

The Harvard Law School Record

VOL. 12 NO. 6

CAMBRIDGE, MASS., THURSDAY, NOVEMBER 8, 1951

PRICE TEN CENTS

Civil Rights Article, Federal Tax Points Appear in 'Review'

Freedom of Expression and the action of the Courts" by Elliot L. B. '44 ('47), former clerk to Judge L. Hand and Justice Brandeis is the lead article of Volume Number 1 of the *Harvard Law Review* to be issued Saturday.

Looking up the problems raised by conviction of the Communist leader for violations of the Smith Act, Mr. Lardson asks what the function of the Court should be in such cases. The review involves an analysis of the past and present danger doctrine. He points out that the test has been misunderstood despite the warning of its author, Justice Oliver Wendell Holmes, against allowing "ideas to be encysted in phrases." Mr. Richardson also attacks certain common misconceptions such as the notion that cases involving the First Amendment courts may reverse the usual presumption of constitutionality.

Urges Legislative Responsibility
The article then discusses the amount of deference which courts should pay to the legislative judgment that a situation exists in which a restriction on free expression is necessary. The author suggests that it is the legislature, and not the judiciary, which must bear the primary responsibility for keeping constitutional freedoms inviolate. He feels that the responsibility upon legislators and the public is a grave one, and is all too easily transferred to the courts.

Continuing its policy of keeping abreast of significant legal developments, *Review* presents an article by Mr. George Craven of the Pennsylvania Bar on the important changes made last year in the estate and gift tax statutes relating to powers of appointment.

Estate, Gift Tax Changes
Mr. Craven first traces the history of the tax treatment and then explores (Continued on page four)

Holding Affirmed, Moot Ct. Decision

"Judgment affirmed," was the decision of Judge Calvert Magruder, speaking for the three-man appellate court in the moot court case of *Fowler v. Swift*, held last Thursday evening before a capacity audience in the courtroom of Langdell Hall.

The effect of this decision was to affirm the district court's finding on negligence to the sum of \$3,500 and its rejection of the count of assault.

Assisting Judge Magruder, who is chief judge of the United States Court of Appeals for the First Circuit, was Charles C. Cabot, LL.B. '25 and Talcott Banks, LL.B. '31 both of the Boston Bar. Dean Erwin N. Griswold represented the plaintiff-appellant, and Prof. W. Covington Hardee argued the case for the defendant-appellant.

Prof. Hardee opened the arguments, which ran for more than two hours. His presentation of the defendant's case was based on two major points. First, the lower court erred in not instructing the jury that negligence can lie only where some physical harm to the plaintiff has resulted from defendant's negligent act.

Error by Lower Court
Secondly, the lower court erred in rejecting defendant's request for instruction on the measure of damages. This rejected instruction left it to the jury to determine whether defendant's act resulted in the termination of plaintiff's contract.

The contract in question was for teaching at a boys school. It contained an escape clause for termination if plaintiff's nervous condition became active again. Also, defense contended that the jury should have been directed

(Continued on page four)

PBH Tiger Trot

Ticket sales for the PBH "Tiger Trot" are still being conducted from 10 a. m. to 1 p. m. in Austin Hall, and from 5:30 to 6:30 p. m. in Harkness Commons. A limited number of tickets for this Saturday night's dance are still available. George Graham and his orchestra will provide the music and the "Tupelos" of Wellesley will provide intermission entertainment.

Both the first and second floors of the Commons will be used. The orchestra will play in the downstairs meeting room with the music being piped into the dining hall. Setups will be served upstairs.

Automatic Washers Set To Be Leased For Use In Dorms

Six automatic washing machines and three electric dryers have been leased by the Dormitory Council and will soon be placed in the basement of Richards Hall for the use of Law and graduate students.

For the use of the washing machines there will be a 25-cent expense, with 15 cents being charged for the dryers. Students will have to bring their own soap and bleach, unless they choose to use the commercial soap dispenser which will be installed.

Credit for this project must go to Donald Mintz, 1L (U. of Chicago '51) from East Orange, N. J., who was instrumental in making the arrangements.

The profit earned from these machines will be shared by the Law and Graduate School Dormitory Councils and will go to defray their expenses. Any remainder will be donated to school organizations.

Other Improvements Made

The installation of these machines is but one phase of the activities of the Dorm Council this year. With the profits already earned from the sale of activities cards, the Council has purchased a microphone and loud speaker system which will be used at the weekly dances, and which can be rented by other school organizations for a slight fee.

Plans are being made to invite small band combinations to play at the weekly dances sponsored by the Councils. Two semi-formal dances have been programmed for the year. The first of these will be held shortly before the Christmas recess. The activities card is the sole ticket of admission to these affairs.

Poll on Parietal Rules

A poll was recently conducted among the dormitory residents to determine what rules the students would like to (Continued on page three)

Young Republicans Announce Plans; Research, Mock Convention Scheduled

This year the Harvard Young Republican Club plans to continue its policy and platform program of statutory and economic research. President John Harrington, 3L (Vermont '49), of Burlington, Vt., announced recently.

The Law School Committee of the club was active last year in the approximately 30 policy committees set up by the club. These committees study various topical problems and send their reports to other Young Republican clubs at various colleges and universities.

At the National Convention of Young Republicans last summer, the 30 planks drawn up by the Harvard club were adopted almost without change.

Among the posts held by members of the Harvard chapter are that of the Platform and Policy Commissioner and the National College Director, both of which are held by members of the College. The club also is represented

Judge Rand Emphasizes Lawyers' Responsibility As Leaders of Society

"Law is concerned with social management, and social management is government," Justice Ivan C. Rand, LL.B. '12, of the Supreme Court of Canada, told a joint meeting of Law and Business students last Wednesday.

