

The Harvard Law School Record

VOL. 12 NO. 8

CAMBRIDGE, MASS., WEDNESDAY, APRIL 4, 1951

PRICE TEN CENTS

All Law Students Deferred By New Presidential Order

All Law School students who are presently enrolled in the law school and doing satisfactory work toward their degree will be deferred, according to the Executive Order signed Saturday by President Truman.

The order which was signed Saturday comprises in the main recommendations of General Hershey, Director of Selective Service, which were sent to the House Armed Forces Committee.

From this report it is to be presumed that those who are at present classified as IAP will also be deferred under this new order.

This deferment policy will also extend to those who have been accepted to commence study in the law school this fall, and were in the upper one-half of their undergraduate class or will have attained a score of 75 or more on the prescribed qualification test.

With this new draft policy no summer school or otherwise accelerated course is at present contemplated by the Law School.

It is now almost certain that if this policy continues in effect there will be no appreciable decrease in the student body.

Kent, Scott-Powell And Smith, Coke To Clash In Ames

Ames quarter final arguments will be held Monday and Tuesday nights in Langdell Courtroom at 8 p.m. The Kent and Scott-Powell Clubs will argue a case arising out of the federal income tax statutes on Monday evening. The Smith and Coke Clubs will argue a case concerning a contract in a state with the New York personal property law on Tuesday evening.

Monday's Argument

The Hon. George C. Sweeney, Chief Judge of the United States District Court for Boston, Mass., will preside at the Kent and Scott-Powell argument. Kenneth W. Bergen, LL.B. '37, of Warner, Stackpole, Stetson and Bradley, and Harry Mansfield, LL.B. '43, of Ropes Gray Best Coolidge and Rugg, will serve as associate justices.

Oralists for the Kent Club, which is the petitioner, are Alexander D. Calhoun, 3L (Harvard '49) of Cambridge and Louis A. Cox, 2L (Harvard '49) of Windsor, Vt.

Counsel on the brief for the Kent Club were William M. Evarts, 2L (Harvard '49) of Garrison, N. Y.; Peter S. Heller, 2L (Harvard '48) of New York City; Malcolm McLane, 2L (Oxford '50) of Manchester, N. H.; Andre W. G. Newburg, 2L (Harvard '49) of New York City; Noel M. Seeburg, Jr., 2L (Harvard '49) of Palm Beach, Fla.; and E.S.S. Sunderland, 2L (Harvard '49) of New York City.

The case for the respondent represented by the Scott-Powell Club will be argued by Philip O'Brien, Jr., 2L (Yale '48) of Holyoke, Mass., and William Tarter Rountree, Jr., 2L (Alabama '49) of Selma, Ala.

Working on the brief for the Scott-Powell Club were Daniel P. Davison, 2L (Yale '49) of Locust Valley, N. Y.; Thomas P. Healy, 2L (Michigan '49) of Grosse Point, Mich.; Philip C. Jessup, Jr., 2L (Yale '49) of Norfolk, Conn.; Atherton Phleger, 2L (Stanford '49) of Redwood, Calif.; Jay W. Tracy, Jr., 2L (Yale '49) of Rocky Ford, Colo.; and Robert W. Smith, 2L (Hamilton '49) of Woodstock, Vt.

Smith-Coke Argument

The Hon. Vincent Brogna of the Superior Court of Massachusetts will be Chief Justice of the Ames tribunal for the Smith-Coke argument Tuesday. James D. St. Clair, LL.B. '44 ('47) with Hale and Dorr of Boston and Donald G. Allen, LL.B. '38, with the New England

(Continued on page three)

Dorm Office Announces Room Allocation Plan; Sees Housing Shortage

The Dormitory Office has announced that applications for dormitory rooms for next year will be ready for distribution in a short time.

Effective next fall, rents have been raised approximately 10 per cent per room.

In order to protect the dining hall, applicants will again be asked to sign a form agreeing to go on full time board at Harkness Commons if the University requires it. The clause is for insurance purposes only. It was not enforced this year and the University does not expect to have to enforce it next year. Students signing such an agreement will be given priority.

Details of priorities as between classes and other factors have not yet been settled. It has been decided, however, that third year men who have never lived in a dormitory and who sign a meal agreement are guaranteed a room. With respect to others, the tendency will be to favor those who have never lived in a dormitory.

Applications for proctorships will be available at the same time as the room applications. The seven proctors may be reduced in number in order to save costs.

Although the situation for next year (Continued on page four)

Justice Jackson To Hear Holmes And Kent Clubs

Ames Finalists Argue O.P.A. Case Tomorrow; Woodbury, Spalding Serve As A.J.'s

The finals argument of the Ames Competition will be held tomorrow evening at 8 p.m. in Langdell Courtroom. Hon. Robert H. Jackson, Associate Justice of the Supreme Court of the United States, will preside as the Chief Justice of the Supreme Court of the Commonwealth of Ames to hear counsel for Kent and Holmes-Pow-Wow Clubs argue the case of *Capp Food Co. v. U. S.*



HON. PETER WOODBURY

Judge of the U. S. Court of Appeals, First Circuit

Hon. John V. Spalding, LL.B. '23, associate justice of the Supreme Judicial Court of Massachusetts, and Hon. Peter Woodbury, judge of the U. S. Court of Appeals for the First Circuit, will sit as associate justices.

