

The Harvard Law School Record

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Nobel Commission Nominates Hudson For Peace Award

Manley O. Hudson, Bemis Professor of International Law, was one of 28 nominated last week as a candidate for the 1951 Nobel Peace Prize. His name will be sent to the elections committee in Oslo, Norway. Among those also nominated were Robert M. Hutchins who spoke here two weeks ago, Justice Robert H. Jackson, and Dr. Charles Cheney Hyde who appears in the Gallery on page 2.



PROF. MANLEY O. HUDSON

Professor Hudson was nominated on the basis of his lifelong work in the field of international law and peace-building. For ten years he was a Judge of the Permanent Court of International Justice at the Hague, a post he left in 1946, and is now serving a three-year term as U. S. representative on the fifteen-man International Law Commission of the United Nations.

As early as 1918, when Judge Hudson was teaching law at the University of Missouri, he began actively to work for the cause of world peace. In that year he was appointed to the American Commission to Negotiate Peace, going to Paris to work with that group and numerous other international committees, including the Commission on the Protection of Minorities.

The following year, he came to Harvard as Professor of Law, and in 1929 he was appointed Bemis Professor.

Mr. Dusty Tome Solves Math Problem In Examination For Navy Commission

Dusty Tome, 3L, Takes His Math Exam for a Navy Commission

Question 14: If John can do a job in 35 days working 7 hours per day, how long will it take Henry to do the same job if he works 5 hours per day?

Answer: That depends.

1. The first problem is whether Henry is an employee covered by the Fair Labor Standards Act, so that the statutory one hour rest period is to be included in the "5 hours per day" which he works. This is a problem of legislative intent, and we must consider the policy of the Act. It may be superfluous to note that Ames is not bound by decisions of the NLRB.

2. It does not appear from the facts whether Henry is precluded from using mechanical aids, which naturally would affect the answer. This involves the interpretation of the word "do" and is for the jury. Since "do" is an ambiguous term (See: Baker, *Footnotes on the Use of "Do" in Stock Transfers*), the parol evidence rule would not bar Henry from introducing oral evidence to show that use of a Jim-Dandy Reaper was within the intent of the parties. Texas has a different rule.

3. There is a serious question as to the standard of work that Henry will be measured against. Is he working at the rate of a (sic) reasonable man, or may we consider his peculiar passions, rages, hates, strength, family traits, etc.? If Henry is a Brooklyn boy, shall we make him know that green hay will ignite?

Mixer Dance

Attempting to meet the complaints that previous Mixer Dances were far too overcrowded the Law School committee of PBH will sponsor a Mixer Saturday afternoon, March 3, from 2 to 4:30 p.m. in Harkness Commons which will be strictly limited to 150 men. The committee is inviting 100 girls from Radcliffe, Simmons and Wellesley. Tickets will be put on sale this morning in Austin and Langdell Halls on a first come, first served basis. Each man who purchases a ticket will be asked to sign his name. When 150 names are accumulated along with 150 sold tickets, the sale will close. There will be absolutely no door sales. Price of the tickets is forty cents. PBH activities cards will not be honored at this dance.

Chapman To Speak On New Billy Budd

Budding forth into a new medium the Coffee Hour committee will present Mr. Robert Chapman, Instructor in English in Harvard College, who will speak on *Billy Budd: Genius and Fruition*, today at 1:30 in Harkness Lounge.

Mr. Chapman is co-author of the new play "Billy Budd" which has recently opened in New York to critical acclaim. The play is an adaptation of the novel by Herman Melville.

Professor Edwin O. Reischauer of Harvard's Far Eastern Department spoke at the third Coffee Hour, last Wednesday, on *The Political Aspects of the Korean Situation*.

Professor Reischauer emphasized that the Korean people feel quite strongly about the unity of their nation, pointing out that they have been one nation for more than 1,000 years.

Koreans have no conception of totalitarianism as opposed to democracy, Reischauer continued, and no strong positive liking for democracy. After the U. N. forces retreated last summer, many South Koreans saw what a totalitarian government was like, and many, he said, have presumably developed a strong dislike for such a government. It is, however, a preference for democracy only in the sense that they have a greater abhorrence of its alternative.

No Rent Rise Due Till Costs Of Year Definite, Dean Bevins Announces

No final statement with regard to a rent increase in the Law School dormitories can be made at the present time, Assistant Dean Bevins stated yesterday to the RECORD.

The Law School dormitories are operated on a separate budget, he indicated, and are not affected by the recent announcement of rent rises in the College dormitories. Lack of experience in the running costs of the new Graduate Center make any statement at the present time premature. The School must await "the complete figures for the first six months operation" before "a new operating budget" can be projected.

When questioned about the board increase, Dean Bevins indicated it will go into effect as soon as word is received from Washington on the status of the University under the new price freeze regulation. It is expected that the University will not be subject to the regulations. Harkness is run in conjunction with the other University dining halls and is under University control.

The text of Dean Bevins' statement on room rents follows:

"This year's rental schedules were set on the basis of a budget projected dur-

(Continued on page three)

Discuss Political Realignment At Forum Program On Friday

Senator Langer, Reps. Powell, Javits To View Rift In Republican, Democratic Parties

The Harvard Law School Forum shifts its focus from the foreign to the domestic scene this Friday with a program on *The Re-alignment of Political Parties* at 8 p.m. in Rindge Tech High School, Cambridge. Sen. William Langer (Rep., N. D.), and representatives A. Clayton Powell (Dem., N. Y.) and Jacob K. Javits (Dem., N. Y.) will take part along with a possible fourth speaker to be announced this week. Professor Paul Freund will be the moderator.



