculative beginning stage to a point where some judgments can be based on experience with the program's operation. In this article, I shall note some facts of interest to students thinking of applying for fellowships and then comment briefly on the program's operation this year.

Number of Openings

To deal with a preliminary question first, I must confess that the number of fellowship positions that will be open for third year and graduate students cannot now be stated exactly. The staff consists of six fellows, but it is hoped that one member of each year's staff will stay on a second year to aid in maintaining the program's continuity. Moreover, the Law School's policy has been to include in the staff some men with experience in practice. Finally, though most of the appointments are expected to go to Harvard Law School men, applications from students and graduates of other law schools will be considered.

A faculty committee under Professor Seavey's chairmanship considers appli-

cants for fellowships and makes recommendations to the faculty. This committee naturally gives considerable weight to an applicant's Law School record, but that is only one of a number of factors it takes into account. Among other considerations are the applicant's experience, his aptitude for teaching, and his understanding of the problems of the first year student.

These factors do not mean that a student should apply for a fellowship only if he intends to enter law teaching. Last year two of the teaching fellows chose to enter practice and one, Donald C. Lubick, is combining practice with teaching at the University of Buffalo Law School. One of last year's fellows actually secured a leave of absence from a large law office in order to serve on our staff, and, when he reported to the office this fall, his year of work at the Law School was reflected in the salary he received.

Future Prospects for Fellows

Of the three other members of last year's staff, two are Assistant Professors of Law, Ray Garrett, Jr. being at New York University and Roger A. Cunningham, at George Washington. The third, F. B. MacKinnon, declined the offer of an attractive teaching post to stay on at Harvard as Thayer Teaching Fellow. Mr. MacKinnon and his five associates have the status of non-voting members of the Law School faculty.

Reports to date strongly reinforce our belief that previous experience as a teaching fellow is of great value to the beginning law teacher. He had observed at close range the problems of communicating legal ideas and the diverse difficulties experienced by the first year student. Moreover, he can gain much from his association with the teachers in the first year course that he is assigned to follow for the program.

(Continued on page four)

NEWS IN BRIEF

STATE AND LOCAL POLITICS

The Democratic Club is sponsoring a discussion of the subject *Should Students Take Part in State and Local Politics?* this afternoon at 4 in Langdell South. Robert Taichert, 3L, president of the Democratic Club and moderator of today's discussion, emphasized the fact that this is to be an open meeting and expressed the hope that students with a variety of opinions would attend.

LEGAL RESEARCH

The Legal Research and Writing Program under the direction of the *Law Review* is again being offered in response to the continued demand of the third year students for legal writing experience. Some 50 men are enrolled and are writing short memoranda of law and notes similar to those found in the *Review*. The Program has now been incorporated into the Law School's third year writing requirement, and the enrolled students are partially satisfying this requirement by work in the Pro-

gram. Two of the students in the Program have prepared Recent Cases which will appear in coming issues of the *Review*.

MICHAELMAS ASSIZES

The annual PBH Law School Committee Christmas semi-formal this year, called the Michaelmas Assizes, will be held in Harkness Commons, Friday, Dec. 15, commencing at 9 P. M. The committee has forbidden corsages this year. Ken Reeves and his orchestra will provide the music from 9 to 12 and setups will be provided. B.Y.O.L.

UNITED SHOE CASE

Dean Erwin Griswold calls the attention of students to the opportunity to witness able attorneys in action before an excellent judge in a big case, *U. S. v. United Shoe Machinery Corp.* The trial is in progress Monday through Friday in Courtroom 6, 15th floor of the Post Office Building in Boston.

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The Harvard Law School Record

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Korean Impacts

With the ominous clouds of total war, and at the very least total mobilization, hanging heavy over our minds and hearts, it becomes increasingly difficult for some of us to comprehend the utility, the value of continuous, vigorous application of our energies to the study of law.

The uncertainty which is most disturbing is not the frustrating prospect of not being able to continue our legal education, or not being able to contemplate entering upon a legal career, but the uncertainty of life itself in a lawless world.

It is this very prospect of existence in a world of international anarchy which should turn all of us with renewed determination to the mechanisms which since the dawn of mankind have been evolving towards the peaceful reconciliation of conflict and dispute.

