

The Harvard Law School Record

CAMBRIDGE, MASS., WEDNESDAY, NOVEMBER 21, 1951

PRICE TEN CENTS

Record Selects Officers, Board For New Term

Leibowitz, Manello, Ives To Direct News Board; Weinstein Business Mgr.

Arnold M. Leibowitz, 3L (Brooklyn of New York City), was elected president of the HARVARD LAW SCHOOL Record at elections held recently. The officers and Editorial Board will publish the last four issues of volume thirteen and the first eight issues of volume fourteen.

Leibowitz, formerly Business Manager, replaces Joseph J. Thalhoffer, 3L (Harvard '49) of Prineville, Oregon. Joseph B. Manello, 2L (Scranton '50) of Wilkes-Barre, Pa., was elected Editor-in-Chief, succeeding Martin Barr, 2L (N. Y. U. '49) of Newburgh, N. Y. Murray E. Weinstein, 3L (Brooklyn '49) of Brooklyn, will take over as the new Business Manager.

Alan B. Ives, 2L (Yale '49) of New Haven, was elected Associate Editor to succeed Stanley L. Golden, 3L (Vermont '49) of Stamford, Conn.

Julian Singman, 2L (George Washington '50) of Washington, D. C., was elected News Editor. Samuel L. Hack, 2L (Michigan '50) of Detroit will succeed Matthew Foner, 2L (N. Y. U. '50) of Brooklyn, as Copy Editor, and William Scheurich, 3L (Nebraska '49) of Imperial, Nebraska, will be the new Advertising Manager.

Other department heads taking office are Dan Sklar, 3L (Colorado '49) of New York City, who was re-elected Features Editor; Ruth I. Marshall, 2L (Radcliffe '50) of Quincy, the first woman to serve on the Board of the Record, as Articles Editor; John Sexton, Jr., 2L (Harvard '50) of Arlington, (Continued on page four)

Abolish Newspaper Chains Says Ernst

Throwing out ideas like a machine gun, Morris L. Ernst recommended last Friday night at the Law School Forum that the federal government crack down on the monopoly aspects of the newspaper business.

The speakers at the forum included Erwin D. Canham of the *Christian Science Monitor*, August Heckscher, editorial writer of the *N. Y. Herald-Tribune*, and John H. Thompson, of the American Newspaper Guild and the *Boston Traveler*. Professor Mark DeWolfe Howe moderated.

Mr. Ernst, nationally known civil rights attorney and former member of FDR's "brain trust," favored the abolition of large newspaper chains, the divestment of newspaper industries and radio stations from newspapers, and the enforcement of the Robinson-Patman Act against the discriminatory practices of the press in their advertising rates.

One of the most dangerous tendencies in the newspaper game today is the increasing cynicism of the public toward newspapers, said Ernst. This attitude is fostered by the careless control over what is put into newspapers, he added. Too much of the contemporary paper is devoted to entertainment rather than intelligent reporting of the news, he declared.

Mr. Canham agreed with Mr. Ernst's warning against continuing lack of confidence in the press on the part of the public, but disagreed on the question of government interference in the press. Although he admitted that many newspapers distort the reporting of news, he pointed out that the typical 19th century newspaper was much worse.

Mr. Thompson attacked the recent executive order with reference to the (Continued on page three)

Richardson Appointed A Law Lecturer To Conduct Second Half Of 'Conflicts'

Elliot Lee Richardson, LL.B. '44, (47), has been appointed to the Law School faculty as a Lecturer on Law, effective January, 1952; he will conduct the second semester of Professor Freund's full-year course in Conflict of Laws.

Professor Freund will teach two sec-



ELLIOT L. RICHARDSON

tions of the half-year course in the same subject.

Mr. Richardson, a former president of the *Harvard Law Review*, is presently a member of the Boston firm of

Ropes Gray Best Coolidge and Rugg. His article, *Freedom of Expression and the Function of the Courts*, appears in the current issue of the *Review*.

Mr. Richardson entered the Law School in 1941 and achieved a position on the *Review* in 1942, although he did not serve until 1946, when he returned from military service. He was Note Editor in that year and was elected president in 1947.

Upon graduation, he received a clerkship for one year with Learned Hand, former Chief Judge of the U. S. Court of Appeals, Second Circuit, following which he served another year as clerk for Mr. Justice Felix Frankfurter.

He was born in Boston in 1920 and later attended Milton Academy and Harvard College, where he majored in philosophy and was graduated with honors in 1941. While at Harvard he participated in such activities as the *Lampoon*, Phillips Brooks House Social Service Committee, Class Album, Class Day Committee and the Signet Society, of which he was president.

He entered the Army in 1942. He was platoon leader of a litter bearer outfit attached to an infantry combat corps that landed in Normandy on D-Day and saw action in the battles through France and Germany. During that time he was commissioned and held the rank of first lieutenant by V-E Day.