Justice Jackson is a graduate of the Albany Law School and was admitted to the New York Bar in 1913. He was appointed to his present seat on the United States Supreme Court in 1941. He served as U. S. Chief Prosecutor at the Nuremberg War Trials in 1945-46, and has written two books based on the subject matter of these trials.

Before coming to the high court Mr. Justice Jackson served in the Justice Department as Solicitor-General and then from January, 1940, to June, 1941, as Attorney-General.

The issue in the Ames final argument is whether or not the United States can purchase wholesale meat at the ceiling price when that regulated price is below the wholesaler's cost for the product.

George C. Caner, Jr., 3L (Harvard '46) of Boston and Harold M. Willcox, 3L (Yale '47) of Philadelphia are the oralists for the Kent Club which will argue the side of the Plaintiff-Appellant, Capp Food Company.

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

Representing Defendant - Appellant, the United States, is the Holmes-Pow-Wow Club. Robert P. Bass, Jr., 3L (Harvard '46) of Peterborough, N. H., and Roberts B. Owen, Jr., 3L (Harvard '48) of New York City are the oralists.

Counsel on the brief for the Holmes-Pow-Wow Club were Theodore F. T. Crolus, 3L (Princeton '46) of South Orange, N. J.; Charles T. Matthews, 3L (Princeton '47) of Huntington Station, N. Y.; William H. Pratt, 3L (Harvard '48) of New York City; Robert E. Schneider, Jr., 3L (Harvard '48) of Hopewell, N. J.; and Robert C. Winton, Jr., 3L (Harvard '48) of Minneapolis.

'51 Yearbook Due April 20; Sales Up

Distribution of the Harvard Law School Yearbook is expected to begin about April 20, staff members of the book said this week. The printers are expected to deliver the finished book about that time. The staff will make distribution to the subscribers as soon as the books arrive.

"The most interesting and different feature this year," officials said, "is our very complete coverage of the informal activities of the School. We have covered almost every conceivable activity from the early morning meetings to brush teeth over the dormitory wash basins to Professor Baker's centripetal lectures," he concluded. (Centripetal lectures? Oh, yes, everyone moves down front to listen.)

Because of the remembrance value of the Yearbook, sales are sufficient to allow the organization to about break even. Any profit is turned into the Phillips Brooks House fund. A steady demand for back copies come from governmental agencies, law offices, and others interested in the qualifications of men from the School.

Foreign Legal System Studies Valuable To Students & Lawyers - Von Mehren

This article is the third in a current series of four articles presenting problems of substantive law and teaching approach inherent in several seminars conducted or to be conducted at the law school. Today's article is written especially for the RECORD by Professor Arthur T. von Mehren, LL.B. '45. The article deals with the objectives of two prospective seminars in the general field of comparative public law and legal research.

In this article I shall discuss two seminars, in the general field of comparative law, which are presently planned for the next academic year. One of these seminars, dealing with Limitations on the Exercise of Governmental Power, is concerned with certain problems of public law. The other seminar, Comparative Legal Research, will work with private law materials. Papers will be required in both seminars.

The Comparative Public Law Seminar is designed to give a general introduction to the administrative and constitutional law of France and Western Germany. The ways of organizing public power in these countries, with particular



PROFESSOR ARTHUR T. VON MEHREN

reference to the relationship between private citizens, both individually and in groups, and the government, will be studied. Special materials, containing text and translations of constitutional provisions and of court decisions, will form the basis for the seminar's discussions. A reading knowledge of a foreign language is not necessary.

The Comparative Legal Research seminar, which supplements the work in my second year Comparative Law

course, has as its principal aim instruction in the tools, techniques and problems of legal research in a legal system distinct from the system in which the student was trained. A reading knowledge of a foreign language is necessary. For the work of this seminar students trained in the common law will be paired or otherwise grouped with students trained in the civil law. Each such team will then be assigned a series of research problems in both the common law and a particular civil law system.

The first of these research problems will be relatively simple and designed to illustrate the tools and sources for legal

(Continued on page four)

Brinton To Speak On I.Q. 120 Thurs.

Professor Crane Brinton, chairman of the Harvard University Department of History, will speak at the Law School Coffee Hour tomorrow at 1:30 p.m. in Harkness Commons on the subject of I. Q. 120.

Miss Hermione Gingold addressed a special Coffee Hour on March 27. Speaking to a SRO audience, Miss Gingold gave her impressions of the American theatre-going audience.

Miss Gingold believed that the danger of Communists dominating the British stage, arose only because the unemployed and unsuccessful actors were the ones who took part in union affairs. In order to combat these influences, she has accepted a position on the board of British Equity.

