

The Harvard Law School Record

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PRICE TEN CENTS

Friday's Forum On Economic Controls To Feature DiSalle, Slichter, Ericson



PROF. SUMNER H. SLICHTER



MICHAEL V. DISALLE

Federal Price Stabilizer Michael V. DiSalle will be one of the principal speakers at the Harvard Law School Forum, Friday evening at 8 at Rindge Tech on the topic *Price, Production, and Preparedness*.

To debate with Mr. DiSalle the future effect of government controls on the economic life of America will be Sumner H. Slichter, Lamont University Professor at Harvard College, and George Ericson financial editor of the *Christian Science Monitor*. Professor Erwin H. Schell, head of the department of Business and Engineering Administration at M.I.T., will moderate the discussion.

In this discussion the speakers will be asked to assume that the United States will stay fully armed for twenty years, and to then consider what effect this will have on the American economy.

Aspects of Problem

Aspects of the problem to be considered are how the normal pricing system will react to an increasingly controlled economy, the correlative effect on wages, and the possibility of a development of some form of socialism as a result of the preparedness program being continued for a long period. Curbs on inflation, profiteering, and the chance that black markets will become a permanent feature of our way of life because of defense-inspired shortages, will also be analyzed.

Mr. DiSalle, the 43-year-old former mayor of Toledo, Ohio, is a graduate of Georgetown University Law School, and still has a firm in Toledo. He sponsored the Toledo Labor-Management Citizens' Committee which brought industrial peace to Toledo.

Allport To Discuss Intergroup Conflict

"Group Conflicts and Prejudices" will be discussed by Professor Gordon Allport, chairman of the Department of Psychology, Harvard, at the regular Law School Coffee Hour, tomorrow at 1:30 p.m. in Harkness Commons.

Professor Allport, who is also Director of the National Opinion Research Center, is author of *Personality—A Psychological Interpretation* and *Psychology of Rumor* (with L. Postman).

At the last Coffee Hour before vacation, Professor Warren Seavey entertained a capacity crowd in Harkness Commons, speaking on *China—My Travels and Views*.

Perhaps in one generation, Professor Seavey explained, the Chinese people will be weaned away from Russian Communism. The families control the villages and he who controls the villages in turn controls the country. Mr. Seavey feels that the Communists can do little to change the basic characteristics of the Chinese people and that ultimately the people will cease to go along with Russian policy.

Commenting on the Truman-MacArthur controversy, Professor Seavey said that he regretted that it had happened, however he felt that under the circumstances Truman's decision was forced and that Truman should have settled that matter long ago.

The use of Chiang's troops in Korea was favored by the Professor, but not on the mainland of China where he felt that they would disappear.

No Admission Decrease Expected In Next Class Despite Threat of Draft

Although applications for admission to the first year class next September are now being received at a slightly smaller rate each day as compared with a graph of last year's receipts, Assistant Dean Louis A. Toepfer, director of admissions, predicts that the same total of applications will be submitted before the closing date, May 1. The administration is aiming toward a first year class of 525 to 550 students.

Slightly less than two-thirds of the expected 1500 blanks from prospective students have been received to date. However, according to Dean Toepfer, the forms, together with the college transcripts of grades and the Law School Admission marks, indicate that next year's class will offer a high level of scholastic and extra-curricular achievement upon entrance.

Commenting on the Law School's decision to admit women during the past year, Dean Toepfer noted that "less than twenty" women have applied for admittance to the Class of 1954. Nine have been accepted so far. Asked if the administration had not expected applications from women to flood the admissions office, he countered by remarking that the number of women college graduates who consider legal studies was very small, and said further that the Law School had not anticipated that any

(Continued on page three)

Gardner & Hardee Hit New Bar Oath

Professor George K. Gardner, LL.B. '14, and Professor William C. Hardee, LL.B. '47, recently testified before the Massachusetts State Committee on Constitutional Law and attacked the proposed state law outlawing all "subversive" activities and particularly the provision requiring loyalty oaths from lawyers.

Professor Gardner's contention was that the oath would be a violation of the Massachusetts Constitution. Pointing out that lawyers in the Massachusetts General Court do not have to take oaths, he said that if other lawyers were required to take them, the bill would violate the provision stating that "no one elected to a position of authority shall require of a citizen more than the Constitution asks of him."

He concluded that Communists should not be allowed to practice law in the state if they represent the principles of the Communist Party as he understands them.

Claiming that oaths mean nothing to those who are real Communists, Professor Hardee called the bill an "invidious slur on the members of the bar."

Public Calls For Young Legal Talent, Says Gov. Dever In HLS Speech

Mixing comments on the national and world situations with remarks on the need for young lawyers in public life and the advantages they would gain from such activity, Governor Paul A. Dever of Massachusetts spoke before an audience of over 100 students yesterday in Harkness Commons at a meeting sponsored by the Harvard Law School Democratic Club.