Student Bar Association Will Present Series On Problems In Legal Ethics

On December 13th, the Harvard Student Bar Association affiliated with the American Bar Association will present the first in a series of five talks on the general subject of "Lawyers' Problems of Conscience." These talks will deal with the ethical questions that arise in the practice of law, and with aspects of a lawyer's practice not ordinarily dealt with in the courses of instruction here.

Many students, the Faculty, and alumni of the School, have expressed the belief that law students should have some acquaintance with these questions before they begin their practice. Many alumni also believe that students should be exposed occasionally to practicing lawyers, as well as to professors, while they are in law school.

The Faculty has taken the view that talks of this nature should not be made a part of the regular curriculum but should be presented on an optional basis under student sponsorship and with full Faculty support and encouragement. Consequently, the series will be inaugurated, and the first speaker introduced, by Dean Griswold.

The Harvard Student Bar Association exists "to introduce students to the problems and responsibilities they will have as members of the legal profession; that is to say, those problems and responsibilities not strictly covered by the formal courses taught here. It is sponsored by the American Bar Association, but is an autonomous local student group. Its major activity this year will be the organization of these talks. Each meeting will be devoted to a discussion of the ethical problems in a different broad field of law practice, and each speaker will be a man of major stature in the field, with wide experience on which to draw. Students wishing to attend these talks must pay a registration fee.

First Meeting

The first meeting on Thursday, December 13, at 4:30 p. m. will be devoted to "Responsibilities of the Lawyer in Tax Practice." The speaker will be Norris Darrell, of the firm of Sullivan & Cromwell, New York City. Darrell, tax specialist, will discuss some of the ethical problems he has faced and which lawyers in tax practice generally can expect to face.

The second meeting, which will be held during the second week in January, will be entitled "Canons of Ethics for the Lawyer in Government and Politics," and will deal with the role which can be played by lawyers in encouraging good government. It is hoped that the speaker will be Paul H. Douglas, U. S. Senator from Illinois, author of a subcommittee Report in the 82nd Congress on "Ethical Standards in Government."

The third talk, in February, will be devoted to the subject of "Lawyers as Public Spirited Citizens." The speaker will be Reginald Heber Smith, LL.B., 14 managing partner of the Boston firm of Hale & Dorr, for many years an officer of the Harvard Law School Association, and now Director of the Survey of the Legal Profession. Smith has been actively interested in community projects of many kinds, and will discuss (Continued on page four)

FORUM SPEAKER



DR. RICHARD FORD

Washing Machines In Richards Dorm Ready To Function

The end of dirty laundry, which has been accumulating in the bottom of student closets, may soon be at hand according to Don Mintz, 1L (U. of Chicago '51) of East Orange, N. J. "Work on the Maytag automatic washing machines and Maytag automatic dryers has substantially progressed to the point where we might anticipate clean underwear by the end of this next week," he declared. Notice as to exact date of the opening will be posted for the benefit of both Maytag and the student body.

For those interested in such things, Mintz states, the substantial cost of this initial installation will be absorbed by the Maytag organization.

For the first full week of operation, Maytag will run free demonstrations on the operation of these machines. Students are encouraged to bring their laundry for the purpose of the demonstrations. There will be no charge for this service, and soap packages will be given to all who attend.

The Graduate Center Launderette will be located in the basement of Richards Hall at the South end of the building. Six washers and three dryers will compose the present facilities. If these prove inadequate, there are plans to install additional units elsewhere in the (Continued on page four)

Law School Dems Pick New Leaders

Ted Rudzik, 2L (Union '50) of Hammond, Ind., and Jack Sexton, 2L (Harvard '50) of Arlington, were elected president and vice-president respectively of the Law School Democratic Club last Tuesday afternoon in a meeting at the Graduate Center.

Outgoing President Bob Persky, 3L (N. Y. U. '49) of Jersey City, praised club members for their efforts in the recent elections, during which the Democratic Club managed a precinct for the Cambridge Civic Association. Persky reported the club secured pluralities in its district for six of the nine CCA candidates for the Cambridge City Council. Results of the school committee election have not yet been announced.

Other officers elected were Mel Buckman, 1L (Univ. of Pa. '51) of Cynid, Pa., secretary; Don Dowd, 1L (Harvard '51) of Lowell, treasurer; and Howard Levitt, 3L (N. Y. U. '49) of New York City, Russell T. Weil, 3L (Harvard '49) of Boston, Mary O'Connell, 2L (Chestnut Hill '50) of Jeanette, Pa., Milo Shadle, 2L (U. C. L. A. '50) of Allston, Pete Palumbo, 1L (Harvard '51) of Providence, and Charles Harff, 1L (Colgate '51) of Cambridge, N. Y., representatives for their respective classes on the executive committee.