In reading cases, abstracting and mooting points of legal controversy, there is often times a tendency to overlook that the components involved are real, adverse parties and what is being sought is a human equation. The elements that work for the resolution and adjustment of strife without resort to physical force that constantly appear in the casebook study of law, can and must find broader applications in the councils of nations.

It is especially in times like these that the legal method, mind and process have the most to offer mankind. It is *here and now* that we must rededicate ourselves and make the most of opportunities to develop our faculties for the enormous tasks ahead.

* * * * *

Directory Late

Today marks the debut of the 1950-51 edition of the *Harvard Law School Student Directory* prepared by a three man Board of the Law School Committee of Phillips Brooks House. We compliment the Board for the innovations in this year's Directory. These include a tentative calendar of organizational activities and a listing of the officers of student organizations.

Last year's Directory came out about the middle of November but this year's was delayed even longer. This was primarily due to over 500 additions and changes in telephone numbers and addresses after the fourth week of school. The unusual conditions involved in getting settled in the new dormitories explain these dislocations.

The main purpose of the Directory is to aid students to find out where their friends are located. If this function is to be adequately accomplished, the Directory should be published as near as possible to the beginning of the school term. We realize that this depends on the co-operation of students turning in their addresses as soon as known.

While we realize that accurately compiling such a Directory is a difficult task we wonder why the Law School Committee could not publish future Directories by the middle of October or the first of November. These dates would allow the Committee four to six weeks for preparation after classes start and the earlier issue date would be greatly appreciated by all who use the Directory.

Letters to the Editor

To the Editor of the RECORD:

The Law School administration has already done all it can to get as many squash courts for Law students as possible. More squash courts may well be needed for the University as a whole. But funds for new construction are wanting, since certainly in the Law School, and apparently in the University as a whole, other projects have a justified priority. Whether the existing courts should be kept open in the evening depends on student acceptance of evening exercise hours, and on whether additional revenue could be raised from such use to enable the H.A.A. to afford the additional overtime and other charges that would be involved.

One suggestion advanced in your editorial of November 29, 1950, is to require the College teams, which now use 6 of the 12 Hemenway Courts from 2 p.m. to 6 p.m., to play at odd hours in the evening and early afternoon. This hardly seems fair, when Law School course programs are at least as flexible as to free time as are those of the members of the College teams.

Your other suggestion is to require the College teams to use the Linden Street courts. Here again there are difficulties. In the first place, there are only 4 full size intercollegiate courts at Linden Street. That is why Hemenway Gymnasium was recently rebuilt by the University partly to provide squash facilities for the College teams. We have no right here to require the College teams to use these old and inadequate facilities.

Further, our Law School students do now get a good share at Hemenway of the University squash courts. There are only 26 University squash courts at Hemenway and Linden Street together. These courts must serve the 1187 College freshmen and the 5118 Graduate students in the various Graduate Schools in Cambridge. The House courts were built for the sole use of the three upper classes at the College, and cannot be counted for this purpose.

Our 1522 students constitute less than 25% of the total number of students allowed to use these University courts. Yet even between the hours of 2 p.m. and 6 p.m., when 6 of the 12 Hemenway courts are reserved for the College teams, our remaining 6 courts constitute 30% of the 20 courts then available. Counting all courts available to students during the entire day from 11 a.m. to 6:30 p.m., Law students have at Hemenway more than 38% of the total hours of available use. And we are free to use the 14 Linden Street courts on the same terms as other students can use the Hemenway courts.

LIVINGSTON HALL
Vice Dean

Off the Record

A Lawyer's Complaint

(The following anecdote was told by Professor Freund to his Constitutional Law class.)

Counsel for a party who had lost his appeal before the United States Supreme Court in a prior case, moved for a rehearing. Upon argument, the following dialogue took place between counsel and Mr. Justice Holmes:

COUNSEL: Your Honors, I come before you like John the Baptist, crying, "Repent ye! Repent ye!"

MR. JUSTICE HOLMES: Counsellor, do you happen to remember what happened to John the Baptist?

COUNSEL: Yes, your honor, he was beheaded at the request of a harlot (Salome), but I had no idea that this Court was subject to such influences.

* * * * *

Jurisdictional Problem

The following incident took place at the receptionist's desk in Langdell Hall.

1L: Could you please give me the home addresses of these three men?

Receptionist: Yes. What do you want with them?

1L: They're the judges in my Ames Argument and I want to cite cases in their jurisdictions.