In the Coffee Hour last Thursday, Professor J. Kenneth Galbraith of Harvard University Economics Department told the audience that there is no single answer to the problem of inflation.

Professor Galbraith outlined four major schools of economic thought which could be used jointly to stabilize the nation's economy.

The "monetary magicians" hope to control inflation through a control over the amount of available money. The "tax and tax" school advocates the balanced budget which should be achieved through additional taxation. The "produce and produce" school believes that increased production is the answer, while the "fix and fix" school seeks a stabilization of wages and prices.

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CHANGES OF ADDRESS should be sent to the RECORD office, Austin Hall, Cambridge 38, Massachusetts, at least three weeks in advance to insure prompt delivery.

Draft Deferment Directive

It is gratifying to report this week that the uncertainty with respect to the draft which has faced Harvard Law School and its students has been almost wholly eliminated. During the course of the current year a noticeably lackadaisical attitude has been prevalent among the students in connection with studies and extra-curricular academic activities such as the Ames Competition. The reason, as surmised by the faculty and uncontradicted by the students, has been this great uncertainty.

It is somewhat coincidental that the President's directive deferring college and graduate students should have come at this time when most of us are beginning to review for final exams. The announcement should have the effect of a fillip to those students who contemplated skimming their studies because of their draft status. If the deferment policy as announced continues indefinitely, it should result in a more stabilized academic life which is characteristic of peacetime.

Lost Class Notes

One of the catastrophes in a law student's life is the loss of his class notes. This is intensified where the missing property consists of notes and casebooks in three courses, reviewing for finals is beginning, and the unfortunate victim is a first year student.

Experience of the past indicates that such incidents recur almost as regularly as exams. Each year the bulletin boards proclaim a number of such mishaps. To those students who view their notes with some pride, we advise that they keep them under a watchful eye at all times.

It is indeed a sad commentary upon the ethics of the Law School Student Body that such advice should ever be necessary, but unfortunately we must be aware of the situation that does exist and take steps to remedy it.

Orchids To The Champions

Kudos to the Cowboys, 1951 Law School basketball champions and to Audley Clarke, 2L, squash champion. The Cowboys emerged victorious after an intensive two-month league schedule and tournament. Clarke led the field of 63 squash enthusiasts to gain his second successive championship.

While handing out accolades, we wish to point up the excellent organization which contributed much to the success of the basketball league. This was largely the work of a graduate student in Arts and Sciences, Fred Shand, who is co-chairman of the Dormitory Council's social and athletic committees. With the cooperation of the team captains, "League Commissioner" Shand drew up schedules, league rules, weekly standings and press releases to the RECORD, and generally kept the schedule running smoothly. It was no mean task!

The success of the basketball league speaks well for the planning of the Graduate Center with regard to intermingling of Law and Graduate students. It also indicates that the Dormitory Council is functioning well, co-ordinating the interests of the students from both schools.

Letters to the Editor

THE GREAT DEBATE CONTINUES

To the Editor of the RECORD:

The letter of Ernest E. Marlatt, 1L, in your issue for March 21st, seems to me to evidence enough misconception about our program to warrant my making brief response.

This is a professional school. Our students are men, not boys. (Some time ago I heard a dean of another law school refer to his students as "lads." It rather startled me.)

In order to provide professional education, we have established a program of instruction. For over 100 years, moot court work has been prominent at the Harvard Law School. For nearly 40 years, on a carefully planned and organized basis, under the management of the Board of Student Advisers, it has been a definite part of the program.

Now, I repeat, this is a professional school. We assume that our students are here to learn to be effective members of the legal profession. We do not undertake to put them to bed at night. We do not supervise their study and have frequent quizzes to see that they have done their homework. We do not take attendance at classes. Similarly, participation in moot court work is not enforced by a beadle. We would rather like to avoid having to say that it is "required" and introduce a system of close personal supervision to see that the requirement is carried out. For many years, we have gotten along very effectively by simply stating that moot court work is a part of the program, and that students are expected to participate in it. There have always been a few adjustments, for good cause, just as the rather rigid requirements of the First Year courses are occasionally adjusted to meet special circumstances.

I know that this has been a tough year for many students. I admire and respect the calm determination with which most of them have faced the situation. It is quite understandable that there have been some reactions which might not occur in a more normal year. It has seemed to me, though, that it might possibly be helpful for future years, at least, if I simply reiterated the fact that moot court work is a definite part of our program, and is expected of all students. Nothing in our experience would support the suggestion that dropping Ames Competition work would help a student to improve his grade. On the contrary, our entire program, classes, group work, moot court, general study, and student discussion, are a part of a whole, and careful participation in each part can hardly help but contribute to a better result.