Justice Rand, speaking in Langdell Courtroom, strongly emphasized the responsibilities of attorneys to the public as well as to themselves. He told his audience, "You are the heirs of the past; you will be the centers of direction, the centers of understanding."

The Justice was introduced by Dean Erwin N. Griswold, who welcomed him on behalf of the Law and Business Schools and told the students something of Justice Rand's background. Rand is one of the two Harvard Law graduates now on the Canadian Supreme Court.

Labor Relations Work

Well-known in Canada for his activities in the field of labor relations, Justice Rand is famous for his settlement of a strike at the Canadian Ford plant in 1945. The "Rand formula" laid down at the time is still in use at that plant.

The theme that Justice Rand used in settling the Ford strike is best expressed, said the Dean, by the statement he made after first arriving at the plant. "There seems to be a lot of mechanical engineering here, but not much human engineering."

However, the claim to fame that Justice Rand boasts about is the fact that he heard the first word that Professor (Continued on page four)

Election In Britain Analyzed By Ulam

Speaking on "Issues and Personalities in the English Elections" at last Tuesday's Coffee Hour, Professor Adam Ulam of the Department of Government at the College discussed the disintegration of the Liberal Party and the resulting swing to the Conservatives by the Liberal voter.

He saw three major reasons for the shift. First, was the loss to the Labor Party of such outstanding personalities as Sir Stafford Cripps, who resigned as Chancellor of the Exchequer, and Ernest Bevin, former Foreign Minister.

Second, the cleavage within the Labor Party itself frightened many of the Liberals. Attlee and Bevin completely split on the questions of how far the Socialist policies should be pressed, and also on foreign policy matters.

Third, the pure matter of policy threw the Liberals to the Tories. It was thought by many that the Labor government had already exhausted its 1945 policy and fulfilled the program of (Continued on page three)

Dodd Funeral Services Held; Professor Killed In Accident



PROFESSOR E. MERRICK DODD

Yesterday at 2 p. m., from Memorial Church funeral services were held for E. Merrick Dodd, Fessenden Professor of Law, and his wife, Mrs. Winifred Hyde Dodd.

Returning from a weekend in New Hampshire, Professor Dodd lost control of his car on the ice covered road and plunged through the guard rails of a wooden bridge into the Piscataqua River near New Castle, New Hampshire, about midnight last Saturday night.

The captain of the watch at the Portsmouth Naval Base reported that he saw the convertible skid out of control on the ice-laden bridge.

A Naval truck crane was quickly brought to the scene of the disaster, but high tides blocked all efforts for nearly six hours. The car had plunged through 20 feet of guard rail and six posts on the Shapeleigh Island Bridge into forty feet of water.

Identification was made by the New Hampshire State Police. The deaths occurred from drowning.

In commenting upon this great loss to the school and the legal profession, Dean Erwin N. Griswold said:

"Professor Dodd's sudden death is a great loss to the School. His capacity for scholarship had earned him the respect of his Faculty colleagues. His personality, firm but gentle, had won their friendship. We shall sorely miss him and the work that he was doing."

"Mrs. Dodd, too, was an important member of our community. She will be badly missed."

"This is the first time in more than forty years that a member of the Faculty has died while in active service—since the death of Dean Ames. We have been fortunate, but our loss now is great."

Ralph J. Baker, Weld Professor of Law and co-editor with Professor Dodd of casebooks on Business Associations and Corporations, was deeply moved by the untimely death of his colleague. In a statement prepared for the *Record* he said:

"I have lost a friend with whom I have been closely associated for twenty years while teaching in the field of corporation law. We had collaborated on (Continued on page three)

Teacher 23 Years, E. M. Dodd's Death Closes Full Career

Stunned, the Law School today continues to mourn the passing of Professor E. Merrick Dodd.

Born in 1888, Professor Dodd received his B.A. degree from Harvard College in 1910 and his LL.B. from the Law School in 1913. His distinguished record of scholarship placed him on the Editorial Board of the *Law Review* for two years. Upon graduation he practiced law for three years with the firm of Brandeis, Dunbar, and McLellan and the next two years with the firm of Herrick Smith Donald and Farley.

Professor Dodd entered upon his teaching career at Washington and Lee University Law School where he taught for one year. Upon the entry of the United States into the first World War Mr. Dodd became a member of the legal section of the War Industries Board. At the end of the war he returned to private practice as a member of the firm of Channin, Corneau, and Frothingham.

From 1922 to 1927 Professor Dodd taught at the University of Nebraska Law School.

In 1927 Mr. Dodd went to the Uni- (Continued on page three)

Chafee Reviews Dodd's Contributions To Public Life And Corporation Law

Written specially at the request of the *Record* by Zechariah Chafee, Jr.

Merrick Dodd was born in 1888 in Providence, where we grew up together until he left Hope Street High School for St. Mark's and Harvard. Even as a boy, he was renowned for his quick mind, and when we met again entering the Law School in 1910, his ripened intellectual power made him at once outstanding in classroom discussion. I recall Professor Edward H. Warren, who was chary of praise, saying, "An excellent answer, Mr. Dodd."

On the board of the *Law Review*, many of the difficult subjects for long Notes were turned over to him. After three years in Boston law offices, he had a year of teaching law at Washington & Lee and then did legal work in Washington with the War Industries Board. Then he had four more years of practice in Boston, till teaching reclaimed him in 1922. Five years at the University of Nebraska Law School, where he met and married Mrs. Dodd, who was a Professor of Psychology, and a year at Chicago Law School intervened before he returned here to teach in 1928.