* * * * *

Changing Times

What with student changes, the research for cases in Ames arguments is not the only preoccupation of the first year law students. Not only do they ask advice about cases, but some are heard to remark, "What does one wear to an Ames argument?"

* * * * *

Limericks Based on Famous Cases II

Watteau v. Fenwick

The manager of an inn, named Humble,
Caused his boss, Mr. Fenwick, to grumble,
He bought Bovril and ale
And cigars by the pail,
Causing Fenwick's small profits to crumble.

S. L. G.

Gallery

LOUIS ADELBERT TOEPFER
Assistant Dean



One of the busiest men at the Harvard Law School, Assistant Dean, Director of Admissions, and Secretary of the Placement Office, Louis A. Toepfer counsels 20 students a day, spends hours each day on the phone, and receives carloads of mail from prospective law students.

It is a most important accomplishment to have students, worrying about what to do next year when they're graduates, leave his pine-paneled office with a feeling of encouragement and the confidence that every lawyer should have; but this is no easy task, since the majority of law students at Harvard believe it is extremely difficult to obtain work after graduation—a fallacy which Mr. Toepfer is striving to eliminate.

The dean counsels, "Three factors, all dependent on the man himself, will land him a job; character, intelligence in going about the task of obtaining work, and perseverance. Without the last, no one can succeed, but it is a combination of the three that brings the reward we are all seeking."

Drifted Into Law

Dean Toepfer was born in Sheboygan, Wisconsin, in 1919, and received his A.B. from Beloit College in 1940. He entered Harvard Law School because he "never planned on doing anything else. It was expected of me. You can call it 'calculated drift.'" His studies were interrupted in 1942 when he entered the United States Navy, where for more than three years, "I really enjoyed myself. It did me a world of good." The same year, he was married to Miss Alice Willy.

In 1946, Lieutenant Toepfer returned to law school, a veteran of the Pacific War and the recipient of 11 battle stars. President of Chancery in his senior year, he graduated "with average grades." The one outstanding remembrance of his last year is that it was the last time a man was graduated with an 80 average (shades of Brandeis!).

Upon his graduation Dean Toepfer was selected to head the new placement bureau.

"Blackacre" Forever

Today with his wife and three young sons, Dean Toepfer lives in Natick on eight acres of "grassy farm land and rolling hills covered with pine trees and an assortment of animals." This estate is called "Blackacre"—a strange name indeed.

Blackacre with its joys, tasks, and duties is one of his two main extra-curricular activities, the other being mechanical dabbling as witnessed by his interest in cars. Older students will remember his Rolls-Royce—"I had to go without lunches to pay for the gasoline,"—and today he can be seen driving the Ford touring car which adorns the faculty parking lot by day and speeds him home to Blackacre at night.

In Natick, where he has lived a relatively short time, Dean Toepfer is president of the Chamber of Commerce and a member of the town finance committee, "for which I am very proud, since it is composed mainly of residents living in town 20 years or more. I guess you could call me the carpetbagger in the group."

In the spring, when college students' fancies turn to thoughts of law school Mr. Toepfer is responsible for the 500 or more men and women who enter Harvard Law School. "All applicants are given prompt attention, since it is of such great importance to each one." This requires no little time and effort on his part.

Counseling Important Job

The fall and winter are the times when Dean Toepfer believes his most important job is going on: the guidance and counseling of third year students. It is his desire to "straighten out their thinking regarding the transition from student to lawyer. Too many third year men worry about a job before they are graduated. It is after school is over in June that they should keep in touch with the placement office to get jobs. Remember, employers are interested in law graduates, not law students; and the placement service exists for all alumni who wish a change of

Sub Judice

ROLLING IN THE SIDEWALKS

The City of Portland, Ore., enacted the following ordinance: "Between the hours of 1 and 5 a.m., Pacific Standard time, it shall be unlawful for any person to roam or be upon any street, alley or public place without having and disclosing a lawful purpose." Mr. and Mrs. Goodwin were convicted under the ordinance and fined \$25. On appeal to the circuit court the conviction was reversed on the ground that the statute was in violation of the 14th Amendment. The following quote is an indication of the ground on which the circuit court based its holding: "To whom must he disclose such a purpose? And once he discloses his purpose, who is to judge whether it is lawful or unlawful? The questions themselves suggest the answers. He must disclose his purpose to the person or persons accosting and detaining him, the police. And it is the police that, at the time, determine whether or not such disclosed purpose is lawful or unlawful. If they determine it is lawful, the person is permitted to go his way; if they determine it is unlawful, he is arrested and taken to jail." From the judgment of the circuit court, the City of Portland appealed.

