

The Harvard Law School Record

VOL. 12 NO. 10

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Kent Final Winner In Ames Argument

Kent Club, representing the appellant, won the finals argument of the Ames Competition last Thursday in the U. S. Court of Appeals for the Ames Circuit, presided over by Hon. Robert H. Jackson, Associate Justice of the Supreme Court of the United States.

Justice Jackson sat as Chief Justice with Hon. John V. Spalding, LL.B. '23, associate justice of the Supreme Judicial Court of Massachusetts, and Hon. Peter Woodbury, Justice of the Court of Appeals for the First Circuit.

Oralists for the victorious Kent Club were George C. Caner, Jr., 3L (Harvard '46) of Boston and Harold M. Willcox, 3L (Yale '47) of Philadelphia. Arguing for the Holmes-Pow-Wow Club were Robert P. Bass, Jr., 3L (Harvard '46) of Peterborough, N. H., and Roberts B. Owen, Jr., 3L (Harvard '48) of New York City.

Justice Jackson, in announcing the divided decision of the court for the appellant, praised the clarity of the oral presentations and the workmanship of the briefs.

He also remarked that the justices wished that all the cases presented before their respective courts were as well prepared.

The Langdell Court Room was filled beyond capacity by members of the Faculty of the Law School and students and their guests.

Brandeis, Marshall Argue Patent Case

Friday at 8 p.m. in Langdell Courtroom the Marshall and Brandeis Clubs will meet in a quarterfinal argument in the Ames Competition. This case involves estoppel in a patent infringement suit.

The Hon. Vincent L. Leibell, Judge of the United States District Court for the Southern District of New York, will be chief justice. Richard F. Walker, LL.B. '17, of the Boston firm of Roberts, Cushman & Grover, and Hector M. Holmes, LL.B. '09, of Fish, Richardson & Neave, Boston, will be associate justices.

For the Plaintiff-Appellee, the Marshall Club, the oralists are William A. Carroll, 2L (California '49) of Corcoran, (Continued on page three)

AMES FINAL ORALISTS



Roberts B. Owen, Jr. and Robert P. Bass, Jr., of Holmes-Pow-Wow Club, and Harold M. Willcox and George C. Caner, Jr., of the Kent Club (left to right), who argued in the Ames finals.

Lawyers Forum Analyzes Mobilization Legal Problems During 2 Day Meeting

A two-day forum on the Legal Problems of Mobilization sponsored by the Harvard Law School brought together faculty members and other distinguished speakers with extensive experience in the problems of production, price, and wage controls last Friday and Saturday in the Langdell Courtroom.

Production Controls was the featured topic at Friday's afternoon session. Manly Fleischmann, Administrator of the National Production Authority, Professor Ernest J. Brown, formerly attorney, War Production Board, and James T. Hill, Jr., General Counsel of the United States Air Force addressed this session with Vice-Dean Hall, formerly Regional Price Attorney for the OPA, presiding.

Friday evening Professor Henry M. Hart, formerly Associate General Counsel for Price, and General Counsel to the Director of Economic Stabilization, and H. Thomas Austern, LL.B. '29 of Covington and Burling, were the featured speakers with Professor Richard H. Field, formerly General Counsel of the OPA presiding.

Professor Hart pointed out the unique difficulties of regulation facing the price controller. This program he feels is the most difficult undertaken, especially because the economy is at the moment in high gear.

Urging that the future effectiveness of collective bargaining depended on the preservation for labor of the right to strike, Professor Archibald Cox, Associate Solicitor of the Department of Labor, opened the session Saturday morning. Professor John T. Dunlop of Harvard College and Public Member of the Wage Stabilization Board, discussed the problems of higher level wage policy making. Professor Louis L. Jaffe presided at this session.

Dean Griswold presided over the final session of the Institute Saturday afternoon. William L. Marbury, LL.B. '24, formerly Legal Advisor to the Director of Materiel, and the Hon. John Sparkman, Senator from Alabama, were the principal speakers.

Amory Says Army Teaching Practices Adaptable To HLS

Professor Robert Amory, Jr. returned to Cambridge for a few days last week after completing his course of study at the Command General College at Fort Leavenworth, Kansas, and before reporting to the infantry school at Fort Benning, Ga.

This latter course of study Professor Amory expects to complete by the end of July, and he is hopeful that his active duty will terminate at that time.

"Many techniques of pedagogy well worthy of consideration for adoption in part at this school," were found by Professor Amory at Ft. Leavenworth. Among these methods were frequent spot tests on previously assigned course material, combined with a system of progressively issued requirements of preparation for class discussion. Summaries of the lecture were issued to the students at the end of the hour to make sure that all essential information was clearly presented.

Day-to-day preparation of the Command Group was much better than he had known at the Law School. He attributed this in part to the stimulus of the spot tests. However, he noted that the end result was a more valuable class discussion.

These spot quizzes, he explained, were weighted so that the one-third of them which were graded would be equivalent to one regular four-hour exam. Only after the exam was over did the student learn whether it would be graded. He would then be instructed to put his code number on the paper. Such a system of code numbers, Professor Amory remarked would conclusively end the griping in which some upperclassmen indulged as to the supposed preferential treatment being given honor students.