He had taught Equity and several courses elsewhere, but his main subject here was Business Associations in the large introductory course and various third-year courses on advanced aspects. For a few years he took on Labor Law as well. He was co-editor of Dodd &

Baker's *Cases on Corporations*, of which the latest edition appeared this summer, and also, with DeForrest Billyou, of a recently published casebook on Corporate Reorganization.

His most lasting contribution to the law of Corporations will doubtless be his numerous law review articles. Merrick Dodd was a natural writer and was constantly attracted by fresh problems. He liked best to take a single important case or a few such cases, explore thoroughly what the Supreme Court had done, and then consider the effects on business. Although not oversolicitous about investors, he was particularly sensitive about wrongs to minority stockholders. He always insisted that directors were fiduciaries and ought to be compelled by the courts to behave like fiduciaries.

At the time of his death he was engaged on a book on the history of New England corporations before 1850, with special attention to the development of limited liability. Chapters already published demonstrate the great interest of his investigations and discussion, and I earnestly hope that they can be made available by publication of his manuscript, if it is found to be sufficiently advanced.

During the recent war, he served in a sort of judicial capacity for the War Production Board, passing on complaints (Continued on page three)

The Harvard Law School Record

Published weekly on Wednesdays for twelve weeks of each term by The Harvard Law School Record Corporation, Austin Hall, Cambridge 38, Massachusetts. Subscription price: \$2.00 per term mailed, \$4.00 per year (24 issues); student subscription \$1.50 per term mailed, \$1.00 per term distributed at the Law School. Individual copies \$1.10 each at the Law School; \$1.15 each mailed. Business and Editorial Offices, Austin Hall, Cambridge 38, Massachusetts. Telephone Klrkland 7-7600, extension 447.

OFFICERS
JOSEPH J. THALHOFFER.....President
MARTIN L. BARR.....Editorial Manager
ARNOLD M. LEIBOWITZ.....Business Manager

EDITORIAL BOARD
STANLEY L. GOLDEN.....Associate Editor
JOSEPH B. MANELLO.....News Editor
MATHEW FONER.....Copy Editor
MURRAY E. WEINSTEIN.....Advertising Manager

DEPARTMENT EDITORS
Dan Sklar.....Features
Samuel L. Hack.....Current Case
Israel Stein.....Treasurer
Alan B. Ives.....Gallery
Albert Sennett.....Alumni
William A. Scheurich, Jr.....Articles

STAFF
Steve Audereth, Alvin N. Biener, Leon Birnbaum, Edgar H. Booth, Donald Conley, Milton J. Crystal, Eugene Feldman, Richard S. Kaplan, Saul Katz, William P. Kennedy, David Lubell, Jonathan Lubell, Ruth I. Marshall, Carolyn McTear, Lester Nelson, David Sanderson, Norman Schoenfeld, John Sexton, Arthur Sherman, Arne Siegel, Julian Singman.

"Entered as second class matter November 19, 1946, at the post office in Boston, Massachusetts, under the Acts of March 3, 1879."

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.

Professor Dodd

We of the RECORD wish to extend our deepest sympathies to the family and friends of Professor and Mrs. Dodd.

The Harvard Law School has suffered an immeasurable loss in the tragic death of Prof. Edwin Merrick Dodd. Professor Dodd's warmth and his amiable personality endeared him to all those who came in contact with him. Those of us who were fortunate enough to have him as an instructor will never forget the inspiring and lucid manner in which he taught. His probing analysis of the subject matter was always a source of great stimulation in classroom discussion. There was never that empty feeling of confusion when we left his classroom. Professor Dodd's 23 years of teaching at the Law School and his scholarly written contributions in the field of corporation law have left an imprint on the law which cannot be erased by his death.

The Time Is Ripe

Two years ago, the Law School curriculum was revised. Unhappily, the revision did not go far enough: Agency and Trusts still continue to consume an inordinate amount of the three-year program. No student to whom we have talked, thought these two courses deserved the time devoted to them. Trusts, for example, receives the same amount of time that is devoted to Commercial Law, although the latter subject has a wider scope and broader application.

No student would care to miss the opportunity of studying with Professors Seavey and Scott, but fortunately, both men can and do teach other courses. We do not necessarily propose to abolish Trusts; it could be made a half-year course. But we think that the time is ripe for a change. As to the specific changes that would be most desirable we would suggest: 1) Agency should be abolished as a separate course, and the subject matter distributed among such courses as Contracts, Torts, and Commercial Law; 2) Trusts should be abolished as a full year course, and either a) be made a one semester course, or b) be merged with Property I and II.

We believe the foregoing changes are desirable and are in the spirit of modern tendencies in law school curricula. We recommend them to the serious attention of the administration.

A Rose By Any Other Name

It strikes us that many of our upper-class courses are clothed in misleading, non-descriptive titles. For example: Corporations II is really, and should be called "The Law of Dividends;" "Government Regulation of Business" is actually "Anti-Trust Law;" Property II is more properly "Estate Planning and Practice;" and finally, the course dealing almost entirely with the "Law of Trademarks" parades under the misnomer of "Unfair Competition." Things here are getting almost as bad as Yale, where they have a course entitled: "The Organization and Distribution of Capital Wealth in the Industrial and Productive Community." This, dear reader, is merely Yale's way of saying "Corporations I." It is still not too late for us to mend our own ways, lest the fate that overcame our New Haven brethren be visited upon us.