REP. JACOB K. JAVITS

With schism the most prominent feature of contemporary American political life, the third Forum audience of the spring series may expect a discussion of the implications of the Democratic Party split on civil rights, the Republican breach on foreign policy, and memories of the maverick Progressive campaign of 1948.

North Dakota's elder statesman, Sen. Langer has been in the Senate since 1940 and twice served as governor of his native state. He has been an ardent supporter of progressive Republicanism, and was a member of the campaign committee for Robert M. LaFollette each time he was a candidate for the Presidency.

Rep. Javits has represented New York City's Twenty-first Congressional District in north-west Manhattan since his 1946 election to the Eightieth Congress on the tickets of both the Republican and Liberal parties. With his election to the Seventy-ninth Congress in 1944, Rep. Powell, also from Manhattan, became the first Negro representative to be elected from the East.

Now in his third term as a representative, Powell was active in Harlem relief work during the depression, campaigned energetically for jobs for Negroes, and is co-founder of the National Negro Congress. In 1941 he became the first Negro councilman to be selected in New York City. He is an ordained minister of the Abyssinian Baptist Church and received an L.L.D. from Virginia Union University four years ago.

Born on the lower east side of Manhattan, Javits graduated from New York University Law School in 1926 and became a partner in the New York firm of Javits and Javits the following year. During World War II, he served with the Chemical Warfare Service in both the European and Pacific theaters.

Prof. Emerson Airls Civil Liberty Laws

Professor Thomas I. Emerson of Yale Law School delivered the first of a series of addresses sponsored by the National Lawyers Guild in Langdell South Middle at 4 p.m. last Friday. Speaking on "The Present Status of the Civil Liberties Statutes," the President of the National Lawyers Guild analyzed the background and effectiveness of these instruments of Federal power.

Sections 241 and 242 of the Federal Criminal Code, which have become known as the "Civil Liberties Statutes," were originally enacted along with Amendments 13, 14 and 15 to the Federal Constitution. They were part of a sweeping campaign to guarantee the status of free men to the recently liberated negro, Professor Emerson said, but the success of the program was seriously impaired by the Supreme Court which held that the 14th Amendment only applied to those individuals acting under "color of law."

The speaker pointed out, however, that the resurgence of interest in civil liberties in the "New Deal Era" and down to the present demonstrated quite conclusively that effective use could be made of these statutes. But the Civil Rights Division of the Department of Justice, dependent as it is on the Federal Bureau of Investigation and the Attorney General's Office has averaged barely 20 prosecutions per year, he said, and is hardly effective.

Boston Bar Reference Service Set Up Despite Many Months Of Difficulties

This article was written specially for the RECORD by Charles O. Porter, LL.B. '44 ('47), first president of the RECORD, former clerk to Judge William Healey of the Court of Appeals for the Ninth Circuit, and member of the Lawyer Reference Service Committee.

"I want to consult a lawyer who will charge me no more than five dollars for a half hour of his time."

In the first two weeks of the operation of the Boston Bar Association's Lawyer Reference Service, more than one hundred persons presented themselves at the Association's office at 21 School Street with that thought in mind.

Forty-four of them were referred to lawyers on the Reference panel. The others had their problems solved in other

ago. Chicago has had a splendid Service for eleven years. New York's is five years old. All these, however, eschew publicity, although a ruling of the American Bar Association's Ethics Committee says it is all right, provided that membership on the panel of lawyers is open to all lawyers. We believe this must mean to include any bar association which any reputable lawyer can join.

Planting the Seed

If it is so useful, so simple and so well tried, you may well ask how does it happen that Boston was so long in adopting the Plan? And how, on the other hand, did it come about that she not only established the Service but leaped out ahead of New York and Chicago to publicize the Service widely?

Ordinarily, as an Oregonian and the possessor of an average amount of discretion, I wouldn't attempt to explain any event in Boston. This, however, is different. My boss, Reginald Heber Smith, LL.B. '14, was, so to speak, the Chief Gardener in the growing of a Lawyer Reference Service in Boston—and I sat on a fence nearby during the plowing, the planting and the nurturing.

Lowell Nicholson, now Dean of the Northeastern Law School, tried unsuccessfully to plant the seed in 1943 when he was Executive Secretary of the Boston Bar Association. It bothered him to have to tell persons in trouble that the Bar Association wasn't permitted to refer them to lawyers.

Mr. Smith, Managing Partner of Hale and Dorr, a Boston law firm, was for

(Continued on page four)



CHARLES O. PORTER

ways, that is, by advice on the spot, by referral to Legal Aid or a social agency, by being returned to lawyers they already knew, etc.

The law business referred out, declared William A. Parks, Executive Secretary of the Association and in charge of the Reference Service, was "substantial." People in trouble were sent to lawyers who could help them.

Sounds almost inevitable, does it not? A person who needs a lawyer and doesn't know one to consult, quite naturally and properly turns to a bar association for help. But until the Service was set up, the Association was obliged to turn him away. This is still the rule in many cities.

Boston is about the sixtieth city to establish a Lawyer Reference Service but except for Philadelphia and to some extent Los Angeles, she is the only big city to publicize the Service vigorously.