ERWIN N. GRISWOLD, Dean

To the Editor of the RECORD:

With respect to the letter of Mr. Ernest E. Marlatt, 1L, printed in the RECORD of March 21, 1951, we have the following comments to make:

1. The charge of fraud concerning the Ames Competition—Mr. Marlatt states that there are many "... who would gladly have dropped out (of Ames Competition) long ago had they known that it was possible. ... It is a sad commentary on the nation's future advocates that we should supinely accept a fraud so early in our careers." Page 60 of the Board of Student Advisers *Introduction to Advocacy*, to which Mr. Marlatt refers, clearly states that participation in the first year arguments "... is a prerequisite to entering the second year qualifying and succeeding rounds." Even an unwary reading of the pamphlet discloses that participation is required in the first year only if a student wishes to remain eligible for the second year. We fail to see any fraud in such a clear disclosure.

2. The charge that Ames offers nothing of value for prospective government employees, employees of non-litigating "good conservative Wall Street firms," and potential business executives—the Harvard Law School seeks to train the student in the objective analysis of problems. Ames Competition is completely consistent with this goal in that it supplements the academic treatment of problems with the personal experience of research, problem statement, consideration of alternative solutions, and the opportunity to defend the chosen solution orally. In any responsible position this experience would appear to be invaluable. Its value is not limited to actual litigation as Mr. Marlatt suggests.

Paragraphs 1 and 2 above indicate what we believe to be only a few of the errors in judgment, analysis, and approach of Mr. Marlatt. One of the objectives of legal training, of which Ames is an integral part, is to eliminate such errors by minimizing emotional influences. In view of this, it is our belief that the rigors of Ames Competition would be of particular value to Mr. Marlatt.

EDWARD H. SNYDER, 3L
MORRILL COLE, 3L

Gallery

CHARLES HANDLER
Municipal Corporation Counsel



"Handling the office of Corporation Counsel for a city the size of Newark involves knowledge and practice in almost all of the fields of law. It's the kind of job that I wasn't particularly excited about, but it has proved the most gratifying part of my professional experience."

Seated at a desk in his home in Newark, New Jersey, Charles Handler, Corporation Counsel for New Jersey's largest city, bubbled with the sort of animation which immediately brought to mind the late Mayor LaGuardia of New York. The resemblance is heightened by a physical similarity between the two men. Chubby, endowed with an easy grin, and perched on the edge of his chair, Mr. Handler spent as much time questioning the interviewer as was spent in reviewing his own career.

Law Clerk To City Counsel

Mr. Handler came to the Law School in 1922 after graduating from Princeton. His first clerkship after receiving his LL.B. in 1925 was with the firm of Fraser and Sommers in Newark. Mr. Fraser was City Corporation Counsel at that time but, "I had no idea that I'd hold that same position some day." Mr. Handler's practice was mainly in litigation and he handled a good proportion of criminal cases.

Successful Defense of Georgia Fugitive

In 1931 Robert E. Burns, a fugitive convict, was literally fighting for his life to prevent the State of Georgia from succeeding in extradition proceedings against him in New Jersey. Mr. Handler defended Burns in his successful court action and received national prominence for his part in allowing Burns to remain in New Jersey. Burns was subsequently pardoned and wrote of his experience in a best-selling narrative, *I Was A Fugitive From a Georgia Chain Gang*.

After many years of successful private practice Mr. Handler was appointed to the Corporation Counsel position in 1948. His office employs ten full-time lawyers and is responsible for handling all of the legal activities for a city of almost 450,000 population. "Everything from the ordinary negligence action to a Supreme Court appeal passes through our hands. We draw all of the city ordinances, resolutions, and contracts, approve all titles, and handle all litigation." He pointed out that the administrative function, channelizing and ordering all the activities of his office was an important duty. "It's a lot of work," he admitted, but the very variety makes it so interesting and rewarding."

Regional Officer of HLSA

As a regional officer of the Harvard Law School Association Mr. Handler takes an active interest in the present-day affairs of the school. He is Northern New Jersey Chairman for the Harvard Law School Fund. He visited Cambridge last year when the class of '25 had its reunion and saw the Grad Center in its unfinished state and is eager to get back and see it now.

When the conversation inevitably got around to a comparison of teaching methods of the present and in his day, he observed that the modern curriculum with its study of public law and allied subjects was an improvement over the more academic emphasis in the twenties. He was glad to hear that the basic studies of forms of action, negligence, and the like were still being taught here. "You may not think that it is practical in this day of stream-lined procedure and code-pleading, but cases are always coming up where a knowledge of the technical forms of the causes of action such as replevin, debt and the like are important." Another subject dear to the heart of the first-year men came in for comment by Mr. Handler. In the field of municipal tort law the concept of "active wrongdoing" as a basis for liability is being accepted by the courts. Echoing the sentiment of the first-year instructors Mr. Handler asserted that "You just can't get ahead without a sound knowledge of the fundamentals."