Gallery

WESLEY E. BEVINS, JR.
Assistant Dean



One of the busiest men in a nest of busy people is an appropriate description of Assistant Dean Wesley Bevins who not only is in charge of the new Law School dormitories and Director of the Harvard Law School Fund, but each day sees many people with every type of problem. Salesmen come to see him to sell all manner of things to the School. Students come to see him for advice on problems ranging from whether they should stay in Law School or go home to hold on to their girls, to questions about painting their rooms and providing pomegranates in the dining hall.

In the once dingy basement of Hastings Hall a string of offices called the Alumni Center has been developed. In a room at one end sits Mr. Bevins with an intercommunication system connecting him directly with the series of offices whose work he coordinates—the Dormitory office, the Alumni Records office, the Harvard Law School Association and the Fund offices, and an addressograph and duplicating office.

After graduation from Bowdoin in 1940, with his degree in one pocket and little money in the other, Wes Bevins went to the nation's capital to find a day-time job and go on to graduate school at night to study in the field of political science. At that time he had dreams of becoming a city manager.

Telephone Company Experience

Young Mr. Bevins startled officials of the Chesapeake and Potomac Telephone Company by applying for work to support himself while training for a completely different career. Most applicants to the phone company want badly to become part of "Mother Bell's" organization on a lifetime basis. To the unplanned subtlety of his approach he attributes the company's later offer of a place in their Junior Executive Training Program, which he accepted.

For six months Mr. Bevins toiled in various sections of the plant department with cable splicers, installers, and repairmen, working toward a complete understanding of the work and problems of all departments whose efforts made telephone service possible. On completion of this phase of his training, he continued with the traffic department, the one with the customer contact responsible for speedy and accurate operation of switchboards and other central office equipment.

The telephone company gave Mr. Bevins his first taste of intensive fund work, lending him half his time for several weeks to work on the National Committee for the President's Birthday Ball, a part of the March of Dimes Campaign. This interlude provided many interesting experiences, one of which was a little embarrassing and the memory of which lingers on. While hurrying to attend to some last minute details at the Ball, Mr. Bevins very nearly knocked Mrs. Roosevelt down.

Army Career

As a youngster, Wesley Bevins had said that he would never follow in his father's footsteps by working for the telephone company. The peace-time draft aided and abetted this ignored vow by removing him from a phone company job and setting him down in the midst of the pre-war regular U.S. Army, where the officers spoke only to sergeants, the sergeants spoke only to corporals, and only the corporals spoke to the men.

Unable to write to his family of many of the new ways of living going on around him, Mr. Bevins says: "The book *From Here to Eternity* is an amazingly accurate portrayal of types in the pre-Pearl Harbor regular Army and much more vividly describes these men than any letter I dared to write home." He spent half of his evenings his first year teaching illiterate soldiers to read and write. "It is necessary to say, though, that many of the old-line non-commissioned officers were absolutely tops,

soldiers and men of great ability. It was around them that the Army was built."

One year to the day after induction, Mr. Bevins went to Officer's Candidate School, where all manner of means were found to create a tension to equal battlefield strain. With the others he suffered and thought of quitting, but stuck with it more because of pride than anything else. Before the war ended, he was in England, France, Luxembourg, Germany, Austria, and Czechoslovakia as commander of mobile anti-aircraft artillery with an infantry division in the Third Army. Mr. Bevins avers that any stories one may hear about horrors perpetrated in extermination camps by the Nazis before the end of the war are not exaggerated if what he saw is any criterion.

Return to Law School

After the war ended, Mr. Bevins returned to Washington to see the telephone company and told officials there that with the G.I. Bill available he desired to go on to school. To his surprise he was given a leave of absence for another year. He came to Harvard Law School in February, 1946, deciding to turn down his acceptance to the Harvard Graduate School and a future in public administration.

In the late summer of 1948—by this time all connections with the phone company were severed—Mr. Bevins was asked by the Law School to help full time in the effort to raise building funds. Upon accepting, he worked with Oscar Haussermann, LL.B. '16, to obtain capital gifts from Massachusetts alumni. As this job neared its end and the buildings began to take shape, Dean Griswold told Mr. Bevins that a program for annual giving was being considered for which a director would be needed and that someone would have to assume the duties of operating the dormitories and to take on some of the headaches of the dining hall. So he never got away from the School and hopes fervently that a new war won't interrupt this assignment which so engrosses him.

The first year of annual giving brought in more than \$64,000 to the School. The goal for the current year is \$200,000, which if realized will enable the School to give more scholarships, decrease the debt owed on the new dormitories, add to the faculty and continue the Teaching Fellow program, and provide for the establishment of a worthwhile practical research center that eventually can become self-supporting.

These are among the aims which the Harvard Law School Fund has, and the success when they are achieved will be due to the concerted efforts of many hundreds of alumni, working to obtain gifts from many thousands more, all spurred on by the leadership of Wesley Bevins and his staff in the Alumni Center. A. I.

Sub Judice

SIC SEMPER TYRANNIS

Hodge and Green knew each other at Quentin. Release from that institution did cause their friendship to die; at least they seen together one more time. Together they drove in Green's car to a house which presently displayed a television antenna on its roof. Hodge then left the car, entered the house, moved the T.V. set to the porch and then Green's aid brought it to the car and drove with it. At the preliminary trial an issue whether Green knew Hodge was stealing the transcript of the proceedings at the preliminary investigation was admitted at the and contained the following:

(Deputy District Attorney) . . . "In the that Mr. Hodge does that, does take the and does testify, I am going to ask that charge against him be dismissed."