Held, on appeal. Circuit court reversed, conviction sustained.

"We are unable to conceive of a sane person roaming or being upon the street late at night without some purpose though it may be only for the purpose of going to or from his home or walking in the fresh air. If we are to assume that one could go on the street at night having no purpose at all, we are inclined to believe that it would be within the police power to regulate his conduct for his own protection, but we will not pass upon the question until some purposeless person raises it. We take it that if a person has any purpose at all in going upon the street at night, it must be either a lawful or an unlawful one. The words 'without having . . . a lawful purpose' are the exact equivalent of the words 'having an unlawful purpose' . . ."

"The construction suggested [by the lower court] is untenable. The duty imposed upon a police officer under the ordinance is a difficult one. If he arrests one having and disclosing a lawful purpose, he is guilty of a wrongful arrest. In cases of this kind the ultimate issues tried by the court in determining the guilt or innocence of the arresting person are identical to the issues which determine whether or not the arrest was lawful, because an officer has no right to arrest without a warrant unless an offense is committed in his presence. The policeman does not determine the issue of guilt or innocence in cases of this kind any more than he does in arresting a person for any other offense alleged to have been committed in his presence. . . ."

" . . . That crimes of lust and violence are generally committed under the cloak of darkness is judicially known. We find the ordinance bears a reasonable relation to the evil at which it is directed. It need hardly be said that it is the duty of police to act only in cases within the clear intent of the ordinance and of the municipal court to restrain, and if necessary to punish any abuse." *City of Portland v. Goodwin*, 210 P.2d 577 (Oct., 1949).

WHRB WEEKLY SCHEDULE

550 on the Dial from 2 p.m.—1 a.m.

Highlights of the Week

Today—9:30—Jazz—Crimson Stompers.
Fri.—9:30—Author, Book, and Critic—Thornton Wilder and Archibald MacLeish.
Tues.—9:30—Recital Hall—James Bole, Peter Westegard, Donald Sandburg, playing compositions of Mr. Bole.

Daily Features

7:00—Ivory Tower—Larry Eanet plays live cocktail piano music from Studio B.
8:05—Concertmaster—55-minute program of classical music.

News and Sports

5:00—World News Roundup.
5:05—Sportlite—Local and national sports news of interest.
8:00—N. Y. Times News—News wired directly from the N. Y. Times.
12:00—Crimson News—News supplied by the Harvard Crimson.

scenery as well as for recent graduates and for firms seeking men."

If anyone who graduates really wants to work, he must, as Dean Toepfer says, "persevere and see all the prospective employers he can. There isn't a Harvard Law School graduate who can't be a success."

A. I.

No Mass Neurosis Seen By Speakers

In discussing *Psychiatry in Neurotic America* Dr. Karen Horney told the Harvard Law School Forum last Friday night, "the real meaning of life is man's natural drive to grow. The essential harm of neurotic developments is the interference with the natural development of the personality."

Continuing, she said that modern man looks to psychiatry as primitive man looked to the medicine man for a cure-all for the problems of growth. "Psychiatry's main contribution is the adding to the understanding of human relations in healthy and neurotic development."

Dr. George E. Gardner, director of the Judge Baker Child Guidance Center, labelled neuroticism "disability." He said that he did not feel that the American people were too disabled, but warned that the need for psychotherapy is great for large numbers. He called for a closer alliance of the traditional fields of mental help and the other social discipline groups.

The Rev. Robert C. Leslie, chaplain of the Boston State Hospital, described the work of the church as a means of preventing mental health breakdown and held that mature religions can offer the individual the necessary preventives of mental health distress. He called for a greater working together of the clergy with the agencies of psychiatry.

Prof. Gordon Allport, head of the department of Psychology, Harvard, observed that the personality is being exposed to a great many stresses in the modern age. But the rise of permissive growth in the democratic atmosphere has tended to balance the conflicts in which the individual develops and thus prevents mass neuroticism, he stated.

All the speakers agreed that there was a definite need for psychiatry.

FORUM—(Continued)

Louis B. Nichols has been assistant director of the FBI since 1935. He entered the FBI shortly after graduation from George Washington Law School in 1934.