The Reference idea isn't brand new. Los Angeles was first—fourteen years

Richard Tottell's Books Treasure Room Display

Richard Tottell, the outstanding publisher of the yearbooks during the sixteenth century, is the subject of the present exhibition in the Treasure Room. Among his many accomplishments stands the first printing of Bracton's *De Legibus*, which until Tottell's time, was available only in manuscript form.

In the 16th century, Mr. Tottell was a citizen of London who set up business as a stationer and printer in the reign of Edward VI. From 1553 until his death forty-one years later, he occupied a house and shop known as The Hand and Star on Fleet Street within Temple Bar. On April 12, 1553, he was granted a patent to print for seven years all "duly authorized books on common law."

The Harvard Law School Record

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Hold That Line!

The recent action of the University, in seeking to raise board and rental rates, is hardly in keeping with the present efforts of the government to halt inflation. University Vice-President Reynolds, in an attempt to raise food prices one dollar per week, has requested a special ruling that Harvard University is not covered by the present price freeze regulations.

We think it highly significant to note that in the past three years there have already been three food rate increases by the University making the current charge about 25% higher than that existing in 1948. The Bureau of Labor Statistics indicates that current food prices are only about 8% higher than at the outbreak of the Korean War and are actually about equal to the 1948 level. In addition, Harkness Commons is not now operating at a loss. Until a far more pressing explanation is forthcoming, the University's proposal must be considered unnecessary and inflationary.

Coffee-Time

Measured by the large attendance, the success of the weekly Coffee Hours is assured and what was originally an experiment is fast on its way to becoming a permanent feature. Considerable credit for getting the idea started belongs to a committee of law students who witnessed the success of the plan at Brown University, and to the Administration and the Law Wives for their cooperation. With free time at a premium, law students can find no more profitable and broadening use of thirty minutes at lunchtime once a week than to listen to various speakers discuss diversified non-legal topics. We are, thus, given a chance to hear professors from other branches of the University, outstanding leaders of contemporary thought.

Letters to the Editor

To the Editor of the RECORD:

I was deeply interested in your editorial "Time for Re-examination," in the most recent issue of the Record. I remember reading an article on the point in a recent issue of the American Bar Journal, and a similar one, I believe, in the Journal of the American Judicature Society.

I have been a practicing attorney for some twenty-odd years, have been on the panel of the Bar Examiners for the State of Arkansas, and for the past twelve years a lecturer in the School of Law at the University of Arkansas. It seems to me, and this is just one man's viewpoint, that the major fault lies in the Law School itself. Most of the law teachers I have known, have had no practical experience in the practice, and spend most or all of their time, teaching the theory of the law — either what it is or should be — so that the student who gets out of school ordinarily has no concept of the practical application of his theory to the everyday workings of the practice. Most of the examiners I have known are skillful practitioners, and frame their questions toward that end. And I really think that is right, for if your young lawyer is going

to contribute his part in the practice, he is going to be bound by the rules, cases and precedents before him, whether he likes them or not.

The statement that the results of the examinations inevitably lead to the possible inference that the bar examiners deliberately flunk a certain portion of those taking the examinations, should be beneath the dignity of a Harvard Law School man.

ULYS A. LOVELL, LL.B. '25

To the Editor of the RECORD:

One quality which makes man great is taking paths of least resistance almost as invariably as electric currents. The nation is fortunate in having as future leaders an increasing number who avoid any road beset with difficult challenges. Proof of this expectancy is easily demonstrated by counting the large number who in their infinite wisdom withdrew from Ames Competition. This will better prepare them for achieving their ultimate aim — hiking their standing in the class a few notches.

The faculty's chicanery and advanced students' lies in proclaiming Ames valuable did not long deceive the more intelligent students. They soon intuited the undeniable truth — arguing before judges and writing briefs could scarcely be of use to prospective lawyers. It would be more profitable to review the old forms of action. If they ever appeared in court, such abilities would come as naturally as the skills of brain surgeons. With examinations in a few days no need to trouble about that now.

Partners and other members of the club would be delighted to take up slack. Cases did not tie in with current work; the Board should have arranged it better. Inducing breach of contract had not even been discussed. It would take too much time to tackle all alone. And the draft was about to blow away nearly everyone. Let stupidoes work on Ames if they felt hypocritical loyalty to clubs or to advisers, who amused themselves by showing off presumptuously in brief seances. But let the gullible student know that come June and he was ranked 445th instead of 443rd, his stupidity in continuing Ames would be the proximate cause for his ruined legal career. If he felt pride in what he termed "not taking advantage of classmates," he should realize this feeling of integrity, objectively viewed, was only illusory vanity. Ethics had no more connection with law than with religion; or if it did, lawyers, because of superior intellects, were exempt.

No, with such idealism and logic no one can doubt America's leaders will persist in being of the highest calibre.

FULL TIME STUDENT, 1L
(Name withheld by request.)

Off the Record

LIGHTS OUT

THE RECORD's irregular count of the lighting situation in the tunnel between Langdell and Austin reveals the following:

Wednesday: every other light off.

Thursday: all the lights off.

Friday, Saturday, Sunday, Monday: all on.

Keep up the good work!

Professor Casner was having difficulty explaining covenants running with the land to his first year class. Finally he offered an example in the form of a riddle:

Why is a covenant running with the land like a lady's tight skirt?

Because they both bind the assignees.

The following is from an AP dispatch printed in the Boston papers.

Charleston, S. C. —

"By Saint Peter, by Saint Paul,
By the grace of God who made us all,
If this woman took the money,
Let the Bible fall."