Regarding the role of young lawyers in politics, the Governor stated, "Today there is the same need of young men in public life as in the early Thirties, and young lawyers are ever able to serve better than those trained in other fields." Pointing out the value of the associations and friendships he had made while a member of the Massachusetts legislature, the Governor cautioned, however, "If you ever go to the legislature of your home state, make sure your duty as a

(Continued on page four)

Taxation, Property II Courses Shifted In Curriculum Change

All Should Take Test

Brigadier General Louis H. Renfrow, deputy director of Selective Service, announced Saturday that all draft-eligible men should take the forthcoming aptitude test, regardless of scholastic standing. This applies to students now enrolled in graduate and undergraduate schools.

As the draft law now stands, local boards may base student deferments on either the test score or on grades.

Renfrow said that it is possible that a simple change in the law might force local boards to use both standards. If no test scores were available, they would have to order induction.

The tests will be given on May 26, June 16, and June 30. A fourth date will be set for some time during July. Application blanks may be obtained at PBH.

Scott-Powell, Smith Warren, Marshall Take Quarterfinals

Monday night's victory of the E. Warren Club over Casner Equity Club brought to a close the Ames Quarterfinals for this year. Other results of the quarterfinals' arguments were: Scott-Powell over Kent; Smith over Coke; and Marshall over Brandeis.

Kent Club's prospects for a two-year sweep of the Ames Competition were smashed Monday, April 9 when the second-year court lost to Scott-Powell Club in the opener of the quarterfinal arguments. The case was an income tax problem. The Hon. George C. Sweeney, Chief Judge of the U. S. District Court for Boston, was the chief justice, with Kenneth W. Bergen, LL.B. '37, and Harry Mansfield, LL.B. '43, as associate justices.

The victorious oralists for the Scott-Powell Club were Philip O'Brien, Jr. (Yale '48) of Holyoke, Mass., and William T. Rountree, Jr. (Alabama '49) of Selma, Alabama.

Alexander D. Calhoun (Harvard '49) of Cambridge and Louis A. Cox (Harvard '49) of Windsor, Vt., represented the Kent Club.

Tuesday, April 10, the Smith Club led

(Continued on page three)

NEWS IN BRIEF

PROCTOR APPLICATIONS

Application forms for seven proctorships in the Law School dorms are available now at the Dormitory Office in Hastings Hall.

These proctorships, two of which are for Hastings and one each for the other Law dorms, provide the proctor with one-half of his room rent for the year. Applications must be returned to the Dormitory Office no later than May 1 to be available for consideration.

ST. THOMAS MORE SOCIETY ELECTIONS

At a recent Communion Breakfast the St. Thomas More Society elected officers for next year. They are: Richard P. McMahon, 2L (Georgetown '49) of Pawtucket, R. I., president; John M. Palmer, 2L (St. Thomas '49) of Minneapolis, secretary; and George F. Fischer, 1L (Fordham '50) of New York City, treasurer.

NEW DEMOCRATIC OFFICERS

Robert Persky, 2L (N.Y.U. '49) of Jersey City, N. J., was chosen president of the Harvard Law Democrats for the remainder of this term and the first half

Taxation To Be Taught In 2nd Year; Property Changed To Third Year

Taxation will become a required course for second year men next year, according to the new Harvard Law School catalogue scheduled for release May 1. Property II will be shifted to the third year curriculum beginning the following year. The uncertainties of selective service policy have held up publication of the new schedule which is ordinarily released in April.

Professors Surrey and Griswold will teach the new second year course and Professors Brown and Maguire will teach the third year taxation classes. Mr. Surrey will also teach a tax seminar in Current Tax Problems and Mr. Maguire will teach a new seminar entitled Taxation: General.

Except for a few faculty shifts the second year curriculum will otherwise be the same next year. Professor Baker will teach one section of Trusts. Professor Cox will give a section of Administrative Law, and Professor Sutherland will teach one class in both Constitutional Law and Commercial Law.

Elective courses will be the same in the second year except that there will be two sections of Legislation, one taught by Professor Hart emphasizing the role of the courts and legislatures in the development of the law, and the other by Professor Surrey emphasizing the role of Congress.

The third year schedule will look much the same. Professor Watts will give Property II for the few 3L's who have not yet taken that course. There will be a new third year course entitled Government Procurement to be taught by Professor Braucher, and Professor Hart will teach Federal Courts and the Federal System which will replace the class in Federal Jurisdiction.

In the seminar department, Professor Helen M. Cam, the only woman Professor (history) at the College will offer a new seminar here on English Legal History.

Professor Kaplan will present a new seminar on Legal Problems of Authors and Publishers dealing with the production, publication and marketing of literary, artistic, and musical works.

Family Law, a new seminar in domestic relations, will be offered by Professor McCurdy.

(Continued on page four)

Legal Techniques Valuable in Shaping Modern Conservation Program - Watts

Today's article is written especially for the RECORD by Professor David E. Watts. The article discusses general problems relating to the subject of Conservation. Several ways are suggested in which the legal profession can most ably serve in this field.