Forum Special Lecture Series Lists Dr. Ford

Legal Medicine Head Is First Lecturer In New Forum Legal Program

Dr. Richard Ford, Assistant Professor of Legal Medicine and acting Head of the Department of Legal Medicine, will be the speaker at the Law School Forum's first legal program Tuesday evening at 8 o'clock in Langdell Hall. His talk will be entitled "Interpretation of Medical Evidence."

Professor Ford, who delivers an annual series of lectures on legal medicine at the Law School, is a Massachusetts state medical examiner and has participated in the investigations of many of the more gory and mystifying murders in the Hub area in the last few years.

James E. Ryder, 2L (M. I. T. '50) of Somerville, director in charge of Legal Programs, announced today that Dr. Ford's talk on Tuesday will be of a non-technical nature, designed for a lay audience. It will cover material not given in the legal medicine lectures.

Dr. Ford will tell of his many experiences in the field of murder investigations and in cases of accidental deaths.

He has figured prominently in such recent cases as the Sanders "euthanasia" case, the Red Scarf Murder case, and the Bridges case. It was Dr. Ford who was instrumental in clearing Dr. Sanders by testifying that the injection of air Sanders was accused of administering could not have been the cause of death.

Dr. Ford will answer questions from the audience and conduct a discussion period after the informal talk.

There will be a 25 cent admission charge for all except season ticket holders.

Harring Discusses 'Peronista' Regime

Clarence H. Harring, '07, Bliss Professor of Latin American History and Economics, spoke at the Law School Coffee Hour yesterday on "The Peron Regime in Argentina."

Professor Harring expressed the view that the Peron regime came to power because of the bankruptcy of democracy in Argentina. He feels hopeful that Argentina will come through its trial by fire safely and that a more chastened democracy will result.

The Peron system involves control of most aspects of the national life in the interests of a single party. Peron originally planned a vast program of industrialization in public works commencing with a five year plan. His scheme was to be financed from profits on exports which are monopolized by the national government.

Historical Review

Professor Harring gave a capsule history of the Argentine since its effective emergence as an independent nation about 1860. For half a century the country was ruled by an oligarchy of land owners and cattle kings. This group lost the 1916 elections to a popular middle class party—the Radicals—who encountered many difficulties because of their lack of political experience. In 1930 they were ousted by a popular revolt (one in which the army did not take part) resulting in the oligarchy returning to power.

World War II saw the growth of Fascist tendencies, culminating in the Army revolt in 1943. Juan Domingo Peron emerged as the strong man of the army group which has run the government for the past eight years, much in the manner of any dictatorship.

The Harvard Law School Record

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Moot Court

Each autumn the Association of the Bar of the City of New York conducts a National Moot Court Competition. This year the finals are in New York City on Dec. 13 and 14. Approximately 40 leading law schools from Boston to Boulder, Colo., participate. For several reasons the Law School faculty has decided against joining the competition.

As may be seen in the news story relating to the National Competition (page 4, col. 2) its procedure differs considerably from the Ames Competition which is the oldest, and probably the most lifelike and comprehensive (and certainly the largest) individual moot court competition in the country. To be a member of the winning Ames club is a distinction second, perhaps, only to being on the top honor societies.

But the winning Ames finalists could not participate in the National Moot Court Competition because it is held in the first term. In fact this effectively excludes all four of the semi-final clubs. If Harvard were to compete in the National Competition it is feared that this might dampen the enthusiasm for and the prestige of Ames. We wonder if it might not add more glamor to Ames by providing additional outlet for a few third year men with marked forensic ability whose clubs have lost out in Ames.

Of course there is the feeling that the Law School would then be sending its "second platoon" onto the national field. Many schools such as Yale, since they do not have moot court competition in the third year, do not have this problem. Virginia solves it by choosing three men who wish to participate from among their quarterfinal teams. This year all three are from semi-final teams. It would be interesting to know how these men do justice to two arguments and their courses in one term.

There is the further objection that you lose much of the value of the practice of advocacy when, after preparing a brief for one side, you may have to argue the opposing side. This may be balanced by the experience it gives the participants in preparing an argument under extreme, last-minute pressure.

These are the chief considerations involved. It adds up to a question of fact, on which reasonable men may differ, as to what is best for the students, the Ames Competition and the Law School. So far the triers of fact have come out on the side of non-participation in the National Moot Court Competition.