Class recitations at Fort Leavenworth were frequent. To ask or answer a ques- (Continued on page three)

Emerson, Crowther, Skouras, Capp Discuss Today's Movies

Beauty and brains will be the keynote at the Harvard Law School Forum this Friday at 8 p.m. when the topic: *Are Movies Better Than Ever?* will be discussed. Heading the panel will be Faye Emerson, recently voted "Top TV Star of 1950" by *Variety* and "Most Appealing Female Personality of 1950" by *Look* Magazine. Sharing the spotlight with Miss Emerson will be cartoonist Al Capp, creator of "Li'l Abner."

"Review" Reviews Book By Gluecks In Unique Critique

As an innovation, the April issue of the *Harvard Law Review* will feature a "multi-disciplinary book review symposium" on the recently published work by Eleanor and Sheldon Glueck, *Unraveling Juvenile Delinquency*. The results of the study, a comparison of a group of 500 delinquents with 500 non-delinquents, will be commented upon by eight reviewers, representing the fields of law, sociology, psychology, anthropology, education, prediction and criminology. Mr. Justice Felix Frankfurter has contributed a forward to the symposium.

Each reviewer comments on the significance of the Gluecks' inquiry from the viewpoint of his own field and examines the implications of the study as it may affect future work in his field.

Professor J. H. C. Morris, Visiting Professor of Law at Harvard, in his article, *The Proper Law of the Tort*, deals with an approach to conflict of laws which contrasts with the *Restatement's* rule that the place of contracting governs.

A former President of the *Review*, Professor Henry M. Hart, Jr., takes issue with the views expressed in Professor Mark DeWolfe Howe's recent article, *The Positivism of Mr. Justice Holmes*. Professor Hart contends that the attempted reconciliation of the first and second parts of Holmes' speech "The Path of the Law" breaks down, while Professor Howe, in a brief reply, seeks to (Continued on page three)

Other speakers are Spyros Skouras, president of Twentieth Century-Fox, and Bosley Crowther, motion picture editor of *The New York Times*. Elinor Hughes, movie critic for the *Boston Herald*, will be moderator for the Forum, which will be presented at Cambridge High and Latin.

Among the topics listed for discussion are: the influence of comics and television on movies; movies as an art; the type of audience movies appeal to; and the possibility of fuller cooperation between movies and television in light of the recent FCC orders to that effect.



FAYE EMERSON

Miss Emerson, currently the toast of the television industry as the "Miss who put the V in TV," got her start in the entertainment field in the movies. She appeared in such films as "Murder in the Big House," "The Desert Song," and "Destination Tokyo" before turning to the stage and television.

Capp is making his second Forum ap- (Continued on page three)

Board, Legal Aid Pick Skoler, Perkins For Top Spots As Groups Elect Heads

Daniel L. Skoler, 2L (Chicago '49) of Newark, N. J., was elected Chairman of the Board of Student Advisers for 1951-52, replacing Bernard Nemtsov, 3L (Brown '48) of Newport, R. I.

Chairman Skoler has appointed Lucius H. Biglow, 2L (Yale '48) of Old Lyme, Conn., as First Year Committee Chairman to succeed Alfred Miller, 3L (Harvard '48) of Brooklyn; William Kaynor, 2L (Yale '45) of Waterbury, Conn., who will also serve as assistant chairman of the Board, as First Year Facts Committee Chairman replacing William F. O'Connor, 3L (Harvard '48) of Medford, Mass.; John P. Eastham, 2L (Princeton '49) of Andover, Mass., as Second Year Committee Chairman replacing William E. Willis, 3L (Marshall '48) of Huntington, W. Va.; and Richard Webster, 2L (Harvard '49) of Worcester, Mass., as Second Year Facts Committee Chairman to succeed W. E. Willis.

Bressler Chosen Legal Aid Chief For Summer

Bernard Bressler, 2L (Rutgers '49) of Roosevelt, N. J., has been appointed by the Board of Directors of the Harvard Legal Aid Bureau as supervisor of the Bureau's summer operations.

The Bureau will be staffed during the summer by those eligible second year students who are able to give two or more office hours per week between June 25, and September 1.

The eligibility requirement is a first year average of 70 or better. The Board will send letters, within the next few weeks, to the highest ranking eligible men which will give them an opportunity to volunteer for the summer staff.

The Harvard Legal Aid Bureau held its annual elections on April 3. The new officers assumed their duties on Monday.

John H. Perkins, Jr., 2L (Harvard '49) of South Hamilton, Mass., was elected president, succeeding Clarence C. Ferguson, 3L (Ohio State '48) of Baltimore, Md. David H. Gambrell, 2L (Davidson '49) of Atlanta, Ga., replaced John F. Murray, 3L (U.S.M.A. '41) of Cambridge, Mass., as vice-president. Robert R. Reid, Jr., 2L (Washington and Lee '49) of Winchester, Ky., new secretary, follows Robert B. McDermott, 3L (Princeton '48) of Chicago, Ill., in office. Ralph H. Jefferson, 2L (Yale '49) of Rochester, N. Y. succeeded Jay J. Newman, 3L (Purdue '46) of Evansville, Ind. as treasurer. Senior director for the coming year will be Paul Y. Macomber, 2L (Princeton '49), replacing Sol Neil Corbin, 3L (Columbia '48) of Brooklyn, N. Y. Bernard Bressler, 2L (Rutgers '49) of Roosevelt, N. J., and Burton Caine, 2L (Pennsylvania '49) of Philadelphia took office as junior directors, following Ralph H. Jefferson and David H. Gambrell.