Perhaps more than at any time in the past, the problem of conservation is currently receiving the attention of writers and speakers. Their views are not uniform; nor can we expect uniformity. We lack important technical information which is material to the problem. Individuals differ in valuing particular resources, in choosing among alternative uses, or in tracing consequences. Conservation requires a consideration of the future, and the crystal ball remains clouded.

Some persons predict that the continuation of the current rate of consumption of the resources of the world, coupled with the continuous increase in population, will speedily expand human want and misery and end civilization as we know it. Others argue that the prediction of catastrophe is unwarranted, that we should have great faith in technological progress, that political barriers make meaningless any attempt to analyze the

world resources as a whole, and that there is no justification for immediate concern about the ability of the resources of the United States to care for its population. Yet, all would agree that a large part of the people of the world are in dire want. Over wide areas, in the United States and elsewhere, our resources have been, and are being impaired, by improper use. But whether the future looks black or rosy, clearly it could be given a brighter hue if our resources were better used.

Concerns Use of Resources

Conservation is, simply, the use of resources in such a way that the most can be obtained from them both today and tomorrow. Conservation has often been primarily associated with a rationed consumption of irreplaceable resources such as minerals and oil. There is increased justification for a belief that technological advances will offer adequate substitutes or even superior products to replace our fuels and, to at least some extent, our minerals. Another view regards conservation as related primarily to recreation and to scientific study in connection with the protection of wild life and wilderness areas. The term could be so limited.

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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.

Room Rent Rise

With the announcement of the new rental prices at the dorms one fact has become painfully evident to all those who are considering the prospects of living there next year—the prices are too high. The new price level makes many students, who would otherwise jump at the opportunity to live at the dorms, look elsewhere.

The Grad Center offers many new and much appreciated advantages to the students. The Commons, meeting rooms, ping-pong tables, lounge, and the general setting are extremely desirable, but most students can use these facilities whether they live in the buildings or not.

In terms of the rooms themselves, however, the comparative rental rates for dorm and outside facilities would seem to give advantage to the rooming house occupant. Figured on a 40 week year and broken down into weekly rates the cheapest single room at the Grad Center rents for about \$7.90 per week. These rooms are small. The average room outside is \$7 per week. The most inexpensive double room in the graduate dorms rents for approximately \$6.90. From that point the prices rise to \$9.75 for a three-room suite for two at Hastings. In addition to the base cost, it should be realized that these prices do not include linens and blankets which are usually provided in private rooming houses.

In terms of the apartments at Hastings, the prices per man are about the same as those for outside apartments but private apartments offer the additional money-saving consideration of kitchen facilities.

In light of the fact that the GI Bill is running out for most students at the Law School and prices are mounting in all other particulars we submit that prices in school dorms should be kept to the minimum and more nearly in line with comparable outside prices.

Law Student Council

Graduate students of Arts and Sciences are electing representatives to their student council today. There seems to be a place for such an institution at the Law School. While the Dormitory Council has functioned very effectively in its first year of operation its most obvious inadequacy, as the only student governing body, is that it represents directly only one-third of the student body.

Although some students may not be interested in organizing a student council, we feel that there is a place and a need for such an organization in a school of this size. Yale Law School, with about 500 students, has such a plan. Harvard Law School has long been noted for the austerity of the personal relations between students and between the students and the faculty. This coldness has been on the wane for the past several years. We feel that a student council is the next step in that development.

Such a council would represent the entire student body, most of whom would not be dormitory residents. It would also provide an effective democratic organization through which the students might achieve a considerable measure of self-government.

Gallery

ARTHUR W. COOLIDGE
Massachusetts Republican



"Harvard Law School provides the backbone of the community by turning out the men society needs," observed Arthur Coolidge, Republican Leader of Massachusetts.

Mr. Coolidge was born in Portland, Maine, and graduated from Tufts College before coming to Harvard Law School where he received his LL.B. in 1906. Mr. Justice Frankfurter was a member of his class and is remembered by Mr. Coolidge as one of the few who sought open combat with Professors Ames, Williston and Smith.

Local Politics

In 1906, Mr. Coolidge was admitted to the Massachusetts Bar. Private practice occupied all his efforts until 1919, when he was elected to the Finance Committee of the town of Norwood. It was by working at the town and local level, first in Norwood and later in Reading, that Mr. Coolidge gained the necessary experience for the Massachusetts House of Representatives to which he was elected in 1936 and again in 1938. As a word of advice to law students aspiring to a career in government, Mr. Coolidge suggests getting busy at an early age with local groups. There are opportunities for lawyers in town offices and committees. "Show them you have something to offer, and you will rise."

While in the Massachusetts House, Mr. Coolidge served on the Judiciary, Education, and Labor Committees. In 1940, he was elected to the Massachusetts Senate, the presidency of which he held in 1945-46. When asked about his reason for voting against the Fair Employment Practice Act in 1945, Mr. Coolidge replied that the draft of the proposed legislation was faulty and that he had serious doubts as to its constitutionality. The proposed law was novel, having then only recently been passed in New York. In 1946, Mr. Coolidge said the proposed act had been improved, that he had time to view the New York

law in action, and that he voted for the Massachusetts Act which was passed that year.