LETTERS to the EDITOR

To the Editor of the RECORD:

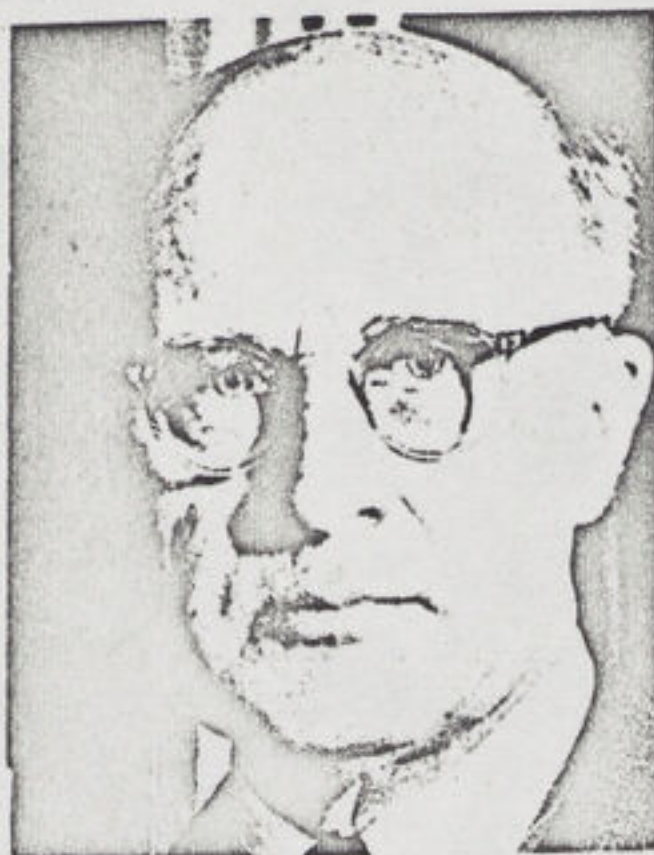
The Law School Committee of Phillips Brooks House wishes to express its appreciation to the many individuals and organizations of the Law School who have aided in the administration of the Blood Drive.

The Blood Drive has been continuing successfully because of the whole-hearted support and cooperation of the students and faculty.

VERNON ELDERKIN, JR., 3L
P. B. H. Law School Committee
Blood Drive

Gallery

IVAN C. RAND
Supreme Court Justice



Canadian by birth, American by education, and world-wide in thought and deed is the best description of the Honorable Ivan C. Rand of the Supreme Court of Canada. A graduate of Harvard Law School in 1912 he had the good fortune to have Beale and Gray for professors and sat in Austin Scott's first class as instructor at the School. In the near-forty years since then, Justice Rand has been active in many branches of the law, his appointment to the Supreme Court in 1943 being the acme of his varied service to the Dominion of Canada. And in this time he has been ever striving to find out more of the nature and forces of social life by the conscious extension of his imagination.

Justice Rand's quest for a broader view of life has led him to interesting situations in many fields. After receiving his LL.B. he settled in Alberta where the Canadian west was opening up as the American frontier had opened after the Civil War. From there he returned east to his place of birth, New Brunswick. After a period of general practice during which he spent one term in the New Brunswick legislature as Attorney General of the province, he became Counsel for the Canadian National Railways, and remained in railroad law for fifteen years. In the middle of the last decade he was appointed arbitrator of the Ford labor dispute and in 1947 was the Canadian delegate to the UN committee investigating Palestine, when for the first time in world history, men set out to create, as an act of international justice, a new state and give it a constitution "with all the safeguards democratic experience had brought us in the way of individual human rights."

The Real Canada

"Many Americans," states Justice Rand, "have strange beliefs regarding Canada and its relation to Great Britain." In the last fifty years, especially since the Statute of Westminster in 1931, Canada

has been autonomous, though belonging to the British Commonwealth. "Its destiny runs parallel to that of the United States in spite of the intimate bonds with the Commonwealth, the purposes of which are the same as America's—to establish democracy based on freedom." Canadians are therefore more interested in United States political, social and economic life than in any other country's. Canada is the biggest buyer of U. S. goods, and American investments there are tremendous. The exchange criticism between the two countries is friendly, to help each other. "Our lives," Justice Rand goes on, "are becoming more intimate, in that thinking people of our countries keep in close touch with each other." Canadians closely watch the American centers of education bringing ideas under the regime of reason and endeavour to profit from what they observe.

The past eight years on the bench of the Supreme Court have been the most interesting to Justice Rand in a life filled with engrossing events. Appointment to the highest Canadian Court is by the government in Ottawa, and arising out of the bilingual and duo-cultural life of our neighbor, three justices out of nine are named from the Province of Quebec. The task of the Supreme Court is made more difficult by the fact that there are two basic legal systems in the nation, the common law and, in Quebec, the civil law.

The "Rand Formula"

Justice Rand's settlement of the Ford strike in Windsor in 1946 aroused widespread interest. The formula for the solution of the problem "seemed to emerge as a dictate of common sense." The strike was to obtain security in the nature of a closed shop. Ford officials admitted improvement and benefit brought about by the union in the matter of wages and working conditions. The union was striking to strengthen its position both in relation to the company and to the non-union workers who, of course, enjoyed such benefits too. Therefore Justice Rand made the non-union workers pay basic union fees and so become "associates" of the union, having the right to vote on the issue of a strike. If they were not consulted before such a strike, the "check-off" of fees would stop flowing into the union treasury. In this way, a balanced solution was affected (which has since been adopted in smaller plants in Canada), and there was no necessity for a closed shop which Justice Rand felt would place the individual's right to work at too great a hazard.