Saypol, who was recently in the headlines for his successful prosecution of two persons accused of being Communist agents, is the U. S. Attorney for the Southern District, New York, a post he has held since 1949. Prior to joining the attorney's office in 1945 he had been a successful practitioner of law in New York City. He launched the prosecution of Serge Rubenstein for Selective Service fraud and secured a conviction.

Ray Sprigle is best known for his series *I Was a Negro in the South for 30 Days*, which was featured in the *Post-Gazette* in the late summer of 1948. The Pulitzer Prize winner has been a reporter for 43 years.

Author of *Seeds of Treason*, Ralph de Toledano wrote the account of the Whitaker Chambers-Alger Hiss relationship which has caused wide-spread interest. A *Newsweek* magazine editorial staffer, he has covered many different fields of reporting.

Jerry Geisler To Speak On Techniques of Trial At Law Forum, Monday

Jerry Geisler, noted California attorney, will be presented by the Harvard Law School Forum next Monday evening at 8 in the Langdell Courtroom. His topic will be *Trial Observations from the Defense Table*.

Geisler has become famous for his courtroom handling of divorce and crime cases. He is a graduate of the University of Southern California Law School, and in his early practice he was associated with Earl Rogers, sometimes termed the "Clarence Darrow of the West." Geisler did work with Darrow on the famous MacNamara case.

It is expected that his talk will offer insight into trial techniques and the method of cross-examination, along with some recounting of his personal experiences with well-publicized actions.

Law School Fund Urges Annual Gifts By Alumni To Provide Improvements

A program calling for annual donations from alumni, conducted by the National Committee of the Harvard Law School Fund, will start this week, according to Assistant Dean Wesley Bevins, Director of the Fund.

In a pamphlet mailed out this week, alumni throughout the country are being urged to support the continuing program of improvement at the Law School by contributing on an annual basis rather than on a capital basis as heretofore. It was felt by the Law School Association, which is sponsoring the drive, that annual giving would give all alumni an opportunity to help the School in improving its work. It is hoped that annual giving will bring \$200,000 of unrestricted additional funds to the School. Dean Bevins stated that this would be the equivalent of approximately \$5,000,000 in endowments.

The pamphlet points out that the School has a definite program of improvement for which extra funds are necessary. This program includes maintaining the Teaching Fellow program; increasing scholarship aid; establishing a practical research center; and reducing the present deficit on the new dormitories. These projects cannot be paid for out of revenue from existing sources. Tuition and endowment income is all needed to provide for present operations. Only by additional unrestricted income can these projects be made possible.

NEWS BRIEFS—(Continued)

DORMITORY ROOMS

The dormitory office wishes to remind any men who may want to move out of the dormitories for military, marital, or other reasons, to notify the office as far in advance of their leaving as possible. This will help both those who leave, by giving the office more time to find a replacement, and the office, in aiding others in getting into the dormitories.

ST. THOMAS MORE SOCIETY

Rev. James Burke, S.J., head of the Department of Government at Boston College will speak on *Religious Liberty* following the monthly Communion Breakfast of the St. Thomas More Society in the Wheeler Room in Holmes Hall after 9 a.m. Mass this Sunday.

REPUBLICAN ELECTION

Bernard Sachar, 3L (C.C.N.Y. '48), is the new chairman of the Law School Republicans. Other officers are Robert Doane, 3L (Amherst '48), vice-chairman; and Charlotte Horwood, 1L (Radcliffe '49), secretary. Along with these students, the Planning Committee includes Tim Howes, 2L, and Richard Poulos, 3L (Bowdoin '48).

BOARD REPLACEMENT

The Board of Student Advisers announces that Harry H. Wellington, 2L (Penn. '47) of New Haven, Conn., is now a member of the Board, replacing J. Asa Rountree, 2L (Alabama '48) of Montgomery, Ala., who has been called into service. Mr. Wellington was formerly a member of the Legal Aid Society.

LAW WIVES HEAR MORRIS

Professor J. H. C. Morris, Visiting Professor of Law, will speak at the regular meeting of the Harvard Law Wives this evening at 8 in the Wheeler Room of Holmes Hall. His subject will be the *Law of Divorce*.

GLUECK ELECTED

The International Society of Criminology, at its meeting in Paris on Nov. 18 and 19, elected Sheldon Glueck, recently appointed Roscoe Pound Professor of Law, as one of its four vice-presidents. These vice-presidents represent Argentina, Switzerland and Austria, as well as the United States.