In response to the query why Mayor Curley of Boston was able to collect his pay while in a federal penitentiary, at a time when the Republicans held the reins of the state government, Mr. Coolidge answered that a case similar to Curley's had arisen in the Massachusetts courts, and it was held that what the people had given, the courts could not take away. He said it would have been *ex post facto* for the legislature to pass a statute taking away Curley's mayoralty pay after he had been convicted.

"Middle-of-the-Roader"

Mr. Coolidge feels the Republican Party is very vital and potent in spite of its defeats since 1932 in presidential elections. The differences within the party as represented by the views of Senator Taft and Senator Lodge, are definitely no greater than those found in the Democratic Party. Mr. Coolidge believes that the Republicans have much to gain in accepting parts of both men's philosophies. He would, if a choice were to be made, adopt a middle-of-the-road program between the two extremes of the party.

The acme of Mr. Coolidge's long history of service to the Commonwealth of Massachusetts came with his election to the post of Lieutenant-Governor under Governor Bradford's administration in 1947 and 1948. When Governor Dever and the Democrats captured control in 1948 Mr. Coolidge returned to private practice, but last year ran for governor. Again Mr. Dever won.

Real Estate and Probate Work

Mr. Coolidge has a general practice, though most of his time is devoted to real estate and probate matters. Huge files containing summaries of the histories of his clients' property line the walls of a room in his office. He does very little trial work, feeling that it is a specialty in itself, and should be handled by specialists in the field.

Mr. Coolidge has little time for the sport he considers to be his favorite—mountain climbing. In earlier years, he reached the top of every mountain in New Hampshire, where he spent each summer vacation. Today he is kept busy at all times by the many varieties of cases which the lawyer meets in private practice. As an example, Mr. Coolidge tells of the recluse, thought by the local milkman to be poverty stricken. For a number of years the milkman had left milk daily at his door, never seeking payment. The recluse thought it was a sign of friendship—a gift—and never offered payment. When he died, the recluse left a considerable estate. The milkman was anxious to receive payment for his past deliveries; however the Statute of Limitations had run on much of the bill. Nevertheless the equity of the claim was apparent to Mr. Coolidge, and a settlement was arranged. "It is contacts with the world such as this," he commented, "that makes the practice of law such a fascinating study."

MARCUS GRAYCK, 3L
ALAN IVES, 1L

Letters to the Editor

To the Editor of the RECORD:

Your editorial of April 11 on draft deferment was too restricted in scope, and failed to carry conviction because of its emphasis on the waste of interrupting education. The draft has never been a device to improve the efficiency of civilian institutions. Nor is it primarily a method of insuring equality of opportunity. Perhaps we should use the Military Establishment to reform our society, but unless the reform is directed toward improvement of fighting quality, I would think it might better await a more peaceful era. We would do better to focus clearly on the main objective, national defense, and to neglect such irrelevant cries of anguish as those of the professional and often childless "Mom."

General Hershey obtained approval of his policy on educational deferment on the ground that we would have a better army three years from now if we saved some of the present crop of college students to help lead troops then. That was a straightforward military judgment, and his critics do not deal with it. Perhaps they think an army composed entirely of 18-year-olds and regulars will be just as good; perhaps they want the army to stop awarding commissions to college graduates and using intelligence tests in choosing officer candidates. But they have not said so, probably because they know it would sound silly.

ROBERT BRAUCHER,
Professor of Law

To the Editor of the RECORD:

"Which page of the RECORD do you read?"
p.2: "Alas! . . . another thing to vex us
Good old Bart is off to Texas. . ."

p. 3: . . . Professor Leach is taking a trip to Arizona for his health. . .

FRANK SANDER, 2L

Our poet has applied for, and received his license.

Off the Record

She Died Trying

In a discussion in Trusts, Section 1, the class was concerned with the case of *Thornton v. Howe*, 31 Beav. 14 (1862) in which the question was if a trust to propagate the writings of Joanna Southcote was charitable because for a purportedly "religious" purpose. Professor Scott explained that Miss Southcote's main idea was that she was to give birth to a new messiah, "she died childless—but she had a lot of followers in her day."

Pat On The Back Dept.

The following poem was written by Professor John M. Maguire, Royall Professor of Law, and was presented at the conclusion of a tribute to the RECORD at its annual banquet on Thursday, April 12, 1951. The poem, a "take-off" on *The Ship of State* is quoted with the permission of

Sub Judice

LOVE'S LABOR LOST

Nadine Bell was married at the age of fifteen and four years later was divorced after having two children. Shortly thereafter she consulted Dr. Toriello concerning some "female trouble" she was having. At this time she was engaged to Elwayne Brickman.