For the period March, 1950, to March, 1951, the Legal Aid Bureau handled a total of 970 cases excluding those which were refused for failure to meet the strict eligibility requirements.

The Bureau has a fine litigation record for this period winning 56 out of 80 cases which came to court. On appeals to Washington from determinations of local federal administrative agencies, the Bureau was successful in sustaining a favorable ruling of the Office of the Housing Expediter, but failed to upset an unfavorable ruling by the Immigration and Naturalization Service.

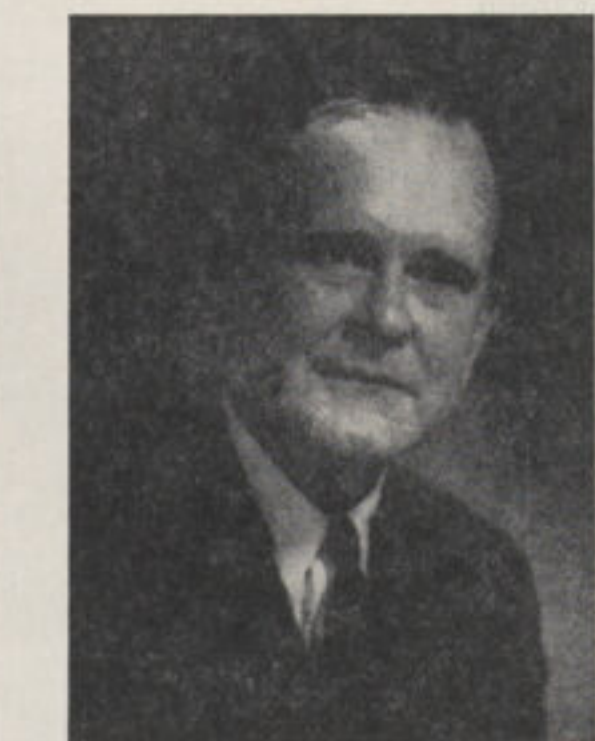
Jurisprudence Seminar Studies Legal, Economic Problems In Modern Society

This article is the last in a current series of four articles which have presented 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 Lon L. Fuller, Carter Professor of Jurisprudence. The article deals with the objectives of Professor Fuller's current seminar on Problems of Contemporary Jurisprudence.

When I learned that I would have the opportunity this year of giving a seminar in Jurisprudence, my first decision was that it should not be simply a more advanced version of the course offered to second-year students. As I think of the second-year course it is a general introduction to legal philosophy. While I try to relate the course as much as I can to definite issues that may affect legislation and the decision of cases, the course tends to deal primarily with the general premises, often tacit and unarticulated, that underlie legal thinking.

Seminar Problem

In the seminar I wanted the emphasis to be reversed, so that the point of departure would be some immediately pressing problem or set of problems. The problem chosen for study this year is that of the possibility of reconciling freedom with a comprehensive central control over the economy, the issue Bar-



PROFESSOR LON L. FULLER

seems to transcend in significance every other issue. Yet if the pressure of the military emergency drives us in the direction of an ever-increasing central control over the economy, and if, as many believe, such a control is inherently incompatible with the traditional liberties recognized by democratic and constitu-

(Continued on page four)

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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.

Defer Graduate Students

There is a growing dissatisfaction with the recent presidential order recommending deferment of high ranking college students and all graduate students. President Conant has added his voice to those who charge "unequal sacrifice" and "undemocratic."

The strong reaction to the deferment order is largely due to the fact that we are presently engaged in fighting in Korea. While actual conflict exists, the inequity of such deferment seems great. But the need for military conscription will not cease when the Korean war ends. Until some conclusive *modus vivendi* is established with Russia, tension will remain and the emergency will continue. During that time of emergency without actual military operations, as well as now, are we to follow a policy of wholesale conscription?

It is obvious that we must view this deferment policy as a long range plan, since if total war were imminent or upon us, no thought could be given to it. Viewed in such long range terms, what is to be the role of education? The real issue here seems to be to determine whether it is best to draft college men before, during, or after their scholastic career. It may well be that men with degrees make poor privates. Trusting that we will not be accused of lacking objectivity, it is our feeling that men in graduate schools, who are already preparing themselves for a particular specialization, should be allowed to finish. These men have already demonstrated their ability to do graduate work and the great majority of them are seriously preparing for careers in their chosen field. To interrupt that preparation for a two-year period of military service would not be in the national interest.

A substantial objection to the present program is that many will achieve an acceptable grade on the examination but be financially unable to attend college. This objection might be met, short of scrapping the whole program, by establishing a system of national scholarships, either given directly by the federal government, or by the states with, if necessary, federal aid.

* * * * *

HLS Serves the Bar

The past weekend saw the opening of what we hope may be the beginning of a new era in the relationship between the Law School and the legal profession. For the first time the School has actively undertaken to serve its graduates and other members of the bar in the New England area by presenting a discussion of a contemporary problem of great interest to lawyers. We refer to the Institute for Practicing Lawyers which discussed the *Legal Problems of Mobilization*.

A result of the Institute that may be overlooked at first glance is the healthy rapport it should help to establish between the School, the students, and the participating lawyers who were largely alumni. The practitioners ate in Harkness Commons Friday evening and Saturday noon. They had a chance to inspect the new Graduate Center. They had some chance to see and meet new professors and to renew acquaintances with others.