After finding out which case was being referred to (he was being held in another) H said he did not want to testify, but after a recess the Deputy said, "Your Honor, the vestigating officers have talked to Mr. H. during the recess and I understand that Hodge is now willing to take the stand."

After further assurance that the count in case would be dismissed "if Mr. Green is he answer," Hodge testified that Green knew he stealing the set. At the trial Hodge testified Green did not know he was stealing the set. Held: Reversed and remanded.

'Tainted Beyond Redemption'

The court felt that the promise of immunity on these terms, "tainted beyond redemption," Hodge's testimony. The court quoted length from *Harrison v. State*, 15 Tex. App. 629, in which six co-defendants prior to testifying before grand jury, were told by the district attorney that he would release one of the six to act as a witness at the trial. The basis of his determination would be which one's testimony proved to be most beneficial against the others.

Of these the court said, ". . . we have not find a case in which the parties suspected were permitted to enter the list as competitors the high price of life or liberty, success in singular judicial contest made dependent on superior accomplishments in the act of testifying in such manner as to secure the conviction his fellow competitors.

. . . Does this great commonwealth seek to victim and punish her citizens by such unfair, yea, foul means, as are shown in answer of the county attorney? Is Texas a tyrant and her people tyrants?" *People v. Green*, P. 2d 867 (1951).

Off the Record

THE ANIMAL KINGDOM

Professor Freund was comparing the case the liability of a master whose dog crosses a state line and bites the plaintiff with the liability of a husband whose wife crosses state line and assaults the plaintiff. When student raised his hand to comment, Professor Freund remarked, "Were you about to say the cases were not 'on all fours'?"



"Look, Lucille . . . think of it as a kind crossword puzzle, see? Now the first thing remember is that there are always two entries Get that—TWO ENTRIES. Now . . ."

GIVE

CO

Un
SAL10 11
(at 11)

T

164

2 B

F
E

Alumni Notes

L.L.B. '35 - W. Gregory Smith announces the formation of a partnership in the general practice of law under the firm name of Smith and Axtell in Jacksonville, Fla.

L.L.B. '33 - Abraham J. Harris, formerly Assistant Attorney General of the United States has become a member of the firm of Sher, Oppenheimer and Harris, Washington, D. C. Craddock Gilmore has resigned the position of General Counsel of the Utah State Tax Commission to become a member of the firm of Dey, Hoppage, Mark and Hanson, Salt Lake City, Utah.

L.L.B. '35 - James B. Hoffman together with Murray Sargent '38 and James B. Sargent '45 announces the formation of a partnership under the firm name of Hoffman, Sargent, Doman, Hoffman and Sargent, N. Y. C. George H. Foley is now the Regional Counsel for the Wage Stabilization Board. Mr. Foley has been in charge of the legal staff in New England.

L.L.B. '39 - James L. Elder is the author of the Fifth Edition of the standard authority, Stearns on Suretyship.

L.L.B. '48 - Lawrence I. Boonin has recently accepted the post as instructor in Business Law at the Wharton School of the University of Pennsylvania. Carl Shipley has been appointed to teach a three-hour course in communication law at the American University in Washington, D. C. David I. Wendel is now associated with the firm of Hickman, Orr and Heuring, Oakland, Calif.

Student Center Director Notes Orientation Plans At First PBH Luncheon

The need of acquainting the more than 2,000 students from foreign countries presently in the Greater Boston Area with the "American Way of Life" was stressed Monday by Hans Spiegel, Director of the International Students Center, at the first bi-weekly luncheon meeting of the PBH Law School Committee.

His informal address marked the first in a new program series, whereby PBH hopes to help its committee gain an appreciation of the need and means for integrating foreign students into the communities in which they live.

In discussing the program of the Center, Mr. Spiegel stressed that its aims are purely social and educational as to American ways of life.

The law student himself can do a great deal to further the purpose of the Center by taking an active part in its activities. There is no better way to foster friendship and good will with these students than by joining them in discussions and other social activities, Mr. Spiegel said.

The Center provides an admirable opportunity for the students of many countries to "rub elbows," he said, and in this way form bonds of friendship which will extend beyond national boundaries.

Mr. Spiegel also extended a cordial invitation to all Law students to come to the Center at 33 Garden Ct., at any and all times.

CAREER—(Continued)

University of Chicago as acting Professor of Law for one year, and then returned to Harvard to teach Corporation Law.

In 1942 Professor Dodd was appointed to the position of Compliance Commissioner with the War Production Board. In that position he conducted administrative hearings in cases of priority violations. When the Civilian Production Authority supplanted the WPB in 1946, he continued with his post until the middle of 1947.

In 1945 Professor Dodd became a member of the Law School Committee on Admissions, of which he later became chairman.

On July 1, 1946, Professor Dodd was appointed Fessenden Professor of Law. Professor Dodd collaborated with Professor Baker of the Law School on casebooks and also with Professor Billou. He was also the author of numerous articles for legal periodicals.

Mr. Dodd was a member of the American Bar Association, the Massachusetts Historical Society, the Harvard Club, and the Faculty Club.

NEWS IN BRIEF

LAW WIVES

The Law Wives' meeting next Wednesday night at 8 in Harkness Commons will feature bridge and canasta.

COFFEE HOUR

Today at 1:30 p. m., Professor Robert Amory will discuss "New Trends in Army Tactics" at the Coffee Hour.

Next Tuesday Athletic Director Thomas D. Bolles will be the Coffee Hour speaker. The topic will be "Inter-collegiate Athletics: Their Present and Future."