I. S. M.

Sub Judice

OF MINKS AND MEN

Barbee and Mrs. Earl went to the fur salon of Saks. A representative of Saks showed them a mink coat and told them its price was \$5,000. Barbee told Saks that he would like to buy the coat for Mrs. Earl but that he would pay no more than \$4,000. Saks repeatedly rejected Barbee's offer of \$4,000. Unknown to Barbee, Mrs. Earl then asked Saks to pretend to sell the coat to Barbee for \$4,000 and she would pay the difference. Saks agreed to this; they told Barbee they would sell the coat for \$3,981.25. Barbee signed a sales slip for that amount. Saks then gave the coat to Barbee who in turn delivered it to Mrs. Earl.

The next day Mrs. Earl returned the coat to be monogrammed and paid Saks the balance of the price. Later the same day Barbee told Saks that he had revoked the gift and that he would pay the agreed price (which he believed to be \$3,981.25) only if Saks would deliver the coat to him. Saks refused to give the coat to Mrs. Earl when she demanded it and attempted to return her money, which she refused.

Mrs. Earl then sued Saks, alleging conversion. Saks answered denying the conversion and filed a "Cross-Complaint in Interpleader" naming Barbee and Mrs. Earl as cross-defendants and asking for affirmative relief as to the remainder of the price. It further alleged that the \$916.30 paid by Mrs. Earl was "additional consideration to induce" Saks to make the sale to Barbee. Mrs. Earl's answer to the cross-complaint alleged title to the coat was transferred. Barbee's answer to the cross-complaint alleged the fraud of the secret agreement between the other parties.

At the trial Barbee offered to prove that the gift was made in reliance on Mrs. Earl's representations that she would "reciprocate his affection and would give up running around with other men" and that he rescinded the gift when he learned that those representations were false. The proof was rejected because no such issue had been raised by the pleadings. The trial court gave judgment against Mrs. Earl in suit for conversion but found that she was owner and entitled to possession of the coat and that Saks was entitled to the \$3,981.25 from Barbee.

Held: Judgments reversed insofar as they are adverse to Barbee.

"... Saks' admitted conduct, like that of Mrs. Earl, is fraudulent as a matter of law. ... This fraud justified the rescission of both the gift and the contract of sale. Dissent: 'It was for the trial court to determine whether Barbee was a man of such temperament that he would have preferred having Mrs. Earl get along without the fur coat to accepting her contribution toward its purchase. He declared his love for her, expressing the sentiment several times that he wanted to give her a fur coat. She was 'very much in love with the coat and wanted it badly.' It was important to him that the woman he loved possess the coat; it was important for her to possess it. Her contribution enabled him to fulfill his wish and hers at a price he was willing to pay. Since they were both fur-coat minded, it is a reasonable inference that he would not have risked disturbing the relationship between them by depriving her of the coat because she was willing to contribute toward its purchase.' *Earl v. Saks*, 226 P.2d. 340.

Off the Record

BIRTWHISTLE v. VARDILL

11 Eng. C. L. 266, 2 Clark & Fin. 581
9 Bligh 7 (1840)

Issue: Legitimation and the inheritance of land.

They drank a cup to Baron Turton
But none would drink to the "Statute of Merton".
The Lords decided, there was no deadlock,
"The heir to land must be born in wedlock".
Logic again the English mastered:
Though he was legitimate, he still was bastard.

NORMAN BERGMAN, 3L

During a discussion in Section 3, Torts, on the scope of risk, a hypothetical question was posed by a student:

1L: "If I have a collection of fine knives in my house, and I negligently leave the front door ajar one evening. ..."

Prof. Seavey: "And a child walks in and takes a knife and cuts himself? I suppose that is within the scope of the risk."

1L: "No; I was going to say, if I left the door open and a North Korean came in and stole a knife and took it with him back to Korea and used it to stab General MacArthur, would that be within the scope of the risk?"

Prof. Seavey (without pausing): "No, I suppose not—unless it were on Chinese New Year's Day."

And a Merry Christmas to you too!

Alumni Notes

DIXIE BAR ASSOCIATION

Approximately 40 Harvard Law School graduates from North and South Carolina, Tennessee, Alabama, Georgia, Mississippi, and Florida formed the Harvard Law School Association of Dixie during the recent Southwestern Regional Meeting of the American Bar Association.

Although the makeup of the Association is not so broad as "Dixie" might indicate, the Association is also open to members from other Southern States which do not have state associations. However, it was provided that any state may secede from the Dixie group when they establish their own state-wide Law School Associations.

Officers elected at this first meeting of the Dixie Law School Association were: William A. Sutherland, LL.B. '17, of Atlanta, Ga., president; Norman Stallings, LL.B. '38, LL.M. '40, of Tampa, Fla., vice-president; E. Cage Brewer, Jr., LL.B. '42 ('46) of Clarksdale, Miss., secretary; and G. Arthur Howell, Jr., LL.B. '42, of Atlanta, Ga., treasurer.

Naturalized as Southerners were Harold J. Gallagher, past president of the American Bar Association, Kurt F. Pantzer, LL.B. '17, of Indianapolis, Reginald Heber Smith, LL.B. '14, and Allen H. W. Higgins, LL.B. '28, both of Boston who were guests at the formation of the Association of Dixie.