Gallery

GEORGE KNOWLES GARDNER
Professor of Law



When George Knowles Gardner, while attending Harvard College, asked an old alumnus whether he should go to Harvard Law School, he was told that "though the place was a wonderful experience when I attended, I'm afraid it has declined quite a bit". Discouraging as this evaluation seemed he did arrive at the Law School in 1912 just as attempts were being made to raise its "low station."

Law School Days

At that time the student body numbered half its present size. Classes were held in Austin Hall and in the south section of Langdell Hall, which was then the only part of the building completed for use. Dean Thayer, who was appointed after Dean Ames had resigned, instituted both the Board of Student Advisers and Legal Aid Society as new additions to the Harvard scene. Dean Thayer also reorganized the Law clubs, which were till then spontaneous and completely independent, into the present system of Ames Competition. Professor Gardner's Club, Choate, was the first competition winner.

Professor Gardner received his LL.B. in 1914 and practiced law for the next 14 years in Boston. However, even then his interest was not confined solely to the practice of law. From 1921 to 1928 he taught the evening session classes at the Law School of Northeastern University. There he was confronted with men from all professions struggling to enter the already overcrowded field of law. Some of the reasons for this seeming misapplied energy was volunteered by one of his students, who stated cryptically, "Well it's not much more expensive than a good show and some feel they'll get something out of it".

Teaching At Harvard

In 1928, Harvard invited Professor Gardner

back to the Law School, this time to teach. Again the Law School was in the midst of a change. In response to the growing interest in the practice of law throughout the country it was decided to double the student body, and along with it, its faculty. Now that there were four sections, in place of the customary two, Professor Gardner shared with Professor Williston the "burden" of teaching contracts to the entering class.

Not only did Professor Gardner see a change in the number of students at the Law School but he witnessed a perceptible change in the personality of the college graduate who arrived to study law. "When I attended," he said, "my fellow students looked and dressed alike and shared like views on politics, economics and romance. They came to learn the right answers and the right ideas and were usually convinced that they could dispatch most questions put to them with authority by the time they had finished their legal education."

Professor Gardner thinks it indicative of this attitude that the typical law school exam at that time demanded an exposition of the "correct judgment" which was to be given to a group of posed hypotheticals.

Changes In Method

Today, due to the influence of such modern educators as John Dewey, the emphasis is decidedly away from the "right" way of answering questions and towards an appreciation of the problems confronting the study of any field of applied knowledge. Today's professor cannot make the same assumptions toward the attitudes and backgrounds of his students as he did 25 years ago. The examination given today at the law school reflects this change. The problems of "Mr. LL.B." as Professor Gardner calls him, rather than that of the Appellate Court Judge now plague the law student. He is directed more and more to determine a general cause of action, a much wider area of inquiry than anticipating the judgments of a court of law. This new emphasis is, of course, a result of the experience of the present faculty.

In 1940, Professor Gardner joined the Civilian Training program at Camp Devens. For the first time, he says, he was able to evaluate the organization, or rather the lack of organization, in the American community when compared to the ordinary military unit. It is only recently that the articulate voices in the society have begun to announce that every American male will have to include service in some branch of the military establishment as part of the every day life in the community. For this job to be done effectively, the entire community must be oriented so that each man knows his place and who is his leader. For Professor Gardner, "The four weeks I spent at Camp Devens taught me more about the structure of society and about people than I had learned in 49 years of educated living."

A. S.

Letters to the Editor

To the Editor of the RECORD:

I do not pretend to know anything about the practical workings of the Massachusetts criminal courts, but I find the article in your issue of March 14th by the Chief Counsel of the Voluntary Defenders Committee of Boston quite superficial.

Mr. Wilbur Hollingsworth says "In theory a man charged with a crime is presumed to be innocent until he is proved guilty. In practice the mere fact that he is arrested is satisfactory proof of his guilt until he can show otherwise."

Neither statement is accurate. A man charged with a crime is presumed to be innocent by a special group, viz., a jury that is trying him upon a charge of guilt, unless and until the evidence in that particular case proves him to be guilty. Even in the public mind the mere fact of arrest is not *prima facie* proof of guilt. It is merely proof that sufficient evidence to make out a *prima facie* case has been presented to a grand jury or some appropriate public officer and that the public does not yet know what the defendant has to say or what to believe.

Mr. Hollingsworth's article was really intended as a criticism of the treatment accorded the "beggar without friends"—the complete down-and-out—a very small class, and even then the smaller number who cannot themselves tell a straight story of what happened, and thus raise a reasonable doubt. His discussion would be more helpful would he limit himself to this particular small class, which is supposed to be taken care of by the Voluntary Defenders, and make some constructive suggestions as to what more can and should be done to get the defendant's story and proof of its truth. Somewhat less sweeping generalities and more constructive imagination would be helpful in a further article.

ALBERT S. BARD, LL.B. '92
New York

To the Editor of the RECORD:

I am sitting in my room in Story Hall, busy

with my paper, and glumly looking at Spring outside. I can not see much; my window is coated with winter's grime.

Perhaps it is just as well; this is no place to let in thoughts of a world where birds chirp and crocuses bloom. Yet it seems strange to have lived in a building where windows are not washed for months and where the architect, alas, has made so much of window space.

Perhaps they will be washed in time for the commencement visitors. But then I shall probably live here no longer.