The Bible, supported by the forefingers of Jailer Charles Lowe, and those of the suspect, Beatrice Davis, slowly turned, wavered, and fell to the floor.

Magistrate Gene Herron looked at Beatrice with an accusing eye, and shook his head. Beatrice then broke down and confessed all.

Thus the Bible truth test, used by Magistrate Herron only when all other means fail, extracted another confession from a suspect who had until then firmly proclaimed her innocence.

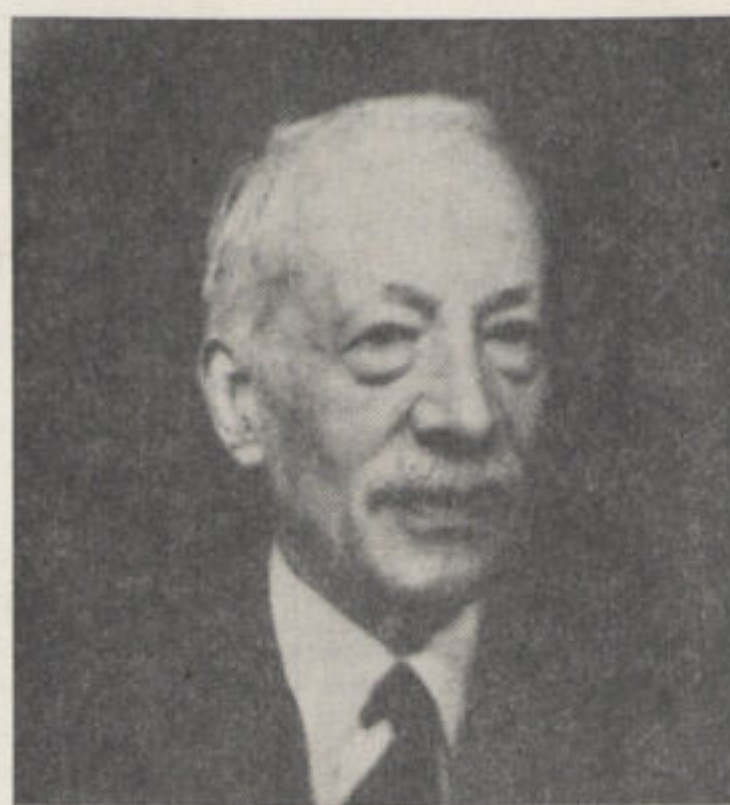
The Bible was firmly wrapped with string, after a key had been inserted in it with the ring protruding near the middle. The first suspect, Mannia Harrison, was then brought in and the Bible was balanced on hers and Jailer Lowe's forefingers. Magistrate Herron slowly muttered the magic words but the Bible failed to move.

And so the test was tried on Beatrice. The test worked like a charm. The Bible fell and Beatrice immediately admitted her guilt. The \$200 was recovered from her home. She was held for a higher court.

All it takes is a steady hand!

Gallery

CHARLES CHENEY HYDE
International Lawyer



"A twentieth century practitioner struggling to practice international law and trying to inspire thinking" is the modest manner in which Dr. Charles Cheney Hyde summarizes his outstanding career as an international lawyer. The friendly white-haired gentleman who has been one of the foremost authorities in his field for more than half a century has not permitted his pre-eminence to alter his kind and courteous disposition.

Son of a physician who had been a Civil War officer, he followed the family tradition of undergraduate work at Yale, receiving his A.B. degree in 1895. Professor Hyde's father had been a member of the Yale class of 1861. His son graduated from Yale in 1931. In 1898, Professor Hyde obtained both an LL.B. from Harvard and a master's degree from Yale. At the Law School, he studied under the "makers of the case system" Ames, Gray, Langdell and Thayer. He was particularly impressed by Dean Ames whom he terms "a wonderful man with whom everybody fell in love. My debt to Harvard Law School is beyond words; my gratitude beyond measure," emphasizes Dr. Hyde.

Isolated International Lawyer

Moving to Illinois, Professor Hyde was admitted to the bar of that state in 1898 and in June, 1899, was appointed Instructor in American Diplomacy at the Northwestern University Law School at the suggestion of Dean Wigmore. Some of the trustees of Northwestern were opposed to his appointment for they did not think he was old enough and the course was an innovation in the curriculum. Hyde personally convinced the trustees of the necessity for the new course. When, at last, he was named for the position, he celebrated by having ice cream for breakfast although his instructorship was without pay. Thus started an association with that university which continued for more than a quarter of a century and during which time he and Dean Wigmore became great friends.

At the turn of the century, Professor Hyde was the only practitioner in Chicago particularly interested in the field of International Law. He was pleased to be a member of the faculty at Northwestern, a "noble spot, with the then best law library." Occasionally he also taught at the University of Chicago.

His teaching duties, however, left him enough time for private practice, which began at a salary of \$35 per month. It was not until 1908 as counsel for the Italian Consular interests in the Central West that he was first given a chance to "fuss with treaties."

Treatise on International Law

At Wigmore's suggestion Hyde undertook in 1903 a study of international law as interpreted by our Supreme Court. His object ever since has been "to mirror the attitude of the Supreme Court" in that field. In 1922 he brought forth a two volume treatise, which was revised and expanded to three volumes in 1945 in the second edition, on international law.

His writings were interrupted from 1923-1925 when Charles Evans Hughes invited him to become the Solicitor for the Department of State. Working with Justice Hughes, he considers was "a happy experience and a singular privilege." In 1924, Northwestern University conferred on Hyde the LL.D. degree.