TREASURE ROOM EXHIBIT

The Treasure Room is now featuring an exhibition of manuscripts and early printed books of Magna Charta.

CHARITIES DRIVE

The PBH Committee on the Law School Charities Drive announces that nearly \$2,000 has already been contributed. Solicitations for the drive are continuing.

AMES COMPETITION

The Board of Student Advisers has announced that there are still openings for second and third year students to judge first year Ames arguments. Those interested should register at the Board office on the first floor of Austin Hall.

AMES COMPETITION

First year—Arguments: Round 2 tonight. Brief Exchanges: Round 3 next Tuesday; Round 4 next Wednesday. Brief Conferences: Round 6 today; Round 7 tomorrow; Round 8 next Tuesday.

Second year—Arguments: Round 1 next Tuesday; Round 2 next Wednesday. Brief Exchanges: Rounds 1 and 2 today; Rounds 3 and 4 tomorrow. Facts issued: Rounds 7 and 8 today.

ST. THOMAS MORE SOCIETY

Over fifty members of the St. Thomas More Society attended the year's first communion breakfast at the Hotel Continental last Sunday morning. Father Hugh Halton, a member of the Dominican Order who recently took his Doctor's degree in the law faculty at Oxford University, was the principal speaker.

In his talk on "Natural Law," Father Halton stressed the meaning and significance of natural law theories in the Anglo-American legal tradition, and relevant current trends in legal philosophy.

FUNERAL—(Continued)

casebooks and on a wide range of problems on corporate finance, reorganization and regulation. I had the highest regard and personal affection for both Professor Dodd and his wife.

Numerous members of the faculty and student body, and friends of the Dodds overflowed Memorial Church to pay their last respects to the Professor and his wife.

Touch Football Season To Start November 20; Handball Tourney Set

Nine teams in two leagues have opened the Law School athletic season, under the sponsorship of the PBH Committee, with active competition for the touch football championship.

The two top teams in each league will meet in a playoff on November 20, to determine which team will meet the top Business School six. The PBH Committee will award a cup to the winner.

Final plans are also being made for the other annual competitions in winter and spring sports. Larry Fleischer, 2L (N. Y. U. '50), of New York City, has announced that the handball league schedules will be posted within a week. Basketball, under the management of John Horty, 2L (Amherst '50), of Johnstown, Pa., is expected to attract a record number of teams this year.

Propose Ping-Pong Tourney

A concerted effort is being made this year to interest ping-pong enthusiasts in a tourney. Jerry Garfinkel, 1L (C. C. N. Y. '51), of New York City, has undertaken to arrange the schedule.

Tentative plans are already in the offing for softball and squash tournaments in the spring. The winner of the latter will have his name inscribed upon a cup. PBH is now investigating the possibilities of having a permanent trophy case set up in Harkness Commons.

COFFEE HOUR—(Continued)

Domestic and foreign policies will probably remain much the same, Professor Ulam thought, although the tone will be different because Churchill will not assuage the left-wing.

In carrying out the goal of greater coordination of British and American foreign policy, Professor Ulam believed Churchill will contribute more imagination. Mr. Churchill favors the unification of Western Europe in the face of the opposition of the majority of his party and that of the Labor party.

The complete collapse of the Liberal Party and the defeat of Labor has resulted in the development of two major questions: first, will a complete stalemate between Labor and the Conservatives develop along the lines of a class struggle; and second will Bevan now take over the complete leadership of the Labor Party.

Crisis on Rearmament Policy

Should Bevan succeed to the head of the Opposition there might be an even stronger attack on the present rearmament policy. Bevan has argued that Britain has been rearming too fast, that the democratic countries are being weakened economically, and, therefore, that the policy of containing the Soviet Union is failing.

Professor Ulam was born in Poland, and had lived in England prior to the Second World War. He received his A.B. and Ph.D. degrees from Harvard. For the past eight years he has been teaching on the British Commonwealth at the College. He has just written a book entitled "Philosophical Foundations of English Socialism."

CHAFEE—(Continued)

against alleged unauthorized users of material and recommending action to the authorities in Washington. This task was performed with insight and common-sense. In conversations about his work, he showed an awareness of both war needs and human frailties.

Merrick Dodd was much interested in public affairs, on which he could talk more agreeably than most people, keeping his emotions well in the background. His habit was to boil down the position of each side to a few cogent points, and only then express his own preference.

His life extended beyond his work. He was a wide reader, an interested traveler, keen at bridge, and fond of tramping and golf so long as his health permitted. Fortunately, he was able to keep up work in the beautiful garden which he and Mrs. Dodd had created at their country home near Portsmouth, where they had rebuilt an old house with much thought and enjoyment.

They were united with unusual closeness. Their deaths leave a great gap in the lives of their friends. The only consolation is that either would have found it unbearable to survive alone, and that he might have been carried off by illness as suddenly as he was by accident.

COUNCIL—(Continued)

see put into effect. The results indicated that the students wanted an extension of the hours permitted by existing regulations, and the Committee has been negotiating for such a change.

The main argument which the Administration advanced to maintain the existing rules is that they are also in force at the other graduate schools of the University, except for the Medical School; and thus it would be difficult for the Law School to break the line.

A meeting with Administration officials was held yesterday to discuss the topic, but as yet the results of the discussion have not been released.

A committee of the Council is also considering a suggestion that the record player, which was donated by Professor Chafee, now located in the Wheeler Room, be made available for unrestricted student use instead of being operated on the current limited schedule.

GIVE WHAT YOU CAN, BUT . . .