Upon the advice of Dr. Toriello, Nadine underwent two operations resulting in the removal of the Fallopian tubes. Nadine's testimony indicated a reluctance to enter into matrimony fearing sterility, but on being told by Dr. Toriello that he saw no reason why she could not have children she and Elwayne were married.

A month later she visited one "Dr. Sloan, for some more female trouble" where, according to her testimony: "He told me if Elwayne and I wanted any children he thought Elwayne would have to have them."

The jury returned a verdict for Nadine in her suit for fraud.

Held: Reversed and remanded, to enter judgment for defendant.

The court said that even if Nadine had proven the doctor's fraudulent misrepresentations, and had proven that these representations induced her to marry she had wholly failed to show any injury due to her reliance.

"The record fairly shows she bettered her condition by marrying Elwayne. It is possible they will be denied the marital bliss of children—and distress over the fact that she probably cannot have children is apparently the only injury she suffers. . . . Under her pleadings and proof all that resulted from the false representations was marriage to Elwayne. It would be strange indeed to hold that one who is living in marital concord with a man she loves is *damaged* by her change of status from single to married."

Brickman v. Toriello, 46 N. W. 2d 565 (March 6, 1951).

IS SILENCE GOLDEN?

Ely brought suit to recover damages for injuries resulting from being hit by an automobile. He was unable to testify without the aid of an interpreter. Since none was available until the next day, it was stipulated that Beal would present his case first, reserving all motions available as to plaintiff's case.

Under this stipulation, Beal presented his case, including testimony that he was driver of the automobile that struck Ely. Thereafter Ely, through an interpreter, testified how he was struck by an automobile, but failed to introduce any testimony that Beal was either the owner or the driver of the automobile. After plaintiff rested, defendant's motion for a nonsuit was granted.

Held: Affirmed.

The stipulation reserving all motions that would otherwise be available at close of plaintiff's case gave Beal a right to a non-suit as plaintiff failed to introduce "a scintilla of evidence who the driver or owner of automobile was which struck him." *Ely v. Beal*, 224 P. 2nd 479.

Professor Maguire and with apologies to Henry Wadsworth Longfellow.

Print on, print on with inky spate;
Print on, O RECORD,—agitate!
'Spite all *Chicago Tribune's* sneers,
March down the path of ripening years,
And every mind illuminate!