This adjustment illustrates the primary function of the lawyer today—to settle social problems by the empirical process. "We must apply ourselves in society to bring about civil harmony and order. A lawyer is a specialist set to reconcile differences among specialists. He must be a political animal (cognizant of the relationship of law to government and politics) and a good psychologist, knowing what makes men tick." In this way Justice Rand believes that the law and its votaries will better be able to accommodate clashing views in a world of conflicting interests.

Off the Record

NO BACK TALK, PLEASE

It was said of Dean Ames that when he called upon a student who stated that he was unprepared, the Dean would bow ceremoniously in the student's direction and solemnly state, "I beg your pardon." After that the student was too embarrassed ever to be unprepared again. With this modern age of fast repartee, the student may have retorted to Dean Ames in one of the following manners:

- (1) "Who am I, the Governor?"
- (2) "It's too late to apologize."
- (3) "Oh, that's all right. Just don't let it happen again."
- (4) "Ask a foolish question and you will get a foolish answer."
- (5) "I'll take your apology under advisement."

From Chafee, *Equitable Servitudes on Chattels*, 41 Harv. L. Rev. 945 (1928) at pp. 970 and 971:

"At first sight we seem to be dealing with two entirely different possible explanations of the liability of the sub-purchaser under a restrictive contract. The historical origin of *Lumley v. Gye* is entirely different from the doctrine of equitable servitudes. . . ."

"Nevertheless it is still possible that these two apparently different approaches really embody the same conception. In recent mathematical physics, Heisenberg's matrix theory of the atom and Schrodinger's wave theory were supposed to be diametrically opposite explanations and yet have been shown to coincide. Perhaps a similar reconciliation is possible for us."

And that makes it clear!

HYPOTHETICAL CASE

Consider a case where a life insurance beneficiary is suing Equity Life Assurance Society to obtain proceeds of a policy on the life of a decedent who voluntarily enlisted in the United States Army and was killed in action. Quære: Could the insurance company defend on the proposition that "Equity will not aid a volunteer?"

MAXIMS OF STATUTORY INTERPRETATION

When the Committee report seems ambiguous, look to the words of the statute to determine legislative intent.

From, Boswell, *Life of Johnson*

Boswell: "But sir, does not affecting a warmth when you have no warmth, and appearing clearly to be of one opinion when you are in reality of another opinion, does not such dissimulation impair one's honesty? Is there not some danger that a lawyer may put on the same mask in common life, in the intercourse with his friends?"

Johnson: "Why no sir. Everybody knows you are paid for affecting warmth for your client, and it is, therefore, properly no dissimulation. The moment you come from the bar you resume your usual behavior. Sir, a man will no more carry the artifice of the bar into the common intercourse of society than a man who is paid for tumbling upon his hands will continue to tumble upon his hands when he should walk on his feet."

Unless the habit gets too strong, of course.

Sub Judice

BACK SEAT DRIVER

Gilbert Willing and Miss Gilbert attended a high school junior prom and then went to ride with another couple to Milwaukee, Wis. and the other couple testified that he was driving the car, but Miss Gilbert said that she and her partner occupied the back seat during the trip. Nine months later she had a child.

At the bastardy proceedings Miss Gilbert claimed the fact that she had failed to tell Willing of her pregnancy prior to the birth of the child by claiming that she did not know she was pregnant until after the birth.

Against Willing's claim that Miss Gilbert's testimony was so improbable that the jury should be taken from the jury, it was held to the jury whose verdict was guilty.

Held: Judgment affirmed. "The key improbability relied on is Gilbert's testimony that she did not know she was pregnant until she was told so after birth of the baby. She was 19 years old, had previously suffered from adhesions, a kidney ailment and she thought she had a tumor. She consulted no doctor during gestation. . . . She wore her usual clothes, worked until the day before the birth. She was taken to the hospital in labor by mother and the baby was born while she was in a wheelchair. Miss Gilbert's story could be true."

State v. Willing, 48 N. W. 2d 236 (Iowa), June 15, 1951.)

RUM AND COCA COLA

Five sailors checked into Meyer's Hotel, Tavern and shortly thereafter inquired of the desk clerk about the purchase of a bottle of rum. The hotel did not supply them with beverage but they apparently managed to procure and partake of it till they reached a more comfortable state of inebriation. This was made known to the clerk by the complaint of another guest who reported that the sailors were engaged in throwing objects about the room. The clerk admonished the sailors to stop and a personal visit but did no more.

The festivities came to halt when a Coca Cola bottle was thrown through an open window and a fragment of it injured a pedestrian. The police's investigation of the room showed that "there were 'half-moon' shaped indentations on the wall with shattered fragments of glass beneath. A plywood mable closet was broken, chairs were overturned and beds pulled out of position."