GIVE

HLS
COMBINED CHARITIES DRIVE

University Typewriter Co.
SALES - SERVICE - REPAIRS - RENTALS

10% Discount to Students

10 BOYLSTON ST.
at Harvard Square

KL 7-2720

TOURS - CRUISES

Airline-travel Reservations
UNIVERSITY TRAVEL CO.
10 BRATTLE ST.
CL 9-1630

Three Brothers

SEE JOE OR MIKE FOR
SHOE REPAIRING

Two Convenient Locations
1644 MASS. AVE. EL 4-4818
Opp. Law School
2 BOYLSTON ST. EL 4-8717
In Harvard Sq.

CLEANWAY

Self Service Laundry

9 LBS. WASHED AND DRIED—35c

One-Hour Service

104 OXFORD STREET

Just a few minutes from the Law School

FORD DEALER FOR HARVARD FOR 23 YEARS

Elbery Motor Co., Inc.

FRANK ELBERY, YOUR FORD DEALER

Sales FORD Service

FAST EFFICIENT SERVICE — EXPERT MECHANICS
BODY PAINT & FENDER WORK — WHEEL ALIGNMENT

GUARANTEE USED CARS AT ATTRACTIVE PRICES

DRIVE YOUR CAR TO US — WE'LL GET YOU BACK

360 RIVER ST., CAMBRIDGE
Tel. Kirkland 7-3820-21-22

(Just off Memorial Drive
at River Street Bridge)

AMES BRIEFS TYPED

By An Experienced Legal Typist
Make Your Appointment Early
Miss Dawson 31 Sheppard St.
TR 6-3825

Rackets Restrung

One Day Service \$3.50 to \$9.50
TENNIS & SQUASH SHOP
67A MT. AUBURN ST. CAMBRIDGE
Opp. Lowell House — TR 6-5417

Enjoy Luncheon or Dinner at the
HOTEL CONTINENTAL

"One of New England's Best Hotels"

in our COLONIAL DINING ROOM or
PICCADILLY INN

On Chauncy Street only one block west from Graduate Center

Full Course Luncheons \$.95 up

Full Course Dinners \$1.60 up

Excellent Function Facilities for Law Clubs and Parties of All Sizes

CHAUNCEY DEPEW STEELE, JR., General Manager
29 Garden Street Tel. KI 7-6100

RAINCOATS

by
London Weatherproofs



Full Cut
English Raglan Model
Has Weatherproofed Lining

\$19.95
A Fine Value

The COOP

Work By Gluecks In Japanese Edition



PROFESSOR AND MRS. SHELDON E. GUECK

Professor and Mrs. Sheldon Glueck have recently received word from Tokyo that the Supreme Court of Japan is interested in having their latest book, *Unraveling Juvenile Delinquency* (Commonwealth Fund-Harvard University Press) translated into Japanese.

The officials of the Family Bureau in the Supreme Court are planning to have a draft translation made by four government specialists—one each from the Supreme Court, the Attorney's Office, the Ministry of Social Welfare and the Ministry of Education. The work will then be checked by two law professors of Tokyo University and a professor of social work.

A thousand copies will be printed by the Government for free distribution among court officials; remaining copies will be sold at cost by the Juvenile Problems Commission of the Cabinet.

Unraveling Juvenile Delinquency has created great professional interest among

criminologists, penologists, anthropologists, sociologists, psychiatrists, psychologists and teachers. It is the first book to be honored with a multi-disciplinary symposium of book-reviews in the *Harvard Law Review*, *Journal of Criminal Law & Criminology* and *Federal Probation*, and is being reviewed in numerous journals abroad.

Professor and Mrs. Glueck have written a popular version, containing further development of their causal theory. This new book, *Delinquency in the Making*, is to be published by Harper's in January, 1952.

Professor Glueck's book, *The Nuremberg Trial and Aggressive War* was the first book to be translated into Japanese after the Occupation.

Professor and Mrs. Glueck are at present engaged in more detailed researches, which they hope to have published during the next few years as a series of monographs.

LAW REVIEW—(Continued)

in detail the provisions of the recent amendments, which to some extent hark back to those of pre-1942. He believes that the tax treatment of powers of appointment has, through recent amendments at last become reasonably simple and predictable. It is his hope that future changes will prove unnecessary.

A penetrating comment by Dean Erwin N. Griswold on "Charitable Gifts of Income and the Internal Revenue Code" will be featured in this issue. Dean Griswold points out that at present the law allows a taxpayer to deduct production expenses even though they are incurred in producing property which is never converted into income.

Double Deductions

No income is normally recognized, for example, where the deduction is given to charity. In this situation it is conceivable that the taxpayer may take a double deduction, one when the expense is incurred, and another when the property is given to charity.

The Dean also points out other related situations in which the same sort of duplicate deduction may be possible. Conceding the complexity of some aspects of it, he recommends amending the charitable deduction sections of the Internal Revenue Code so that a double deduction in the principal situation discussed will be impossible.

This amendment, he feels, would not completely eliminate the problem but would be the first and greatest step towards its solution.

The subject of "Priority Rights of Preferred and Common Shareholders in Bankruptcy Reorganizations" is considered by Mr. DeForest Billyou, LL.M. '49, in another probing comment. Mr. Billyou collaborated with the late Professor Dodd in "Cases and Materials on Corporate Reorganization." In the comment he emphasizes that the courts at the present time give a preferred shareholder a preference over junior shareholders as to what remains after all the creditors have been paid in full. Mr. Billyou suggests that the courts have overlooked some vital aspects of the problem. He argues that such a preference should be accorded only to creditors, since there are important factors which distinguish claims of creditors from interests of preferred shareholders.