ERNEST D. OAKLAND, 3L
* * * * *

To the Editor of the RECORD:

Re: Drafting Competition

While I very much appreciate the compliment, I must hasten to advise you that I am not a member of the firm of Peabody, Arnold, Batchelder & Luther. My only association with that eminent firm is through co-membership with Willard B. Luther, Esquire on the Uniform State Laws Commission and a common office address.

EDWARD L. SCHWARTZ, LL.B. '34
* * * * *

To the Editor of the RECORD:

It is unfortunate that the faculty members saw fit to indulge in such a bold disturbance in Langdell Reading Room last Sunday afternoon, April 8th. Apparently there was a faculty meeting of sorts which gave rise to the occasion of their wholesale sojourn through the Reading Room. This seems harmless enough, I suppose, but one would expect the exercise of a certain amount of self-restraint in deference to those who can find nothing more to do on Sunday than browse through the many pages assigned by our distinguished faculty.

It is questionable whether anyone has or ought to have the privilege of disturbing the sanctity of Langdell Reading Room, unless it be God Himself.

THEODORE J. HORVATH, 2L

Sub Judice

Nice Work If You Can Get It

Joseph Roukey has been a duly elected member of the House of Representatives of the State of New Hampshire since 1939. It seems that his work as a legislator was relatively easy, since he was able to hold down a job as a mill worker from Nov. 1944 to Dec. 1948. He worked the third shift from 11 p. m. to 7 a. m. On Dec. 2, 1948, Roukey was laid off from his job at the mill, and soon after applied for unemployment compensation. His claim was denied on the ground that, as a member of the state legislature, he was not "available for work." Roukey appealed.

Held: Roukey was "available for work" and was therefore entitled to unemployment compensation.

"(Roukey's) legislative duties are performed in Concord, eighteen miles from Manchester, every two years for a term extending from the first of January through the early or middle part of the ensuing summer. When in session, the members of the Legislature generally meet three days a week during which time they attend not only the official sessions but also committee hearings. . . .

"The phrase 'available for work' is not defined in the statute. The availability requirement is said to be satisfied when an individual is willing, able and ready to accept suitable work which he does not have good cause to refuse, that is, when he is generally attached to the labor market. . . .

"Where, as in this case, there are time limitations on the worker's availability the question is whether such worker has so limited the field of suitable work which he will accept that he cannot be said to be genuinely attached to a labor market.

"... [During a four year period plaintiff] was attached to a labor market in spite of his legislative duties. In other words, his membership in the House of Representatives did not make him unavailable for that work. There is no evidence that this same market did not exist when plaintiff filed his claim for compensation. . . . No other reason for his ineligibility appears in the record other than his membership in the Legislature which in and of itself does not make him unavailable for work. . . . Roukey v. Riley, 77 Atl. 2d 30 (Dec. 1950).

Off the Record

AVE ATQUE YALIE

Alas! . . . another thing to vex us,
Good old Bart is off to Texas,
The assignment is no longer frugal,
For we shall hear from Sir McDougal.

The thought of this does make us pale,
Two whole hours with the ogre from Yale!
And Uncle Bart, he did assert,
For those two hours, we're all expert!

ANONYMOUS

Perennial Riddles Dept.

Professor Hall: "Who takes care of the caretaker's daughter when the caretaker's out taking care?"

'Twas Roger the lodger, by God!

The Legal Mind at Work

Professor Cavers reports the receipt of a letter from Robert Kievall, LL.B. '50, containing the following intelligence:

"While looking through the card catalog at the New York County Lawyers Association, I inadvertently turned over the card following those in rent laws, etc., to find a card reading as follows: 'RENOI—See Deportation.'"



Insanity Defense

HARRIS STEINBERG, LL.B. '35

Alumni Notes

GRISWOLD TO SHOW MOVIES

In response to many requests various alumni groups throughout the country will get an opportunity to view the film of the dedication ceremonies of the new Graduate Center. When Dean Griswold arrives in Denver, Colorado on April 13, he will have the film, which includes a tour of the new Law School dormitories, for a presentation before the Alumni Association there. The Dean will then visit Austin, San Antonio, Houston, Fort Worth, and Dallas where the film will also be shown. Plans also include showing the film before the Harvard Law School Association in New York and finally before the Law School Association Council at the Law School.

LL.B. '33 — **Albert L. Solodar** has formed a law partnership with Max Wechsler at 280 Broadway, New York.

LL.B. '47 — **William Neil Thomas, Jr.** has become a member of Forts, Brammer, Bishop, and Thomas located in the James Building, Chattanooga, Tenn.

LL.B. '48 — **Stephen G. Lax** announces the formation of a partnership under the firm name of Dudley, Lax, Olson and Shook in Washington, D. C.

LL.B. '49 — **John E. Corrigan, Jr.**, having been recalled to extended active duty, has been appointed Acting Legal Chief of the Chicago Ordnance District.

LL.B. '50 — **Leon S. Lipson** announces a change of firm name to Altheimer, Kabaker, Lipson, and Naiburg.

Samuel Dash has reviewed Professor Glueck's *Unraveling Juvenile Delinquency* for the March issue of the *Illinois Law Review*. Mr. Dash, a former editor of Current Cases for the *Record*, has recently completed a report to the Chicago Crime Commission on the administration of justice in the lower criminal courts of Chicago and is now preparing an article based on this study for the *Illinois Law Review*.