The lower court ordered an involuntary dismissal of Holly's claim against the Hotel. Held: Reversed and remanded.

The court felt the innkeeper is under a duty to strangers, when he knows or reasonably should know that a guest's conduct was dangerous to others, to evict the guest.

"Additionally, perhaps the fair-minded person might have inferred that the obstreperous throwing of bottles and drinking glasses continued spasmodically after the clerk's visit in proportion to the increase in their consumption of liquor; that such should have been reasonably anticipated and that in view of the knowledge of the extraordinary behavior of these guests a reasonably prudent and cautious clerk would have followed up his supervisory endeavors. . . . *Holly v. Meyers Hotel & Tavern*, 82 A2d 460 (N. H.), Sept. 26, 1951.)



Harris B. Steinberg, LL.B. '35
"And so, my friends, according to the facts of this case. . . ."

Alumni Notes

L.L.B. '05—George H. Fernald, former-counsel for the New York Central, is now associated with Weston, Strick and Church, of Boston.

L.L.B. '22—Edward H. McDermott, a partner in the Chicago law firm of McDermott Will and Emery, has been appointed general chairman of the 1952 Cress Fund campaign in Chicago. McDermott was legal consultant to the Office of War Mobilization during World War II.

L.L.B. '26—Harry S. Flynn is now assistant general counsel of the minimum Corporation of America.

L.L.B. '29—Ernest H. Breuer has been appointed librarian of the New York State Law Library at Albany.

L.L.B. '30—Julius S. Wikler has been appointed director of the Office of Stabilization for the New York State.

L.L.B. '34—J. Frank Wood has become senior vice-president and trustee of Dollar Savings Bank of the City of New York.

L.L.B. '35—Joseph L. Frasca, associate professor of business law at the School of Business, University of Colorado, is co-author with Professor Walter B. Franklin of a book entitled *Statutory Materials for the Study of Commercial Law*, published by the Foundation Press.

L.L.B. '40—Paul E. Fitzsimmons, dean of St. Louis University Law School from 1946 to 1950, has been appointed by the Missouri Supreme Court as a member of the 13th judicial circuit bar committee. The committee is responsible for the investigation of alleged professional misconduct.

L.L.B. '44—Milton R. Mannheimer has formed a partnership for the general practice of law under the firm name of Mann and Mannheimer in Miami Beach, Florida. Charles O. Porter will enter private practice in Eugene, Ore., early in December. For the past three and a half years Mr. Porter has been in Boston, serving as assistant to Reginald Heber Smith, L.L.B. '14, director of the American Bar Association's Survey of the Legal Profession.

Address Changes

Distribution of the Record was discontinued to all alumni who did not respond by November 1st, but such subscriptions will be promptly reinstated upon request to the Association office.

Changes of address should be sent to the Association office in Hastings Hall, Cambridge 38, Mass. Four weeks should be allowed for the change to take effect, and members are asked to cooperate in not changing from home to business addresses and vice-versa unless necessary. This involves an added expense as it takes four to six weeks to get the stencil made.

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Dining Room Changes Released By Dean Hall; Drop In Sign-ons Noted

Minor changes in the dining room arrangement at Harkness Commons were instituted last Monday, relating to the lunch time procedure, breakfast juices and fruits, and the Grill.

One line for coffee and ice cream will be kept open till 1:45 p.m. This will enable men and women who desire second helpings to obtain them after the usual closing hour of 1:30 p.m.

As a possible solution to the congestion at 1:00 p.m., one line for the lunch room will be open at 11:30 a.m. This will enable students who have a noon class to eat lunch, if they so desire, before class.

The third change now permits diners to take one dish of prunes and one glass of orange juice at breakfast. Previously either two dishes of prunes or two glasses of orange juice were allowed with no interchange.

The final innovation extends the closing time of the Grill to 12:30 a.m. every night, though tables must be cleared of beer by 12:15 a.m. every weekday and 12 midnight on Sunday.

These innovations were the result of suggestions to Mr. W. A. Heenan, head of the Dining Room, made at a meeting attended by Vice-Dean Livingston Hall, Assistant Dean Wesley Bevins and Sheldon Witt, 2L (N. Y. U. '50) of Bayonne, N. J., Chairman; Austin Noble, 2L (Harvard '50) of So. Royalton, Vt.; and George Roumell, Jr., 1L (Michigan '51) of Grosse Point Park, Mich., of the Dining Hall Committee of the Dormitory Council.

A preliminary financial report from the Dining Hall shows that it is holding its own, Vice-Dean Hall revealed. Net receipts are \$100 below last year's for the same period and he is slightly worried over the drop in the sign-ons for November. He suggests the reason for this has been the recent increase in membership in the Chancery and Lincoln's Inn Clubs.