Review of Supreme Court

In keeping with the practice of recent years, the *Review* is once again devoting the Note space of this first issue to an analysis of the decisions of the United States Supreme Court during the term just ended.

This Note considers selected areas of the law in which there have been significant developments, including Anti-trust and Carrier Regulation, Constitutional Law, Administrative Law, Federal Jurisdiction and Procedure, and Labor Law. In addition there is a tabular analysis of the total decisions of the Court during the 1950 term.

Our advertisers appreciate your mentioning the RECORD when you patronize them.

SQUASH RACKETS

Largest Variety in New England
TENNIS & SQUASH SHOP
67A MT. AUBURN ST. CAMBRIDGE
Opp. Lowell House — TR 6-5417

STUDENTS!

Laundry Doesn't HAVE To Be Expensive

THE HUDSON

Self Service Laundry
WHERE YOU GET A CLEAN WASH
5 HUDSON ST. :: CAMBRIDGE
Off 1672 Mass. Ave. EL 4-9809

EXETER

KENMORE 6-7067

THE J. ARTHUR RANK ORGANIZATION PRESENTS

THE LAVENDER HILL MOB

with ALEX GUINNESS

MOCK APPEAL—(Cont.)

to take into consideration the speculative nature of plaintiff's ability to perform the contract in full.

Dean Griswold directed the main attention of his argument to support of the finding on negligence. Plaintiff's argument rested on the claim that the jury's verdict was reasonable as to the facts and correct as to the law. Dean Griswold waived the right to a retrial



JUDGE CALVERT MAGRUDER

for assault if the appeal court affirmed the judgment for negligence.

Prior to the hearing, every first year student received printed copies of the appellate brief for each party. The brief for plaintiff-appellant was prepared by Peter S. Heller, 3L (Harvard '48), of New York City, and William M. Evarts, Jr., 3L (Harvard '49), of Garrison, N. Y. Arthur Polier, 3L (Duke '49), of Raleigh, N. C., and Richard B. Miller, 3L (Harvard), of Tulsa, prepared the brief for the defendant-appellant.

... DINING SUGGESTIONS ...



MUSIC OF CHOPIN AND LISZT with LUNCH OR DINNER at the BLUE SHIP TEA ROOM

Relax to the masterful music of Chopin and Liszt as played by the American pianist, Russell Blake Howe, while eating the finest of foods in the unusual atmosphere at the tip of colorful old T Wharf—end Ave. see gull's view of fabulous Boston Harbor.

Tel.: LA 3-8719 MR. and MRS. R. B. HOWE, Props.

Restaurant 1640 Chez DREYFUS

1610 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS
TELEPHONE: ELIOT 4-8715

SWANNY'S

Open 24 Hours
Every Day
35 Boylston St.
Harvard Sq.

PIZZA

at the

CAMPUS DEL

2 blocks north of Grad Center
1686 Mass. Ave.

Armenian, American and
Italian Specialties

HARVARD SEA GRILLE

(WHERE THE LAW STUDENTS GATHER)
1680 MASS. AVE.

COMPLETE
LUNCHEONS 60c - 75c
DINNERS 99c

Excellent Meals Moderate Prices
Open Every Night—1:30 A. M.

JIM'S PLACE

30 DUNSTER STREET

FAMOUS FOR CHOPS
STEAKS, SEA FOOD

Full Line of Liquors and Beer

Complete Dinners .50 - 2.00

Porterhouse Steak for 2 \$4.00

HOTEL COMMANDER

Across the Common from Harvard

Private Dining Rooms
for Luncheons, Club Reunions, and Meetings
Grill, Snack Bar, Dining Room
Garden Street, Cambridge
KI 7-4800

HOTEL COMMANDER

BARBER SHOP

HAIR CUTTING EXPERTLY DONE

16 GARDEN ST.

Open Daily Tel. KI 7-4800



+ Clothing with the 'J. Press Plus'

Excellence of style, coloring, quality, and make is in bold relief in the new offerings at J. PRESS for Fall and Winter. Behind the scenes is the vital interest which every person in this organization takes in the perfection of each J. PRESS production, and in the ultimate satisfaction of each J. PRESS customer.

J. PRESS suits are priced
To Order, Custom, at \$150
—Special Cutting, at \$125,
and in Our Own Make of
Ready-to-Wear from \$75.



341 MADISON AVE.
NEW YORK

262 YORK STREET
NEW HAVEN

Gentlemen's Tailors
Furnishers

82 Mt. AUBURN ST.
COR. DUNSTER, CAMBRIDGE

Our travelers exhibit regularly in principal cities. Dates on request.

THE MISSES LITTLEFIELD

HARVARD SQUARE

PROFESSIONAL TYPISTS

4 Brattle Street TR. 6-7495
Harvard Square

DALTON-ELCOCK BAR REVIEW

This review, preparing candidates for the Massachusetts Bar Examination, is given twice a year; September through December, evenings; and in June, days.

For information write or call:

Dalton-Elcock Bar Review
10 POST OFFICE SQUARE
BOSTON, MASSACHUSETTS
Hancock 6-2850

Enjoy the Finest in
Italian--American Food
In Our Air Conditioned Restaurant

SIMEONE'S

Pizza — Spaghetti — Ravioli — Cacciatore

Steaks — Chicken — Chops — Clams

Good Food at Low Prices
1 Block from Central Square

21 Brookline St.
(Open Every Night till Midnight)

Telephone EL 4-9569
• OPEN SUNDAYS