Law Dorm Porter Jobs Available For Next Fall

Jobs as Student Dormitory Porters will be available to a number of students next year, on a basis of financial need. Duties will consist of cleaning an assigned number of rooms, halls and lavatories, five days a week, and making beds once a week, with clean linen. The work will take about two hours each working day, between 9 a.m. and 2 p.m., and pay 80 cents an hour, or eight dollars a week, which amounts to between \$280 and \$300 in an academic year.

Porters will be employed through the Student Employment Office, and should apply either to that office, Weld Hall 29, or to the Financial Aid Center, 54 Dunster St.

LAW REVIEW—(Continued)

establish the grounds on which the two parts of the speech can be reconciled.

Federal Regulation of Private Carriers examines the scope of the Interstate Commerce Commission's regulatory jurisdiction under the Interstate Commerce Act, analyzes some of the problems peculiar to the different modes of transportation. The writer, Mr. Frederick Porter, a former *Columbia Law Review* man, now practicing in New York, was a Captain in the Transportation Corps during World War II.

Professor Warren A. Seavey, Bussey Professor of Law at Harvard Law School, discusses the element of reliance as a basis of liability for failure to perform a gratuitous promise. He concludes that a tort basis of liability, rather than contract, should be recognized in granting relief.

Mr. Justice Black's view that legislative history of the 14th Amendment furnishes conclusive evidence that the entire Bill of Rights was to be read into the Amendment is criticized by Mr. Alfred W. Meyer, member of the Illinois bar in his article, "The Blaine Amendment and the Bill of Rights."

QUARTER FINALS—(Cont.)

Cal., and Ronald P. Klein, 2L (Stanford '49) of San Francisco.

On the brief for the Marshall Club are Frank E. Feder, 2L (Yale '49) of Los Angeles; Robert B. Hudson, 2L (Stanford '49) of Los Angeles; Rodney W. Loeb, 2L (California '49) of Los Angeles; Richard A. Myren, 2L (Wisconsin '48) of Madison, Wis.; Stanley V. Ostrow, 2L (Yale '49) of Pittsburgh, and Floyd Wilkins, Jr., 2L (California '46) of Fowler, Cal.

Arguing for the Brandeis Club, Defendant-Appellant, are J. Brooke Aker, 2L (Bowdoin '49) of Norristown, Pa., and Harald Saakvitne, 2L (Michigan '48) of Cambridge.

Assisting on the brief for the Brandeis Club are Stanley L. Golden, 2L (Vermont '49) of Stamford, Conn.; John B. Harrington, 2L (Vermont '49) of Burlington, Vt.; Sheldon Newman, 2L (Wisconsin '49) of New York City; Robert S. Persky, 2L (N.Y.U. '49) of Jersey City, N. J.; Jacob S. Pincus, 2L (Clark '49) of Brooklyn; and Herbert H. Weiss, 2L (Wesleyan '49) of Kingston, Pa.

April 23, the day after the Spring vacation, the E. Warren Club and the Casner Equity Club will meet in the final quarterfinal argument arguing a case involving the Federal Civil Rights Act.

Brockman Adams, 2L (Washington '49) of Seattle, Wash., and Alvin L. Levin, 2L (Rochester '49) of Rochester, N. Y., are the oralists for the E. Warren Club, representing the Plaintiff-Appellee. Of counsel on the brief for the E. Warren Club are Jack E. Brown, 2L (Northwestern '49) of Council Bluffs, Iowa; Saul Z. Cohen, 2L (Rochester '49) of Rochester, N. Y.; Robert A. Goldston, 2L (Bucknell '49) of Brooklyn; David H. Vernon, 2L (Harvard '49) of Winthrop, Mass.; Robert S. Warshaw, 2L (Harvard '46) of Brookline, Mass.; and Marvin W. Weinstein, 2L (Bucknell '49) of Washington, D. C.

Oralists for the Casner Equity Club, representing the Defendant-Appellant, are Theodore C. Geisert, 2L (McPherson '49) of Elmo, Kansas, and Irvin Graybill, Jr., 2L (Bucknell '49) of Middleburg, Pa.

Assisting on the brief for the Casner Equity Club are Peter A. Bauer, 2L (Marietta '47) of New York City; Theodore Q. Childs, 2L (Harvard '49) of Decatur, Ill.; Barton A. Farber, 2L (Chicago '49) of Flushing, N. Y.; George I. Harris, 2L (Harvard '49) of Beechhurst, N. Y.; Vester T. Hughes, 2L (Rice Institute '49) of Mertz, Tex.; and James F. Ryan, 2L (Harvard '49) of Roxbury, Mass.

The Hon. Calvert Magruder, Chief Judge of the U. S. Court of Appeals for the First Circuit, will be chief justice. Talcott M. Banks, LL.B. '31, with the Boston firm of Palmer, Dodge, Gardner, Bickford & Bradford, will serve as an associate justice. The other associate justice will be Mr. Roland Gray, Jr. of Ropes Gray Best Coolidge and Rugg of Boston.

FORUM—(Continued)



AL CAPP

pearance. His acquaintance with the movie industry was a brief one, limited to writing the scenario for a "Lil Abner" movie which was released in 1940.

Spyros Skouras has had long experience on the production side of the motion picture industry. He is expected to discuss movies as an art and the general plans of the industry for the future. Twentieth Century-Fox produced the Academy Award-winning "All About Eve."

As a reviewer, Bosley Crowther probably has seen more motion pictures than the combined movie-going efforts of the rest of the panel. He is expected to discuss the development of motion pictures as seen from the reviewer's seat.