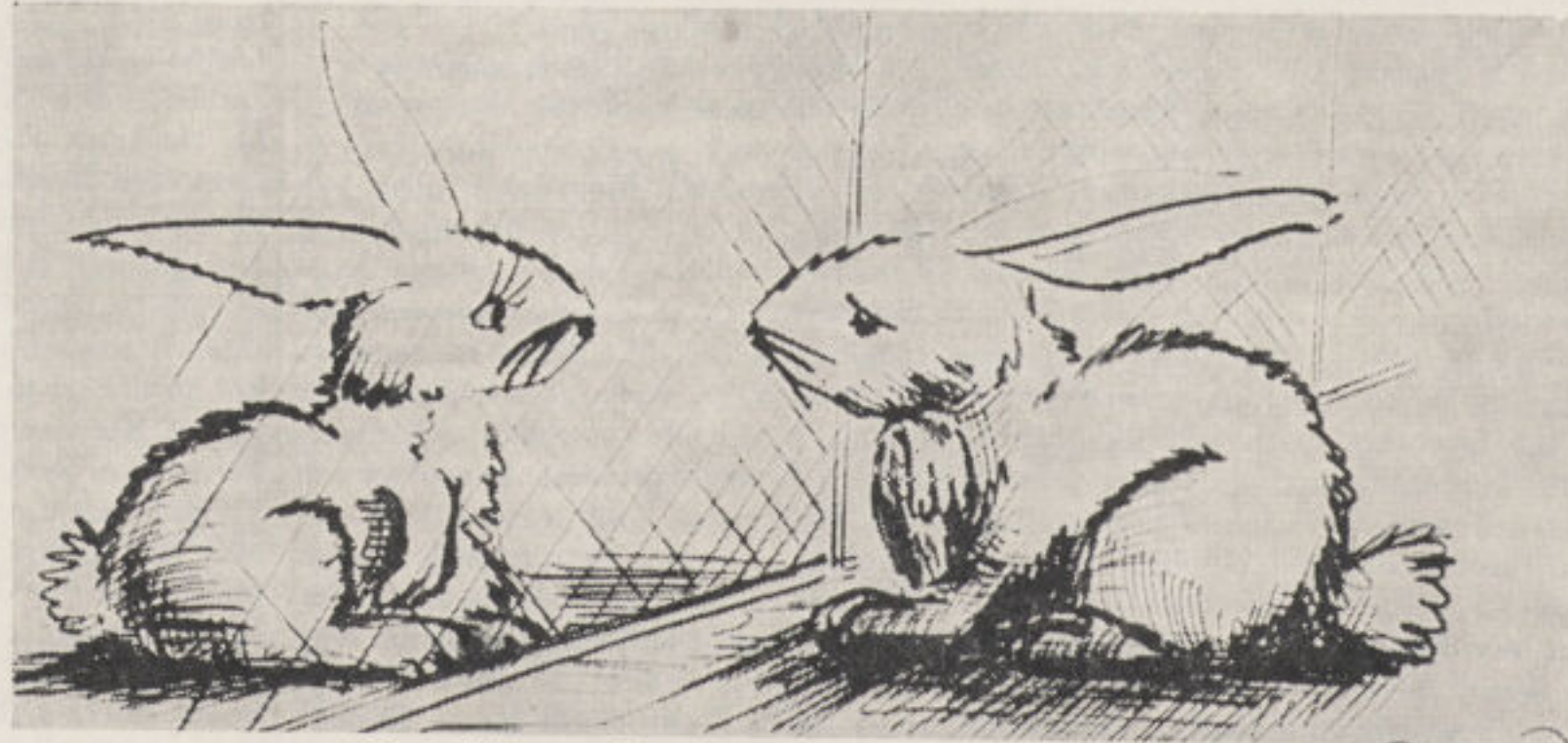
Les Choses Vitales

Prof. Kaplan, speaking of a Circuit Court decision, commented, "Incidentally, gentlemen, the Taft, J., who wrote this opinion is the same Taft who later became C.J. of the Supreme Court."

Hearing a buzz of whispers provoked by this remark, the professor demanded an explanation.

"Sir," pointed out a lad, "Taft 'incidentally' also became President of the United States."

"Why, of course," said Our Hero, "He went to Yale, too, but I was talking of important things."



"Let There Be An End To Littergation"

Alumni Notes

LL.B. '12—*Harold Baily* has been re-elected as secretary of the trustees of the Brooklyn Public Library. An article by Mr. Baily entitled *Lincoln and the Law* was published in the March issue of the *Brooklyn Barrister*, publication of the Brooklyn Bar Association.

LL.B. '24—*James M. Landis* announces the formation of a new law partnership under the firm name of Landis, Cohen, Rubin, Schwartz and Gerwitz. The firm is located in Washington, D. C.

LL.B. '48—*Nathaniel B. Taft* has left the New York State Insurance Department to join the office of the General Counsel of the New York Life Insurance Company, Fresh Meadows, Long Island, New York. Mr. Taft is a former member of the RECORD Board.

LL.B. '50—*Louis L. D. Dees* is on the processing staff of the main headquarters of the Hubbard Dianetics Research Foundation, Elizabeth, N. J.

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ADMISSIONS—(Continued)

greater number would apply.

The Dean emphasized that standards for admission would not be relaxed, whatever the outcome of draft directives and their effect on the number of men able to attend graduate schools. Therefore, in deciding whether an applicant will be admitted, the Law School puts great stress on the individual's academic record and Law Aptitude grade, and excludes almost all other factors. Still considered, however, is the college from which the prospective Harvard Law student is to be graduated.

By means of a system which Dean Toepfer said was "complicated but fair," the achievement of previous graduates at this school is considered in determining what weight is to be given the individual's average. That achievement of others is also used in deciding what is the applicant's chance of success here. This "weighting" of colleges, it was noted, was not on the basis of public esteem or location, but on the records compiled by those graduates which the college had sent to Cambridge.

MASSACHUSETTS

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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FORREST B. GORE

WILLIAM O. MORRIS, Assistant

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February-June Review now in session held on Monday and Thursday evenings from 6-9.

September-December Review begins September 4. Lectures will be held on Monday, Tuesday and Thursday evenings from 6-9.

Contact: **GILBERT HALL**

88 TREMONT ST.

BOSTON

PROF. CHAFEE SPEAKING AT RECORD BANQUET



Chafee Cites Legal Changes At Annual Record Staff Fete

The passage of Workmen's Compensation Acts, the Federal Income Tax Amendment and the subsequent tax legislation, the growth of administrative bodies, and developments in Contract law were the four major changes in the law during the past forty years, Professor Zechariah Chafee told those present at the fifth annual RECORD Banquet, April 12, in Harkness Commons.

Representing members of past boards of the RECORD were Mr. Joseph O'Toole, LL.B. '47, third president of the RECORD, Mr. Charles Davis, LL.B. '47, former advertising manager of the RECORD, and Mr. Charles Porter, LL.B. '47, first president of the RECORD, who addressed the assemblage.

Professor John Maguire discussed the merits of the RECORD and its place as a Law School organization.

Professor Arthur E. Sutherland acted as toastmaster for the evening, entertaining all with his translations of classic phrases and ready repartee.

Mr. Sidney Lyons, departing president of the RECORD, enumerated those of the third year members of the RECORD who were to receive shingles for their services on the staff.

The new members of the incoming board were introduced by Mr. Joseph Thalhoffer, president of the RECORD.

The First Circuit, presided over the court. Serving as associate justices were Mr. Talcott M. Banks, LL.B. '31 of the Boston firm of Palmer, Dodge, Gardner, Bickford & Bradford, and Mr. Roland Gray, Jr. of Ropes Gray Best Coolidge and Rugg of Boston.