TOP MARK IN BAR EXAM

Edward J. Simerka, LL.B. '50 obtained the highest mark in the recent Ohio bar examination among 300 applicants.

LL.B. '29—James H. Douglas, Jr. has been elected to the board of directors of American Airlines, Inc. He is a partner in the Chicago firm of Gardner, Carton, and Douglas. John J. Verdon announces the opening of an office for the general practice of law at 165 Broadway, New York 6, N. Y.

LL.B. '33—Gerald D. Morgan, formerly assistant Legislative Counsel of the United States House of Representatives in charge of Drafting Revenue Legislation, has become a member of the firm of Hamel, Park, and Saunders located in the Shoreham Building, Washington, D. C.

LL.B. '38—Edward S. White has announced the formation of a partnership with Hamilton Douglas, Jr. and Ross Arnold, to be known as White, Douglas and Arnold, with offices in the Grant Building, Atlanta, Ga.; Sidney H. Wilner has been appointed Division Chief in the office of the U. S. High Commissioner of Germany.

LL.B. '41—Richard Manning Ryan has been appointed Area Rent Attorney for the Housing Expeditor in Manchester, N. H.

LL.B. '48—Dr. George I. Sevetlow and Carlton G. Eldridge, Jr. announce the formation of a partnership under the name of Sevetlow and Eldridge, 161 Remsen St., Brooklyn, N. Y.

LL.B. '48—Walter G. Chuck, who is associated with the firm of Fong, Miho & Choy of 197 South King Street, Honolulu, Hawaii, was recently appointed Clerk of the House of Representatives of the Territory of Hawaii. Hebert Edelhertz has opened his offices for the general practice of law at 165 Broadway, New York, N. Y.

LL.B. '50—Isadore M. Mackler has become associated with the firm of Slavitt and Conner of 71 Washington St., South Norwalk, Conn. Vincent H. Yano recently was appointed as full time attorney for the newly organized Legal Aid Society of Hawaii.

QUARTERFINALS —(Cont.)

Power Service Co. of Boston will be associate justices.

Oralists for the Smith Club arguing the case for the Plaintiff-Appellant will be Philip C. Potter, Jr., 2L (Harvard '49) of New York City; and Arthur V. Savage, 2L (Princeton '49) of Morristown, N. J.

On the brief for the Smith Club were



HON. GEORGE C. SWEENEY

Robert P. Cook, 2L (Hamilton '49) of Tuckahoe, N. Y.; Joseph R. Cortese, 2L (Ohio State '49) of Youngstown, Ohio; Phil N. Crawford, 2L (California '49) of Lakeport, Cal.; Theodore J. Horvath, 2L (Ohio State '49) of Cleveland; William J. Kelly, 2L (Geneva '49) of Beaver Falls, Pa.; and Richard Mansfield, 2L (Northwestern '49) of LaGrange, Ill.

The case for the Defendant-Appellee will be argued by the Coke Club with Edward L. Johnson, 2L (Union '44) of Hillsdale, N. Y., and Richard B. Miller, 2L (Harvard '49) of Tulsa, Okla., as oralists.

Assisting on the brief for the Coke Club were Daniel A. Austin, Jr., 2L (Yale '48) of Hartford; Audley Clarke, 2L (Princeton '49) of Hartford; Keith F. Kennedy, 2L (Yale '49) of West Hartford, Conn.; Arthur A. Murphy, 2L (U.S.M.A. '46) of Beverly, Mass.; Arthur Poller, 2L (Duke '49) of Raleigh, N. C.; and Thomas J. Sammon, 2L (Loyola '49) of River Forest, Ill.

APPOINTED OHIO JUDGE

Mr. Lockwood Thompson, LL.B. '26 was recently appointed judge of the Court of Appeals of Ohio for the district of Cuiaboga County (Cleveland) by Governor Frank J. Lausche.

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'B' School Mobilization Center Aids In Federal Research And Planning

In addition to the course on the legal aspects of defense mobilization now being offered by the law school, other departments of the University are also engaged in extensive mobilization research and planning. The specific departments which are operating in close cooperation with the federal government on mobilization problems are Harvard Business School (Mobilization Analysis Center), and the Littauer School of Public Administration. Massachusetts Institute of Technology also has an Industrial Cooperation Center.

The Mobilization Analysis Center was established last December as a research unit for government agencies connected with war mobilization. The Center is staffed with men employed in the current defense mobilization program, and holds important research contracts with the Departments of Commerce and Defense.

Professor Robert Braucher, LL.B. '39, of the law school, is the liaison officer between the law school and MAC. Future exchanges of guest lecturers on defense mobilization subjects are looked on with favor by representatives of the various departments.

Some indication of the wide range of experience possessed by the Center's private-citizen members is shown in the following qualification summary of three men now serving on the Department of Commerce project. This project is

charged with the analysis and review of present U. S. international air transport policies.