Won Ames Prize

Columbia University in 1925 chose him to succeed John Bassett Moore and gave him ample time and freedom in the following 20 years, to write the second edition of his book. In 1946, the Harvard Law faculty made \$500 awards to him and to Randolph E. Paul for the Ames Prize for the two most meritorious law books printed in the English language within the five years preceding. As recipient of the Ames Prize he joined a very select group which includes Wigmore, Maitland, Holdsworth, and Cardozo. Dr.

Sub Judice

SHE LIVED TO LOVE

Does a wife have a cause of action for loss of consortium resulting from a negligent injury to her husband? Pierce Henry Hitafter, while in the employ of the Argonne Co. in the District of Columbia, received severe and permanent abdominal injuries. His wife Lucia brought suit in the U. S. District Court to recover damages for loss of consortium. In line with unanimous authority in other jurisdictions, the court denied recovery. Mrs. Hitafter appealed.

Held: on appeal, judgment reversed.

"Although this is the first time this question has been presented to this court, we are not unaware of the unanimity of authority elsewhere denying the wife recovery under these circumstances. As a matter of fact we have found only one case in which the action was allowed, and that authority has since been effectively overruled. . . .

"There is more to consortium than the mere services of the spouse. Beyond that there are the sentimental elements to which the wife has a right for which there should be a remedy. . . . It is not for us, at this late date under the modern concepts of the marital relation, to deny the wife legal protection of this right. . . .

"There can be no doubt that if a cause of action in the wife for loss of consortium from alienation of affection or criminal conversation is to be recognized it must be predicated on a legally protected interest. How then, may we say that she has a legally protected and hence actionable interest in her consortium when it is injured from one of these so-called intentional invasions, and yet, when the very same interest is injured by a negligent defendant, deny her a right of action? . . . How, under any reasoning, could we, while allowing the husband the action, justify a denial to the wife of a like protection to an interest which is exactly the same as his? . . . The medieval concepts of the marriage relation to which other jurisdictions have reverted in order to reach the results which have been handed to us as evidence of the law have long since ceased to have any meaning. It can hardly be said that a wife has less of an interest in her marriage relation than does the husband or in these modern times that a husband renders services of such a different character to the family and household that they must be measured by a standard of such uncertainty that the law cannot estimate any loss thereof. The husband owes the same degree of love, affection, felicity, etc., as she to him. He also owes the material service of support, but above and beyond that he renders other services as his mate's helper in her duties, as adviser and counsellor, etc. Under such circumstances it would be a judicial fiat for us to say that a wife may not have an action for loss of consortium due to negligence." *Hitafter v. Argonne Co.*, 183 F. 2d 811 (May, 1950).

Hyde is especially pleased with this "award by Harvard to a Yale man."

For twenty years, 1925-45, Dr. Hyde occupied the Hamilton Fish Chair as Professor of International Law and Diplomacy at Columbia amidst colleagues whom he calls "a noble lot." He was appointed in 1929 as American Representative on the Permanent Commission for the Advancement of Peace, under a treaty between the United States and Venezuela. In 1931-32 he was counsel for Guatemala in the arbitration of its boundary dispute with Honduras. From 1946-1949 he was President of the American Society of International Law. Now professor emeritus, Dr. Hyde continues his writings and is consulted frequently by various private clients.

His latest offering is a brochure published by the *Texas Law Review* in December, 1950, entitled *Bombs, Super-Bombs, and the Cost of Peace*. In February, 1951, he was one of twenty-eight persons nominated by the Nobel Institute for the 1951 Nobel Peace Prize.

World Peace

His recent article in the December, 1950 issue of the *Texas Law Review* on "Bombs, Super-Bombs, and the Cost of Peace" (at page 155) he offers the following suggestion for world peace:

"The point needs emphasis and repetition that there can be no elimination or abolishment of war from the horizon while States themselves possess and retain the power to make war. Mere agreements not to use that power are grotesquely unrealistic and are not likely to be respected under all conditions. Again, agreements to prevent by military force acts of aggression by recalcitrant States may serve their purpose by making dangerous the way of a transgressor; but they are not payments of the price of peace when they contemplate the use of armed force of any kind retained by the States allowed to possess the same."

S. L.

Alumni Notes

LL.B. '25—J. Harold Merrick has opened an office for the general practice of law at 91 Main Street, Ridgefield, Conn.

LL.B. '32—Herbert S. Marks is now in partnership with Joseph Volpe, Jr., former General Counsel, United States Atomic Energy Commission at 1200 Eighteenth Street, N.W., Washington, D. C.

LL.B. '32—M. Quinn Shaughnessy has removed his office to 715-716 Cafritz Building, Washington, D. C.

LL.B. '34—J. Jerome Stern has removed his offices to 1800 Girard Trust Building, Philadelphia, Pa.

LL.B. '35—William C. Blind and G. Clark Cummings, LL.B. '40, have become members of the firm of Dorr, Hand & Dawson of 61 Broadway, New York.

LL.B. '40—Walter J. Cummings, Jr. and Robert L. Foote, LL.B. '41, have become members of the firm of Sidley, Austin, Burgess & Smith of 11 South La Salle Street, Chicago.

LL.B. '41—John F. Donelan has become a member of the firm of Pipe, Ballard & Loos of the Munsey Building, Washington, D. C. H. W. William Caming is now serving as Assistant Attorney General of the State of New York. William C. Steel has become a partner in the firm of Loftin, Anderson, Scott, McCarthy & Preston, Miami, Florida.