AMORY—(Continued)

tion, the student had to stand. Professor Amory found that this practice increased the soundness of the questions and answers and also aided audibility and classroom decorum. He thought that this practice would be the one most likely to be introduced in his sections immediately upon his return.

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NEWS IN BRIEF

ERRATUM

Hugh N. Scott, 1L (Princeton '50) of Philadelphia won the Squash Tournament, not Audley Clarke as reported in the March 28 *Record*.

McDOUGAL CONDUCTS CLASSES

Professor Myres S. McDougal, Professor of Law at Yale Law School, will substitute for Professor Leach in the Property I and II classes tomorrow, Friday, and Saturday. Professor Leach is taking a trip to Arizona for his health.

Professor McDougal is well known for his policy approach to property law. Special material, partly from his textbooks, has been prepared for his classes by Professor Leach.

LAW WIVES MEETING

Mrs. John M. Maguire will discuss India tonight at the Harvard Law Wives meeting at 8 in the Harkness Commons Room. The Business School Wives will be the guests of the Law Wives.

SEAVEY SPEAKS ON CHINA

Professor Warren A. Seavey will address the Coffee Hour on *China—My Travels and Views* tomorrow at 1:30 p.m. in Harkness Commons.

DORM APPLICATIONS

Applications for rooms in the Law School dormitories for next Fall must be in by Friday, April 13, 1951.

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Calendar

UNIVERSITY WORLD Exhibits

Widener: Gutenberg Bible, 1546.
Widener Memorial Rooms, all week, 9 a.m.-4:30 p.m.

Houghton Library: Letters and Poems of John Keats, written in the Spring of 1819. Keats Room, all week, 9 a.m. to 5 p.m., Saturday, 9 a.m. to 12 noon.

"B" School: Famous Trains—Paintings and photographs from the Railway and Locomotive Historical Society Collection. All week, 9 a.m.-11 p.m.; Saturday, 9 a.m.-5 p.m.; Sunday, 1 p.m.-11 p.m.

Harvard College Observatory

Open Nights this month will feature a short non-technical talk, and when the weather permits, visitors may use the telescopes. You must send for free tickets in advance. A complete schedule is in the Harvard University Gazette in the Root Room.

Reunion

The Spring Reunion of the Harvard College class of 1949 will be held on Saturday, April 28. Details will be posted later. All interested in attending see Carlos Arosemena, 2L or Bob Wise, 1L.

OUTSIDE WORLD

Ford Hall Forum

Dr. Archibald MacLeish, LL.B. '19, will discuss "A Faith for Liberals," Sunday evening at 8 o'clock, in Jordan Hall, Boston. Admission is free.

Fenway Concert

Stanley Weiner will perform on the violin, Sunday afternoon, at 2 p.m., at the Isabella Gardner Museum. Admission is free.

FULLER—(Continued)

tional governments, then we shall have lost the struggle for a free world in the process of preparing for a war that may never be fought. In this sense the domestic issue of freedom and economic planning is more basic than the more dramatic international issues that usurp the headlines.

Two Phases

The seminar is divided into two parts: the first part (a little over half) is devoted to a joint study and discussion of certain assigned readings; the second part is devoted to hearing and discussing student papers.

The first book read is Mill's *Essay on*

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Liberty. From a study of this work we attempt to develop an analysis and appraisal of the objectives designed by the terms "liberty" and "freedom." We next read and discuss Hayek's *Road to Serfdom* and Mrs. Wootton's answer to Hayek entitled, *Freedom Under Planning*. We then study briefly the proposals of certain socialist economists for what might be called a socialism of free enterprise. These proposals involve ingenious schemes for re-establishing under socialism something like a free market so that consumer's choice and freedom of occupation may be preserved despite the state's control over job opportunities and the basic instruments of production.

Problems of Socialism

Attention is devoted in the seminar to the economic and legal problems of an advanced state of socialism, not with the thought that this study has immediate relevance to the problems now facing this country, but for the insight that comes from an analysis of the extreme case. By seeing what problems would be produced by a complete socialization of industry, we can get a better understanding, I believe, of our own present "mixed" economy and some guidance as to what forms of state intervention are beneficial or innocuous and what forms do actually tend toward the dangers that Hayek and others have warned about.

The course of necessity involves a close synthesis of economic and legal considerations. That is, to my mind, one of its chief values, for the literature on economic planning displays a woeful lack of that synthesis. Economists tend to have a blind spot for legal problems; lawyers tend to by-pass, as if they were non-existent, basic economic issues. An illustration of the first kind of blindness is found in the suggestion made by certain British economists that wages under socialism be set by arbitration. The suggestion is at once coupled with the admonition that the arbitrators keep in close consultation with one another so as to preserve a balanced national wage structure and so that wage levels may be adjusted to influence the flow of labor into the places where it is most needed. To a lawyer it is fairly apparent that these economists have given their "arbitrators" an oil-and-water mixture of functions. Both judges and business managers are useful citizens, but one man can hardly occupy both roles at once.

What is in fact a managerial decision is not converted into a judgment or an award simply by labelling the man who renders it an "arbitrator," or by going through the motions of a hearing before him if this decision is based on considerations unrelated to the facts brought out at the hearing.