QUARTERFINALS—(Cont.)

by Philip C. Potter, Jr. (Harvard '49) of New York City and Arthur V. Savage (Princeton '49) of Morristown, N. J., bested Coke Club in a contract case in a jurisdiction with the New York personal property laws. Oralists for the Coke Club were Edward L. Johnson (Union '44) of Hillsdale, N. Y., and Richard B. Miller (Harvard '49) of Tulsa, Okla. The Hon. Vincent Brogna, of the Superior Court of Massachusetts, was chief justice, with James D. St. Clair, LL.B. '44 ('47), and Donald G. Allen, LL.B. '38, as associate justices.

The Marshall Club, on April 13, won the decision over the Brandeis Club in the third quarterfinal argument of this semester. Oralists for the victorious club were Ronald P. Klein, 2L (Stanford '49) of San Francisco and William A. Carroll, 2L (California '49) of Corcoran, Cal. Oralists for the Brandeis Club were J. Brooke Aker, 2L (Bowdoin '49) of

Norristown, Pa. and Harald C. Saakvitne, 2L (Michigan '48) of Cambridge.

The argument, which dealt with estoppel of a patent assignor to deny the validity of the patent, was heard before the Hon. Vincent L. Leibel, Judge of the United States District Court for the Southern District of New York, who was chief justice, and Richard F. Walker, LL.B. '17 of the Boston firm of Roberts, Cushman and Grover, and Hector M. Holmes, LL.B. '09, of Fish, Richardson & Neave, Boston, who acted as associate justices.

The E. Warren Club was represented by oralists Brockman Adams, 2L (Washington '49) of Seattle, Wash., and Alvin L. Levin, 2L (Rochester '49) of Rochester, N. Y. Oralists for Casner Equity Club were Theodore C. Geisert, 2L (McPherson '49) of Elmo, Kansas, and Irvin Graybill Jr., 2L (Bucknell '49) of Middleburg, Pa.

The Hon. Calvert Magruder, Chief Judge of the U. S. Court of Appeals for



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Calendar

UNIVERSITY WORLD Treasure Room

The current exhibition in the Treasure Room, Langdell Hall, is of early American legal treatises. Among these is a first edition of the *Federalist Papers* written by Hamilton, Madison and Jay, and an early edition of *Commentaries on the English Law* by Blackstone.

OUTSIDE WORLD Water Colors Showing

The 62nd annual exhibition of the Boston Society of Water Color Painters is currently being featured at the Boston Museum of Fine Arts. It ends this week.

On Archaeology

Alan J. B. Wace, Professor of Classics and Archaeology at Faraq I University, Egypt, will give an illustrated lecture on "The Excavations of 1950 at Mycenae" in the main lecture hall of the Museum this afternoon, at 3.

Fenway Concert

This Sunday's concert at the Gardner Museum, at 2 o'clock, will feature pianist Lilian Kallir.

Last Clear Chance

The next three days provide the "last clear chance" for getting dates to the Last Clear Chance dance this Saturday evening. Taking up both floors of Harkness Commons from 9-12, the affair will be semi-formal, with music by the orchestra of Hal Reeves. Admission will be by Law School Activities cards only, the dance being the second this year under the sponsorship of the Law School Dorm Council. There will be no charges except the Activities cards, and set-ups will be provided for those who bring liquor.

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Forum Critics Rap Movie Productions

The movies, TV, Al Capp and sundry other associated and unassociated matters came in for dissection at the Forum on Friday evening, April 13 at Cambridge High and Latin School. Participants in the dissection which was entitled *Are Movies Better Than Ever?* were Al Capp, creator of "L'il Abner," Faye Emerson of television fame, Spyros Skouras, President of Twentieth Century Fox Studios, Bosley Crowther, film critic of the *New York Times*, and the moderator, Elinor Hughes, film editor of the *Boston Herald*.

Mr. Capp set what was to be the tone of the discussion when he answered the question of the evening in the negative and proceeded to compare the movie industry which panders to the unintellectual "thirteen million" with the comics industry which appreciates its audience of forty-odd million intellectuals. What happened to the remaining hundred million Americans remained the mystery of the evening.

Mr. Crowther, who was determined to defend the movies at all costs, set out to show that movies were bigger, though not necessarily better. As an example he compared certain measurements of Theda Bara with those of the Misses Grable and Russell. After Miss Emerson expressed "surprise at such statements coming from the *New York Times*," she agreed with Mr. Capp's analysis, but called for greater cooperation between movies and TV.

Reading a speech, written by "all his associates at the Twentieth Century Studios," Mr. Skouras launched into a defense of the movies which was to prove that Hollywood used only the finest talent available, even though not all of its products could live up to the talent.

DEVER —(Continued)

legislator never obscures your function as a lawyer."

Remarking in both his prepared speech and during the question period on national affairs, Governor Dever said that he thought the sensationalism which followed the recent Senate crime investigations and the "MacArthur Incident" were "keeping the public off the track," and turning them from what he considers the most important matters of the day—arming against the possibility of attack and civilian defense preparation.