Mr. George A. Brownell, LL.B. '22, presently a partner in the New York firm of Davis, Polk, Wardwell, Sunderland and Kiendl, served as a Brigadier General in the AAF in World War II, and was the first secretary of the Air Coordinating Committee, an interdepartmental policy committee on aviation. In 1946, he negotiated the Air Transport Agreement with the Indian Government, serving as personal representative of the President, with the rank of Minister.

Mr. John C. Cooper, '23-'24, of the Institute for Advanced Studies, Princeton, N. J., is a past vice-president of Pan American World Airways. He is author of many books and articles on international aviation law subjects, and has served as advisor or consultant on many U. S. delegations to international aviation conferences, including the Chicago International Civil Aviation Conference in 1944 and the Geneva Conference in 1947. At present, he is a legal consultant to the International Air Transport Association.

Mr. L. Welch Pogue, S.J.D. '27, a partner in the Washington law firm of Pogue and Neal, was chairman of the CAB from 1942-46. He was a delegate to the Chicago Conference in 1944 and participated in the Bermuda and Paris negotiations in 1946.

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Management's Responsibilities in a Complex World by FRANK W. ABRAMS, Chairman of the Board, Standard Oil Company (N. J.) — critical, down-to-earth appraisal of four important changes that are quietly but surely reorienting the point of view of business management.

Young Businessmen and Germany's Future by JOSEF WINSCHUH, prominent German industrialist, with a foreword by FRITZ REDLICH, economic historian — extraordinary call to arms for private enterprise and aggressive business leadership in the crisis facing Western Germany; penetrating insights for American readers.

Good taste in Advertising by S. R. BERNSTEIN, Editor of Advertising Age — how the bad practices of a minority of advertisers expose all other advertisers to "guilt by association"; what can be done to maintain standards; no punches pulled.

Fashion Merchandising by ALFRED H. DANIELS, Merchandise Vice President of Abraham & Straus, Inc. — what is this fashion business all about and what are the "secrets" of good fashion merchandising?

Public Education for Labor Skills, by WILLIAM LEAVITT STODDARD, Vice President, Lincoln and Therese Filene Foundation — why we as a nation do not have enough men and women to man our shops and factories with adequate skills; practical proposals for constructive action.

Population Trends and Management Policy by PETER F. DRUCKER, well-known author on economic subjects — the quantitative and qualitative changes in population with vital but little-known implications for capital investment, product development and marketing, and employment practices.

Investment Companies: Closed-End versus Open-End by JAMES A. CLOSE, Chairman of the Department of Finance and Insurance, College of Business Administration, Syracuse University — new analytical approach that puts comparative performance records of these two types of funds in a new light; "must" reading for investors.

The Spark Plug Case: What is Competition? by HARRY L. HANSEN and MARCELL N. SMITH, of the Harvard Business School Faculty — logical, hard-hitting exposure of how government advocates of "cost-plus" competition threaten to upset established business practices such as the use of selected distributors and undermine the whole business structure. Small Business in Military Procurement by P. F. ASHLER, Chief of the Munitions Board Small Business Office — if you are a small businessman, here is what you are looking for; "thousands of dollars worth of information and counsel."

Accelerated Amortization by Professors ROBERT O. SCHLAIFER, J. KEITH BUTTERS, and PEARSON HUNT of the Harvard Business School — frank, authoritative discussion of why present government amortization policy endangers business firms as well as public interest.

Thinking Ahead by Professor CHARLES C. ABBOTT, Harvard Business School — some tough-minded thinking about what the costs of mobilization will be and how they stand to affect the economy.

Looking Around by FRED S. MORTON, 3rd, of the Harvard Business School Faculty — helpful discussion of literature on financial institutions that the company president (and would-be president) should consider for his bookshelf.

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Calendar

UNIVERSITY WORLD Practicing Lawyers Forum

The Institute for Practicing Lawyers Forum on "The Legal Problems of Mobilization" will be held Friday and Saturday, April 6-7. Speakers and commentators from government service, private practice, the University, and the Law School will be featured.

OUTSIDE WORLD Ford Hall Forum

Dr. Ralph J. Bunche, Nobel Peace Prize-winner, and director of the Department of Trusteeship, United Nations, will discuss "The United Nations and the Prospects for Peace" Sunday evening at 8, in Jordan Hall, Gainsboro St., and Huntington Ave., Boston. Admission is free.

Bridge Tourney

Harvard Law School students and their friends are invited to the next duplicate bridge meeting, at the Cambridge Center for Adult Education, 42 Brattle St., on Friday evening, April 6, at 7. It is important to arrive on time. There is a small fee. Call Kirkland 7-0314 for more information.

Fenway Concert

Mary Davenport, contralto, will give a concert, Sunday, at the Isabella Gardner Museum, 280 The Fenway, Boston, at 2 o'clock. Admission is free.

ENTERTAINMENT SCHEDULE

Movies: The Exeter is showing a film based on the actual spy activities of a Frenchwoman for the British during the recent war. Reviews applaud this film, "Odette," as a sure-fire thriller. The HLU film series is presenting an oldie, "The Grapes of Wrath" Tuesday evening at 7:30 and 9:30 in the New Lecture Hall.