Legal Blindness

A corresponding legal blindness to economic issues can often be found in discussions that classify governmental actions wholly with reference to their legal forms without taking into account their economic functions. Price controls and laws prescribing maximum hours of work for women and children can be, and have actually been, grouped together as illustrating "limitations on freedom of contract." Such a grouping ignores fundamental economic differences in the two kinds of restraint, differences that largely determine their legal form. (Maximum hours, for example, can be prescribed in a statute and be left unchanged for 20 years; a similar treatment of prices would be virtually impossible.) One recent writer distinguishes the role of the state as an allocator of economic resources from its role as an arbitrator between large interest groups, such as labor unions and employers' associations. The first role gives this writer some concern as a possible threat to freedom; the second he apparently accepts readily since it comes clothed in a familiar legal form. There is no suggestion that the second role is from an economic point of view just as much "allocation" as the first.

Research Subjects

Student papers this year include studies of certain issues of economic planning as they arise in England, Russia, the Philippines and Iraq; an analysis of the organizational problems (legal and economic) that confronted Robert Owen's settlement at New Harmony in the 1820's; two reports on radio, covering freedom of speech and the consumer's freedom to hear programs he likes; two reports on proposals for improving medical care; a report on the status of labor unions in Italy, including their position during the Fascist regime; two studies of the problem of reconciling the restraints inherent in city planning with the citizen's freedom to live how and where he likes; a report on the future of governmental subsidies for art in this country; a report on the feeder air line problem, which involves conflicts between private initiative in the field of air transportation and the controls exercised by CAB; a study of the wholesale distribution of newspapers as affecting the reader's convenient choice of the paper he prefers. In some cases (as in the reports on radio and newspaper distribution) the papers have been written by students with an extensive practical experience in the relevant fields. The presence of students from Canada, England, the Philippines, Italy, Japan and Iraq has made possible a comparison of experiences in countries with widely differing economic systems.

APOLOGY

Through an oversight we neglected to state last week that the picture of Judge Peter Woodbury was run by courtesy of the *Boston Globe*.

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Survey Finds Most Students Opposed To High Rate of Interest for Loans

ED. NOTE: Earlier in the year, the RECORD, in cooperation with the Survey of the Legal Profession, distributed a questionnaire to the student body in an effort to determine student opinion toward loans. This questionnaire was prepared with the aid and assistance of Mr. John S. Rodrigues of the Social Relations department of Harvard College.

Does student opinion coincide with the actualities of the loan situation at the Law School? This was the question which the questionnaire, distributed to over 600 students, endeavored to answer. Only 153 answers were returned. Those answering the questionnaire were distributed in this manner:

Class	Marital Status	Family Income
1L: 64	Single: 108	Under \$3,000 18
2L: 44	Married: 45	\$3,000-\$5,000 34
3L: 46		\$5,000-\$10,000 37
Sp: 2		Over \$10,000 52
		Don't Know 11

Fifty-two of those answering were receiving some form of Government aid, while 105 were being aided by their parents and/or relatives. Thirty-seven had part-time employment and 18 had scholarships. Of those answering, seven had received University loans and two held outside loans. Sixty-six men were drawing on their savings or investments.

Out of 153 answers, only twenty-eight had either received a loan or knew exactly how the loan fund operated and how to go about obtaining one. Of the others, thirty knew nothing at all about the system and seventy-four had heard about the loan fund, but did not know anything about the procedure or operation of the fund.

This last fact can no longer be blamed on the school authorities. The latest catalogue sets out with great clarity all the necessary information concerning the loan fund on page 63.

The Law School loan fund, which now totals in the vicinity of \$360,000, with sixty-odd thousand in notes receivable, is made available to the students with interest at the rate of four-and-one-half percent from the date of the loan. While the loans are supposed to mature within two years after graduation, many men are allowed to extend the time period.

These, then, are the pertinent facts about the loan fund. How do these conditions compare with student opinion?

First, the students were asked to set down what they considered "equitable terms" for a student loan.

The interest rate should be:

(1) 0%	18	(6) 4%	11
(2) 1.5%	25	(7) 4.5%	2
(3) 2%	49	(8) 5%	5
(4) 3%	25	(9) No opinion	8
(5) 3.5%	7		

Thus, only seven students felt that the present interest was "equitable" with the greatest number choosing 3% or lower.

Fifty-seven thought that interest should be charged from the date of the loan, but 60 disagreed and thought interest should not be charged until after graduation. Seventeen thought interest should not be charged until some period between three months and two years after graduation, while 16 held no opinion.

Only 16 students thought that interest should be paid from the date of the loan. Forty-five thought that the appropriate time for interest payments to start was after graduation and forty-five others considered one year or less as the proper time. Those in favor of payments commencing two years after graduation numbered 23, with ten choosing three years or more. Sixteen had no answer.

Student opinion as to when payments on principal should be made were equally varied, but all agreed that no payments should begin before graduation. Seventeen thought payments should begin at that date, while 53 felt that one year or less was the proper time. Forty-three answered that two years or less, but more than one year, should be allowed before repayment begins, and 38 chose three years or more.

Comparing these answers with the actual operative facts of the loan fund at the Law School we can draw these conclusions: 1) More information should be supplied concerning loans to incoming students. 2) Since such a large proportion of the student body, as indicated by these answers, prefer a lower interest rate, some consideration should be given to lowering the rate. (The College lowered their rate to three per cent last year See *Harvard Alumni Bulletin*, Feb. 11, 1950, p. 378). 3) The answers as to when interest payments should begin running are fairly evenly split and should be changed only if there is sufficient evidence that it is an important factor in dissuading students from borrowing to finance their education.

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