CONSERVATION —(Cont.)

These matters are important. But of even more vital concern are the natural resources upon which human life is most dependent and which are in a large measure renewable—principally soil and water, but also timber and fisheries. Although the term "conservation" is not a wholly satisfactory one, there should be no doubt that the concept it represents applies to all of these subjects.

The problem of conservation of land



ASST. PROF. DAVID E. WATTS

extends beyond insuring that only a limited amount of soil is washed or blown away, though such protection is vital. Land is not effectively utilized unless fertilization, drainage, irrigation, fences, building and other improvements are made as needed. Neither is land used to the best advantage unless a product is grown for which the land is suited and which is itself useful. The consequences of the particular use on other land must be considered. And no less important is the effect of the use on the operator, his family, and his neighbors. Similarly, forest conservation should not be limited to the rationing of consumption and avoidance of waste by fire, disease, and insects, but should include weeding and pruning operations, improvement of species, reduction of waste in processing, and a consideration of the effect of cuttings on the hydrological cycle, on soils, on wildlife, on recreational facilities, on the operator and his family, and on processors and consumers of forest products. Other resources offer considerations similarly extensive.

Lawyer's Role

The lawyer, as an informed citizen, should take an interest in conservation. But even more importantly, there is a substantial professional job for the lawyer to do. Obviously, his role is auxiliary. Technical specialists are much better equipped than the lawyer to determine whether present practices are satisfactory and what practices would be more desirable. But once this analysis has been made, the role of the lawyer becomes important. Conservation necessarily involves the wide range of political, social and economic relationships with which law is concerned. An impor-

tant function of law and of legal institutions is to minimize areas of conflict within these relationships, and, where controversies cannot be avoided, to provide for their orderly resolution. But perhaps of even more importance to conservation is the fact that law provides instrumentalities and procedures for getting things done. Legal institutions are equally available for preserving an existing situation or for effecting changes through legislation, contract, conveyance, and through administrative and judicial procedures.

Legal Problems

In seeking to have a resource used in the ideal way, the conservationist will try to eliminate any difficulties which prevent such use and to create pressures which would encourage such use. Some of the problems, or tools as the case may be, with which the conservationist may work involve property rights, including tenure and inheritance, contract, credit, taxation, education, subsidies, regulatory measures, public ownership, and intergovernmental relations. Where a program is primarily educational and advisory, the service of the lawyer will largely be limited to a description of existing legal relationships, and aid in establishing the organization through which the program is administered. But whenever governmental or group action is contemplated which extends beyond advisory functions, the lawyer's role is likely to be substantially expanded. For example, it is inconceivable that the current difficult and important problems of control of rain-making activities can be satisfactorily met without substantial contributions from persons legally trained. The lawyer can best serve if he participates with other specialists early in the shaping of a program when there is a better opportunity to avoid legal difficulties and to take advantage of legal devices than is true if the lawyer is introduced after others have become committed to given proposals.

A further word about the lawyer's place in conservation should be added. We lawyers believe that legal training has relevance beyond the limits of legal materials. The lawyer's training is directed toward solving problems that arise in human affairs. All important legal problems involve conflicting policies. Thorough analysis is required. The lawyer learns to distrust generality and to ferret out hidden difficulties. He finds that he must consider alternatives to any course of action and weigh carefully the legal and non-legal consequences of his choice. Obviously, reasoned analysis is not limited to lawyers, nor are all lawyers skilled. But perhaps the lawyer can bring to conservation a technique based on experience in handling problems which may be useful. Even his relative detachment from specialized economic and scientific studies may be a virtue by

CURRICULUM —(Continued)

The first year curriculum will be the same except that there will be a few changes in faculty. Professors Casner and Leach will split two sections of Property I, the former taking leave the first semester and the latter taking off the second term. Professors Watts and MacLachlan will teach the other two sections.

Procedure will be taught by the same men except that the section taught by Professor Abel this year will be split between Professors Field and Scott.

Contracts will be taught by Professors Kaplan, McCurdy, Brewster, and the fourth section to be split between Von Mehren and Fuller, who will be on leave the second semester.

giving a necessary perspective in viewing the complexities of the subject.

Difficult Problems

Conservation problems offer many difficulties. If it be satisfactorily established that timber should be cut on a sustained yield basis, that certain land should be irrigated or plowed on the contour, that particular operating units are too small, or that land should be grazed or reforested rather than farmed, what is to be done about it? Will education, technical assistance, tax adjustment, direct subsidy, extension of credit, or some other device produce the desired results? What government expenditures are warranted? When does the public interest justify direct regulation of the use of property; that is, at what point do the values gained by regulatory controls exceed those lost by the exercise of controls? What kind of assistance or regulation will prove most satisfactory? By whom and in what manner should the program be administered? These and similar questions are basic problems of conservation. Neither the lawyer nor anyone else can answer them definitively, but progress is made by trying.

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