LL.B. '42—Robert A. Taft, Jr. has become a member of the firm of Taft, Stettinius & Hollister of 603 Dixie Terminal Building, Cincinnati, Ohio.

LL.B. '47—William Neil Thomas, Jr. has become a member of the firm of Folts, Brammer, Bishop & Thomas.

LL.B. '48—Leo J. Buchignani and Eugene Greener, Jr., LL.B. '49, have joined with James R. Younger for the general practice of law specializing in state and federal tax matters at 575 Shrine Building, Memphis, Tennessee.

LL.B. '49—Arnold L. Biron is now engaged in the general practice of law at 617 Berger Building, Pittsburgh, Penn. A. Sherburne Hart is now practicing law with Mr. Vincent P. Torphey, 1180 Raymond Boulevard, Newark, N. J. William Rahill became associated with Mogan, Lewis and Bockius, 2107 Fidelity-Philadelphia Trust Building, Philadelphia.

LL.B. '50—Francis X. Murphy has joined the law firm of Moot, Sprague, Marey & Gulick of Buffalo, New York.

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Speakers Conflict On German Rearmament To Meet Threat Of Communist Aggression

Sharply contrasted views concerning the wisdom of rearming Germany were sounded at the Harvard Law Forum last Friday night as Rep. Chester E. Merrow, William Henry Chamberlin, William L. Shirer and Dr. Ales Bebler discussed *The Struggle In Europe*.

The three American speakers termed the great world wide threat to be Communism, and saw the struggle in Europe

as only a part of the world struggle. To meet the threat of Russian expansion, Merrow and Chamberlin urged the arming of all forces who seek to stop Russia. Both speakers urged aid to Chiang Kai Shek and arms for Germany.

Chamberlin, seeing the emergency to be so great as to make it necessary to give aid to any group that counts Russia as its enemy, claimed such a position was a matter of addition, as the U. S. needed as many allies as possible to meet the Russian population.

In stating much the same position, Merrow, a member of the House Foreign Affairs Committee, expressed a belief that if the U. S. gets through 1951 without an attack in Europe, it will be exceedingly fortunate.

While agreeing with Chamberlin and Merrow as to the threat of Communism, Shirer questioned strongly the wisdom of arming Germany. Claiming that an increasing and alarming number of former Nazis are returning to power and that Nazism as a philosophy is still popular, Shirer expressed fear that to rearm Germany would be to put the same lethal weapons in the hands of people who have caused two wars in the past thirty years.

Bebler, deputy foreign minister of Yugoslavia and that country's permanent delegate to the U.N., stated that his country's position of standing alone, keeping itself from entanglements with both sides, aided the cause of peace.

Further, he called attention to the necessity for his government to maintain unity so as to be strong enough to repel any attack from without. This unity can be maintained, he said, through refusal to be drawn into the Atlantic Pact and other non-UN agreements.

Professor Donald C. McKay of the history department, was moderator.

RENT—(Continued)

ing the summer of 1950 with very little to go on other than past experience in a completely different type of dormitory.

Since that time a large proportion of the employees, whose salaries and wages have to be charged to the operating expenses of the dormitories, have had 5% increases. An additional 1½% increase, representing the University's contribution under the Social Security law, must be considered.

What these and other recognized increased costs, that are reflected in material and other items needing replacement and repair, will be in fact, no one at this point really knows. When the complete figures for the first six months operations become available, they will be studied and compared with this year's budget and a new operating budget projected. No final statement as to whether a rent increase is necessary can be made until that time. Our hope is that there will not have to be one.

LAW WIVES MEET

Miss Marie Brogan, Beauty Consultant at R. H. White's, will speak to the Law Wives tonight in the Wheeler Room of Holmes Hall. Her topic is *Hair-styling and Cosmetics*.

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"How Would You Decide It" Contest Invites Entries From Embryo Judges

In numerous cases which we read each day, the most important issue is sometimes neglected as an excuse to illustrate some principal of law with which the student is dealing at the time. This writer has become interested in these side issues to such an extent that he is now conducting a contest called *How Would You Decide It?*

The rules of the contest are, as follows:

(1) Read the case carefully and study the main issue.

(2) Then, in one million words or more, write out your answer and send it in with the top of your grocer's head and this paper will send to you, absolutely free of charge, one convertible derrick.

(23) Remember that the judges' decision is final and all entries submitted become the property of the Commonwealth of Ames. All entries must be postmarked no later than Wednesday, February 17, 1952!!!

Case 1: Two men entered a Long Island Railroad train as it was pulling out of the station. The men were carrying a paper-covered package which, to the untrained eye, looked like a package of fireworks. In fact, it was a package of fireworks which very conveniently exploded knocking over a set of scales on the platform which hit plaintiff, one Mrs. Palsgraff, on the head. *Issue:* Who will pay for the scales?

Case 2: Plaintiff and his wife, quaintly denominated "I. de S. et ux.", owned a tavern in Merrie Olde England. One night, or rather about three in the a.m., defendant W. de S. (probably a relative who was a black sheep in the family) awakened I. de S. ux. and yelled that he wanted a beer. Ux, answered that the tavern would not be open until the following day and what did a body want with bothering a body at this time of the night. This query so infuriated W. de S. that he threw an axe at the wife of his

relative, which axe conveniently (for subsequent generations of law students) missed its mark. *Issue:* Should the defendant have gotten his beer?