FORUM—(Continued)

classification of information relating to the defense effort by government agencies and departments. He also denounced the habit of some publishers of bowing to their advertisers in their selection of news.

He emphasized the interest of the Guild in maintaining public interest in newspapers and announced that the Guild is soon to publish a newspaper, *The National Reporter*, which is to be for labor what the *Wall Street Journal* is for industry, as he expressed it.

Mr. Heckscher defended the President's order as having a necessary purpose. He recommended judicious editorialization by newspapers and also advised newspapers to take the edge off irresponsible accusations by labeling the sources of information more carefully and printing tabulations of accusations hurled and proofs, if any, made.

Professor Howe commented on the Boston newspaper scene by categorizing it as "a competition either for colorless insipidity or bad taste."

NEWS IN BRIEF

TOUCH FOOTBALL

The Champs beat the Bulls 33-0 in the quarter-finals of the Law School Touch Football League yesterday. The semi-final games will be played next Tuesday at 3 p.m. at Soldier's Field. At that time the Champs will face the Giants, and Lincoln's Inn will meet Chancery.

AMES COMPETITION

First year—Brief Exchanges: Rounds 6 and 7 today, Round 8 next Monday. Arguments: Round 5 next Monday, Round 6 next Thursday, Round 7 next Wednesday, Round 8 next Thursday.

Second year—Brief Exchanges: Round 5 today, Round 6 next Tuesday, Round 7 next Thursday.

VOLUNTARY DEFENDERS

Applications from second year men and women to join the Harvard Voluntary Defenders are now being accepted. All applications must be in the office of the Defenders, Gannett House, no later than 5 p.m. Tuesday, Nov. 27.

Students who were unable to attend last Tuesday's meeting of prospective applicants may obtain information concerning applications at the Defenders' office, from 2-5 p.m. daily except Saturday.

REPUBLICAN CLUB

Professor Warren A. Seavey will speak at the regular meeting of the Harvard Law School Republican Club Monday at 4:15 p.m. in the Associated Harvard Clubs' Room in Holmes Hall. He will discuss current political issues.

PING PONG SCHEDULES

Mr. Jerome Garfinkle, 1L (C. C. N. Y. '51) of New York City, Director of the PBH ping pong tournament has announced that those people who have signed up for it must play their match before next Monday, November 26. The schedule has been posted in Holmes Hall. All arrangements for playing of the matches must be made among the participants themselves.

Mass. Bar Admits 89% HLS Men On First Try

With 87.3 per cent of its graduates passing the Massachusetts Bar examination, of June, 1951, the Harvard Law School obtained a high percentage of success.

The official figures show that 69 of the 79 Harvard students who took the test passed. The total of success for those taking the exam for the first time was even higher. Of 75 Harvard Law School graduates taking the exam for the first time, 67, or 89.3% were successful.

Official figures for all those taking the examination, including repeaters, reveal that of the 741 who took the exam, 336, or 45.3 per cent passed. The total figures for those taking the test for the first time show that 58.4 per cent passed, 303 out of a total of 519.

These figures represent a considerable increase over last year's. Unofficial reports indicated that 48 per cent of the Harvard Law School graduates who took the July, 1950 Mass. Bar Examination were successful. Of the total 880 men and women who had taken the examination in the state, only 140 passed, less than 20 per cent. These figures represented the smallest percentage of success in many years.

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Star Chamber Court, Tool of Tyrants, Says Writer Describing Tribunal's Fall

The following article by Daniel M. Sklar, 3L (Colo. '49) of New York City, has been somewhat condensed in order to permit presentation in one issue. The bibliography substantiating the article is available at the RECORD office and will be furnished upon request.

Nearly every historian who treats of the Court of Star Chamber (so-named because the chamber was ornamented with stars on the ceiling) finds it irresistible to dwell at some length on the origin of this extraordinary tribunal. Indeed, it is the very point around which controversy has raged most often, frequently to extreme lengths. But whatever the origin of the Star Chamber, it is clear that it was cheerfully utilized by the Tudors and Stuarts to implement their absolutism.

The power to examine parties, in Holdsworth's words, was "used like a Spanish inquisition to rack men's consciences, nay to perplex them by intricate questions, thereby to make contrivances which may easily happen to simple men; and men were examined upon 100 interrogatories, nay, and examined the whole course of their lives." Interrogatories became so long, that a rule was made confining them to sixteen sheets of parchment, with sixteen lines on a sheet. Henry VII, of course, made much use of the Court in his fight with the Barons, and as an economic body, promulgating price-fixing decrees. The Court was identified with the Crown, and thus demanded men's respect for the King's will; furthermore, its heavy fines were a good source of added revenue, both in Henry's time and after.