LAW REVIEW—(Continued)

Review, joined the Law School faculty this year, moving here from Cornell. In a Comment, *Due Process and Cruel Punishment*, he gives special attention to the problems raised by escaped fugitives from Georgia chain gangs.

In a Comment on Japanese Law, Mr. Howard Meyers, LL.B. '40, former chief of the Criminal Affairs Branch, Government and Legal Section, SCAP, describes the Japanese Inquest of Prosecution whose closest American counterpart is the grand jury.

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Alumni Notes

LL.B. '29—L. L. (Tex) Colbert was elected president recently of the Chrysler Corporation.

LL.B. '31—Charles Merrill, in the recent elections, has been elected a Justice of the Nevada State Supreme Court.

LL.B. '34—Whitman Knapp, former head of the Appeals Bureau in the Office of the District Attorney of New York County, has now become a partner in the law firm of Hatch, Root & Barrett, of New York City.

LL.B. '35—Joseph L. Frasca, associate professor of Business Law at the University of Colorado, announces the recent publication of his book, *C.P.A., Law Review*.

LL.B. '36—Francis Shackelford, has been appointed legal counsellor for the U. S. Army.

LL.B. '40—Maurice Sapienza, formerly of the Attorney-General's office, has been appointed as a Judge of the Third Circuit Court of Appeals, Territory of Hawaii.

LL.B. '44 ('47)—Sander L. Johnson, former Assistant U. S. Attorney for Southern District of California, has become a member of the firm of Hibbard and Kleindienst of Los Angeles, Calif.

LL.B. '44 ('48)—Edward Boomie Mikrut, was appointed Michigan State Assistant Attorney General, and is attached to the Department of Revenue, handling tax appeal cases and inheritance cases.

LL.B. '48—George Bearcovitch, has changed his name to George C. Berk. In the recent election he ran for state representative from the 22nd Representative District in Providence, R. I.

LL.B. '48—Richard Wincor, former staff member of the RECORD, offers in his recent book, *How to Secure Copyright*, number 21 in the Legal Almanac Series, valuable and sound advice to future authors, artists and composers. The book presents a brief historical development of the common law of copyright, followed by discussion of what is included in the public domain, and therefore is not eligible for copyrighting.

LL.B. '49—Cliff Young, another young politician, has been recently elected Public Administrator for Washoe County, Nev.

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The Fall Review, preparing candidates for the December, 1950 Massachusetts Bar Examination began September 18, 1950 and will end December 21, 1950. Classes are held Monday, Wednesday and Thursday evenings from 6 P. M. to 9 P. M.

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Calendar

UNIVERSITY WORLD Shakespeare Lecture

William Shakespeare, *Man of the Theatre* is the title of a lecture to be given by Professor G. E. Bentley of Princeton University under the auspices of the Harvard University Department of English. The lecture will be given tomorrow at 4 p.m. in the Alumnae Lecture Room, Longfellow Hall, Radcliffe College.

OUTSIDE WORLD Lowell Institute

The Lowell Institute Cooperative Broadcasting Council is sponsoring a series of interesting radio discussions this week among which are: *China, A Problem for the U.N.*, speakers, O. Edmund Clubb, Chief, Office of Chinese Affairs, United States State Department; Dean Robert B. Stewart and Allan B. Cole, Fletcher School of Law and Diplomacy; Conrad Grant, 5G. This program will be heard over WBZ-FM at 7 p.m. this Friday. At 10 p.m. on Friday, a discussion entitled *America at the Crossroads* (What is the Nature of the Present Crisis?) will be heard over WEEL. Discussing the problem will be Professors John K. Fairbanks and William Y. Elliott and Dr. Benjamin Schwartz of Harvard; the Rev. Thomas J. Fleming, S.J., Boston College; Professor Donald Born, Boston University.

Lerner Speaks

Max Lerner, Professor of American Civilization and Institutions at Brandeis University, will deliver a lecture entitled *Ideas About the Ice Age: Projection of Current Idea Systems into the Future*, at 8:15 p.m., tomorrow, under the auspices of the Institute of Adult Education, Brandeis University.

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AMES ORALISTS MEET



From left to right: Richard C. Welden and Daniel H. Margolis of Coke Club; Roberts B. Owen, Jr. and Robert P. Bass, Jr. of Holmes Club.