Case 3: A, by general warranty deed, conveyed Blackacre to B and his heirs. B failed to record the deed immediately. (Goodness gracious!!!) A, the sly villain, then conveyed to C and his heirs by another warranty deed the same piece of land. C recorded, but, get this, the Registrar of Deeds for the county in which the land lies failed to index. (Horror!!!) *Issue:* Should the Governor have the Registrar of Deeds removed from office for gross negligence?

Now, hurry with your entries. The winner of the *How Would You Decide It?* contest is automatically eligible for the author's next contest, *What Would You Name Them?* This next contest will be a competition to name each of the chubby-faced characters carved in stone on the pillars of Austin, outside front. Those who do not win the *How Would You Decide It?* contest may enter the new contest, providing they have seen "Snow White and the Seven Dwarfs" at least twice. So, if you don't want to reread this article to study main issues, hurry to the nearest movie theatre and wait there until they show "Snow White."

YEARBOOK WANTS PAYMENTS

The yearbook staff requests that all students holding bills payable February 1, bring the balance due to the *Yearbook* office in the basement of Hastings Hall immediately. New orders are still being taken.

FORUM ELECTS

At a special meeting held in January, the Harvard Law School Forum elected William Cousins, 3L (Illinois '48) of Chicago, Illinois, president, replacing Raymond P. De Member, 3L (Harvard '48) of Elmira, N. Y.

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Calendar

UNIVERSITY WORLD

Harvard-Radcliffe Concert

A concert by the Harvard Glee Club and Radcliffe Choral Society, under the direction of Professor G. Wallace Woodworth, will be presented this evening at 8:30 p.m. in Sanders Theater. Tickets ranging in price from 90c to \$2.40 may be obtained at the Harvard Co-operative Society or at the Glee Club office of the Music Building.

Underdeveloped Areas

The National Students Association is sponsoring a *Conference on Underdeveloped Areas* beginning Friday at 5 p.m. in the Phillips Brooks House. All members of the University are invited to attend. Registration is at 5 p.m., Friday, at PBH with registration fee of one dollar (\$1.00) required; the fee will cover all panel discussions and plenary sessions. Among the subjects to be discussed with respect to these underdeveloped areas concerning which President Truman's Point Four program has been evolved are: *Agricultural Problems, Industrialization, Population and Social Problems, Regionalism, Internal Political Problems, Position in World Trade and Significance in International Politics.*

OUTSIDE WORLD

Duplicate Bridge Tourney

A duplicate bridge meeting open to all bridge players will be held at the Cambridge Center for Adult Education on Friday evening at 7:45 p.m. The Center is at 42 Brattle Street, next to the Brattle Street Theatre. A small fee will be requested for entrance into the tournament.

Concert At Gardner Museum

Abba Bogin, pianist, will give a concert at the Isabella Stewart Gardner Museum, 280 The Fenway, in Boston at 2 p.m., Sunday. This is part of a series of *Music at Fenway Court* programs to be held this year. The concert is free and open to the public.

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DALTON-ELCOCK BAR REVIEW

The next Massachusetts Bar Examination will be held July 10 and 11, 1951. The Dalton-Elcock Bar Review, preparing candidates for this examination, will be held at The Republican Club, 46 Beacon Street, Boston, Massachusetts, beginning June 1 and ending July 6. Classes will be held Monday through Friday from 9 A.M. to 12 Noon and from 1 P.M. to 3 P.M.

For information write:
Dalton-Elcock Bar Review
Ten Post Office Square, Room 915
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Discussion Service To Elect Officers

Organized last year by an enterprising group of Harvard Law School students, the Harvard Discussion Program Service will soon hold its first election of officers. The group provides discussion programs, symposia, and debates for any group which desires such programs.

The Harvard service is based on the Wisconsin and Vermont plans of discussion service, having a dual purpose—providing a source of free discussion and the opportunity for student members to gain experience in conducting discussion groups and in public speaking.

The basic premise of the organization is that the maintenance of democracy is to a large extent dependent upon discussion of the critical issues of our time.

The founders started the group primarily because of the apparently increasing tendency of the American people to rely upon authority, rather than to think controversial issues out for themselves. The leaders of the discussions, consequently, do not attempt to think for the audience, but merely to present the facts on both sides and let the audience draw their own conclusions.

The Discussion Service is a non-partisan group. Most of the 45 speakers in the Service were formerly, and many continue to be, members of the speakers' bureaus of the Harvard Young Republican Club, the Harvard Law School Democratic Club, and the Harvard Liberal Union. Membership in the Service has now spread among the students in the entire University and to M. I. T. Harvard Law School students, however, still provide 50 per cent of the membership. Until the spring election, John Harrington, 2L (Vermont '49) of Burlington, Vt., is acting as the temporary president.

The Service has prepared a booklet listing the types of programs which the organization is prepared to conduct. The booklet is available to any interested group. The only charge made by the Service is for expenses incurred. This term the Service has conducted programs for the Vermont Fish and Game Club and a women's club. It has also provided twelve speakers to the Cambridge School for a recent program.

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BOSTON BAR—(Continued)

thirty years the Treasurer of the Harvard Law School Association. Late in 1947 he became Director of the American Bar Association's Survey of the Legal Profession—and had to give up most of his legal work and almost all of his outside activities, including the position of Treasurer of the Harvard Law School Association.

My first assignment from him was to visit all the leading Lawyer Reference Services in the nation. I did this—and I wrote a report (with considerable help from him) which, aided by President Gallagher, sp. '16-'17, of the American Bar Association, we launched at a press conference at the Plaza Hotel in New York on November 15, 1949.