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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.

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FOREIGN LAW—(Continued)

research in the respective legal systems. Subsequent problems will be of increased complexity and will require both an investigation of substantive questions of law and an evaluation of the sources used. The meetings of this seminar will be devoted to a discussion of both the assigned research problems and general problems of understanding and evaluating the product of comparative legal research. In this connection the legal process as a whole will be considered.

Difficult Task

Both of these seminars have the common, basic purpose of helping lawyers towards a real understanding of foreign legal systems. This task, which is of obvious and growing importance in a world where inter-nation economic and political relationships are of a continually increasing complexity, is manifestly difficult. It is not easy, even in dealing with one's own legal system, to grasp the living realities of process and function which lie behind the verbal formulae found in legislation, court decisions and text writing. The task is manifestly far more difficult when one is dealing with a foreign legal system.

This difficulty exists on at least two levels, the specific and the general. On the specific level, it is clear that, in order to deal with a problem in which foreign law is of importance, certain precise information as to the legal rules and techniques of the system in question is necessary. But this specific information, standing alone, is of little help. It must be placed within the framework of the general conception and suppositions of the legal system. It must be integrated into the legal process.

The two seminars described above approach the problem of understanding the workings of foreign legal systems on both of these levels. The work of each seminar is designed to give the student an awareness of the problems involved in understanding foreign law and to equip him with the basic tools necessary for handling such problems.

Valuable Study

These seminars are, of course, of interest primarily to those students who anticipate contact in private practice or in government service with problems of foreign law. The study of a foreign legal system, however, may be of considerable value even to lawyers who never handle questions of foreign law. The attempt to understand another system

of law and to compare that system with your own is both stimulating and suggestive. It is stimulating in that the preconceptions and accepted platitudes of one's own legal system lose their inevitability and must justify themselves on rational and functional grounds. It is suggestive, because new solutions and new approaches to old problems found in foreign legal systems, may suggest better solutions to problems faced by one's own legal system.

The study of a foreign legal system also requires reflection upon the operation of a legal system considered as a whole. Such reflection upon the operations of one's own legal system is not particularly encouraged by the regular common law courses. Comparative legal studies, on the other hand, necessarily raise this question and attempt to provide an approach to it. In both of the seminars described in this article such questions as the role of the judge and the legislator in modern legal systems will be discussed. Their roles will be considered in terms of the received ideology of the system under discussion and in terms of contemporary practice. The advantages and disadvantages inherent in a legal system, such as the common law, which has been developed to a large degree by judicial decisions will be compared with the advantages and disadvantages inherent in a legal system, such as the French or German, which has been developed, at least in many important areas, largely by legislative action.

Satisfactory Solutions

In the private law field such a consideration necessarily involves a discussion of the functional limitations upon the ability of the judiciary and the legislator to evolve satisfactory solutions, in terms of human experience and human needs, for the problems faced by the legal order. In the public law field the question of judicial review of legislative action to determine its constitutionality raises fundamental questions as to the institutional arrangements best able, under modern conditions, to ensure to the citizens, individually and collectively, the benefits of concentrated power with the minimum risk of abuse of that power by those to whom it is entrusted. Related problems are raised by the varying approaches to the problems of administrative law studied in the public law seminar.

The underlying theme of those seminars is, therefore, the same as the underlying theme of all legal education: how

DORMITORIES—(Continued)

looks better, there will still be a shortage of rooms. Those who sign the meal agreement and are willing to take the broadest selection of rooms will have the best chances, apart from special criteria. Even those on the waiting list will have a good chance of obtaining a room reasonably soon during the year since the list moves quite fast, the turnover being rather heavy.

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can man, acting both individually and in groups, in view of his capacities and his limitations, so organize the institutions and procedures of his society as to utilize as advantageously as possible the human material available? It is hoped that some may find that work in comparative law, such as is offered in the seminars described above, gives a new perspective upon this basic problem and upon those practical legal questions which are its concrete manifestations.

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NEWS IN BRIEF

COWBOYS TOURNAMENT CHAMPS

Last Thursday the Cowboys defeated the Gothams 66-50 to capture the championship in the playoffs of the Law-Graduate Basketball League. The Cowboys, champs of Division 2, completed the season unbeaten in league and tournament play.

ARMY RESERVE INFORMATION

All law students interested in joining the Army Organized Reserve, and the 356th Field Artillery Battalion of the 94th Infantry Division in particular, are invited to talk to Lt. Kurt F. Pantzer, Jr., 1L or Lt. Joseph J. Thalhofer, 2L in the large meeting room of Harkness Commons Monday and Tuesday, April 9 and 10 from 6 to 7:30 p.m.

LAW WIVES MEET

The Harvard Law Wives will hold their weekly meeting in the Wheeler Room of Holmes Hall at 8 tonight. Bridge and canasta will be played.

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