AMES—(Continued)

lius (Princeton '46) of South Orange, N. J., Charles T. Matthews (Princeton '47) of Huntington Station, N. Y., William H. Pratt (Harvard '48) of New York, N. Y., George Rublee II (Harvard '48) of Allentown, Pa., and Robert E. Schneider, Jr. (Harvard '48) of Hopewell, N. J.

The petitioner is asking the Federal Court of Appeals to decide the federal income tax consequences of an irrevocable trust which he created. The petitioner who is in the gravel extracting and crushing business as a single proprietor, transferred some gravel-bearing land to his lawyer in trust for the sole benefit of the petitioner's six-year-old son and only child. Two days after the trust was created, the trustee leased the land back to the settler on a royalty and rental basis.

During the tax year in question, the petitioner paid to the trustee, according to the lease, \$31,000 in royalties. On his tax return, which was on a cash basis, he deducted this amount as business expense. The Commissioner disallowed this deduction, asserting that this was a scheme to assign income to the child which was really earned by the petitioner.

GROUP WORK—(Continued)

The main goal of the group work program has been to help the first year man to do his job better and thus to lay a firmer foundation for the difficult demands of the School's new second and third year programs. In pursuing this objective, the program seeks to do two things: first, to give the student a better understanding of the way in which the law is used by the lawyer in meeting the demands of professional work, and, second, to give to every student greater opportunity to test his own ability to use law in the solution of problems.

The student who, for example, grapples in the group meeting with the question of what advice to give Selectronics, Inc., when Cyclops Television denies that their correspondence obligated it to buy television parts is likely to benefit in two ways. First, he gets a chance to check his grasp of offer and acceptance and mitigation of damages rules. Second and more important, he may gain some insight into that combination of analysis and judgment that the lawyer in practice—and the law student in examinations—is called on to use when faced by a new, concrete set of facts. One such problem may not enlarge the

student's understanding significantly, but the effect of a succession is cumulative.

This approach to our objective may seem too indirect to the student who would prefer that group meetings be devoted to straightening out problems raised in the classroom rather than dealing with new ones. I suspect, however, that the number of students who think they need such spoon feeding is greatest about Oct. 15th and dwindles steadily through the year. On the other hand, some of the students in this category probably join the ranks of those who would like the teaching fellows to reveal the true method of studying law.

No Sure-Fire Way

The belief in sure-fire "techniques" for reading cases, reviewing courses, and answering examination questions dies hard, if ever. Actually, there are many ways to do these things, and each student has to work out the one best adapted to his own intellect and temperament in the light of what the various courses demand. However, there are some common-sense ideas concerning law study that every student should come to understand, and, through the group meetings and in individual consultations, especially after the mid-year practice examination, the teaching fellows get opportunities to discuss these and to clear up misunderstandings. The effects of this guidance seemed to show up in the first year finals last spring. There were distinctly fewer papers whose authors didn't seem to "know what it's all about."

It is hard to gauge how effectively a program of this type is functioning, but one index is the extent and caliber of student participation in the group discussions. In attending group meetings, I often make a practice of counting the number of times students enter the discussion. On two or three occasions, this year and last, I have noted more than eighty such participations in a single meeting. Usually only one or two men in a group fail to speak up, sometimes none.

Incidentally, in responding to our questionnaire last spring, a number of

students complained of "the self-appointed Holmeses" and "would-be Brandeises" who tried to absorb an undue share of the group discussion. This year I think these characters have been much less in evidence. The first year teachers who have been attending group meetings of late have commented favorably on the level of discussion.

Suggestions Followed

Student suggestions obtained through last year's questionnaire have been of real benefit in planning this year's program. For example, the Buchman case has been jettisoned as too difficult, and, though questions of relevance are still raised, few, if any, "logical ladders" have been constructed. The target for the first drafting problem will be simplified to allow more attention to be focussed on the language used. However, despite these and other changes in the same direction, the staff feels that some of this year's projects have forced discussion to proceed at a pace somewhat faster than the optimum.

Interest in group work has been growing in other law schools, along with the development of student writing programs in schools which, unlike Harvard, have no law club arguments to afford students practice in research and brief-writing. At the Chicago meeting of the Association of American Law Schools later this month, one of the round tables will be given over entirely to a program conducted by the teaching fellows and "associates" engaged in law teaching at Association schools.

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