The wire services carried the news back to Boston. You could say the Boston ground was ploughed from New York. Reporters tried to find Mr. Smith. He was still in New York so they tracked down John T. Powell, one of his partners and questioned him.

The top-line front-page stories and the editorials led to a conference on November 22, between Mr. Smith and a sub-committee of the B. B. A.'s Public Relations Committee.

"What is this—socialization of the Bar?" they wanted to know.

"Exactly the opposite," said Mr. Smith. Thus the seed was planted. After his explanation, the sub-committee to the man plunked for the Service.

Adoption of the Plan

At its meeting, January 6, 1950, the Council of the Boston Bar Association agreed with the sub-committee's favorable report. President Walter A. Powers, LL.B. '09, appointed a seven-man committee to work with Mr. Smith on the details of a Service for Boston. The Chairman of the Committee was Joseph K. Collins, LL.B. '29.

In February, 1950 the *Boston Bar Bulletin* printed an article by Mr. Smith on the Service and its need in Boston.

On April 7, 1950 Mr. Collins and his Committee reported back to the Council. Their plans, modeled after Philadelphia's, were approved by the Council. On May 12, 1950 the Council voted to establish the Service, the practical details to be delegated to a committee to be appointed.

But in June came a storm that threatened to kill the sprout. The Massachusetts Bar Association, in Plymouth at its annual meeting, had a real ruckus over the possibility of a Lawyer Reference Service in Boston.

"It won't be fair to us lawyers in other Bar Associations," was the loud complaint, in spite of the fact that the Council at its May meeting had taken pains to say that the Boston Bar would be pleased to have other Bar Associations set up Services and, moreover, that the Boston Bar would be glad to admit outsiders as associate members.

Winning the Opposition

The President of the Norfolk County Bar Association wrote a letter of protest to the Boston Bar Association. When the Council met June 2, they voted to rescind their previous votes establishing the Service. (Mr. Smith, I might mention, was at this time out west addressing the Iowa State Bar Association.) A committee of three—Francis T. Leahy, LL.B. '03, Chester C. Steadman and Mr. Smith—were appointed to confer with the local bar association presidents.

On August 30, Mr. Smith invited nine local bar presidents to a dinner meeting at the Ritz-Carlton. The jurisdictional problem in Boston was bound to come up, since Boston alone extends through four counties. One of the local bar presidents, George F. Garrity, who is also the U. S. Attorney in Boston, proved to be an exceptionally able Assistant Gardener at this gardening session.

The result was peace—on exactly the terms originally laid down, except that now an Advisory Committee of local bar association representatives would meet from time to time with the Boston Bar Association's Lawyer Reference Service Committee.

On September 8, Mr. Smith reported back to the Council that all was well. The rescission was rescinded. A Lawyer Reference Service Committee was appointed, with Mr. Collins as Chairman, Mr. Leahy, Mr. Steadman, LaRue Brown, LL.B. '06, and myself (as a sort of representative of my boss) as members.

We set to work having forms prepared and printed. Our labors were substantially implemented by the fact that we had almost \$10,000 in our bank account, a gift from the estate of Hattie Jacobs. This "fertilizer" was sent by the Chief Gardener himself Reginald Heber Smith, who with his partner Dudley Dorr, had complete discretion in the distribution of a half a million dollars to various Massachusetts charities.

We also had to make arrangements for the screening of a panel of lawyers.

Opening the Service

On January 11, 1951 the Opening Ceremonies were held in the Bar Association parlor, thirteen and a half months after the seed was planted. Four committees had tilled and watered the soil, prodded and assisted from time to time by the Chief Gardener. Five Council meetings, one State Bar meeting and one local Bar Presidents' Dinner had affected the plant's growth.

Mr. Justice Edward A. Counihan, LL.B. '06, by express designation of the Chief Justice of the Supreme Judicial Court of Massachusetts, spoke at the opening ceremony. He endorsed the Service and offered the full support of the Supreme Judicial Court. Chief Judge Calvert Magruder of the U. S. Court of Appeals spoke to the same purpose for the Federal Judiciary. Judges from other courts of the Commonwealth sat on the speaker's platform, their presence indicating their interest, approval and support.

Charles C. Cabot, LL.B. '25, now President of the Boston Bar Association, stated at the Ceremonies that he, when Secretary (1936-1940), often puzzled worriedly what to do about persons who turned to the Association for help in finding a lawyer suitable for their needs and within their resources. The Lawyer Reference Service, he said, was indeed the answer.

Blessed by a Cabot and a Counihan, not to mention a Magruder, the Lawyer

Reference Plan in Boston is bound to thrive.

Even if the Boston Bar Association did (and probably had to) proceed deliberately, it came through with a strong and sound plan. Other local bar associations which have considered Boston ultra-conservative and have liked to poke fun at the "Brahmins" have been left far behind in setting up Lawyer Reference Plans.

Socialization of the Bar

One great advantage of the thorough exploration by the Boston Bar is that it brought out into the open this "socialization of the bar" bogey which in other cities has been kept concealed but which has torpedoed sincere efforts to start a Plan.

That notion is sometimes held by completely honest, highly intelligent lawyers. When they can be talked to, they reverse their position and become ardent advocates. One of them, speaking about the Plan on a radio broadcast, said he could not understand how he could have been so blind at the beginning when he opposed the Plan.

When the man in the street sees in tangible form that bar associations are working for him, the cry for "socialization" will fade away because there will be neither need nor justification for it.

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