Thus, in early Tudor times, the Star

Chamber acted both in civil and criminal matters with equal high-handedness. During Elizabeth's time, however, the Court began to devote itself less to civil matters and more to criminal judicature. "This criminal jurisdiction," writes Hallam, "is that which rendered the Star Chamber so potent and so odious an auxiliary of a despotic administration." Yet this is an oversimplification. True, the Court had been used by Henry VII to further the Reformation, by the Regents of Edward VI according to their desires, by Mary I to help in her program of Catholicism, and by Elizabeth to enforce her religious settlement. But it had similarly been used for rate-fixing, regulating incorporation of merchants and traders, etc., and had in this way created just as many enemies who hated the Court as it had made in its criminal adjudications. It is only that the Court received more attention and notoriety—as might be expected—when it dealt with criminal and political matters; indeed, it is this aspect of its function which has given the Court its unenviable reputation in history.

Actually, by relying on the Royal prerogative, every felony or misdemeanor was subject to the action of the Court when it chose to act. Some offenses were legitimate and were recognized at common law; others were not. The Court had a notorious reputation for a high percentage of convictions and severe punishments. For, in addition to fines, it could impose—by James I's time, certainly—imprisonment, pillory, whipping, branding and cutting off of the ears. Not only was its punishment to be dreaded, but the mere appearance

(Continued on page four)

Law Quintet Defeats 'B' School Champs; Sharp Set-Shooting Makes Difference

Jumping to an early lead, the Law School five swept to a 55-49 victory over the Business School's Championship quintet in a tight basketball game Friday night at Hemenway Gymnasium.

Play in the first quarter started slowly as both fives had trouble hitting the basket, but picked up as Norm Dorsen, 2L (Columbia '50) of New York City and Bob Hawkins, 1L (Amherst '51) of Bala-Cynwyd, Pa. began to hit with consistency.

In the second quarter the Law School attack functioned smoothly behind the fine rebounding of Lou Schauer, 3L (Northwestern '49) of Chicago, Ill. and Fred Clark, 3L (Princeton '49) of Flushing, N. Y., rolling to a half time lead of 33-21.

The second half saw a see-saw battle in which the Law School stood off a late "B" School rally to win going away. The outstanding players for the "B" School were Norm Skinner, ex-Columbia great, and Quent Kopp, 2L (Dartmouth '49) of Syracuse.

The Law School quintet has scheduled other contests with the Yale Law School and Harvard Business School All-Stars to be played before Christmas.

LAW SCHOOL

	FG	F	TP
Horty	3	0	6
Hirsch	1	0	2
Jefferson	2	1	5
Hanifin	1	0	2
Schauer	2	2	6
Acheson	1	0	2
Hawkins	2	0	4
Bok	2	3	7
Kopp	0	1	1
Rout	0	1	1
Dorsen	5	5	15
Clark	2	0	4
Totals	21	13	55

BUSINESS SCHOOL

	FG	F	TP
Hougin	3	4	10
Bowes	1	0	2
Skinner	6	5	17
Henry	2	0	4
Foster	2	0	4
Allen	0	1	1
McConahey	1	1	3
Anderson	1	0	2
Gans	3	0	6
Totals	19	11	49

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Dorm Council Sets Semi-Formal Date

"Barrister's Ball" will be the designation of the semi-formal dance sponsored by the Dormitory Council on December 8 from 8 to 12 p. m. in Harkness Commons, announced Harvey Krieger, 2L (U. C. L. A. '50) of Los Angeles, Chairman of the Social Committee of the Dormitory Council.

Hal Reeves and his six-piece orchestra will supply the music. The Committee plans to utilize both the Swaine Room and the large dining room on the second floor of the Commons. Set-ups will be served in the small dining room at the south end of the second floor.

Admission to the dance will be by Dormitory Activities Cards only, and the dance is restricted to students in the Law School. Corsages are optional.

Working with Mr. Krieger on the dance are Allan J. Newmark, 3L (Harvard '50) of New York City, and Jack Olive, 1L (La. Poly. Inst. '50) of Ruston, La.

Blood Donation Pledged By 33% In Law School

As of this morning, 457 pints of blood had been pledged in the PBH Blood Drive. This represents 33% of the Law School student body, an increase of 800% over last year's drive.

The PBH committee has estimated that 48% of those members of the student body who are able to give blood have pledged to do so. Some students, particularly veterans, have ailments preventing their giving blood.

Plasma contributed now will go directly to base hospitals and to the Korean front. At the present time there is no plasma stockpile in the United States. The only source of the precious fluid is individual donation.

Although the drive ends officially today, individual students who have been attempting to increase the number of donations through personal solicitations will continue to do so through this week-end.

The response of the women students and of the faculty has been excellent.

The blood will be taken from December 3 through 7, at Memorial Hall.

WASHERS—(Continued)

Graduate Dormitories. Charges for the washers will be \$.25 for forty minutes; for the dryers the charge will be \$.20 for forty minutes. A full 20% of all gross revenues will be returned to be divided between the Law School Dormitory Council and the Graduate Student Council for use in various student services.

"A good deal of the credit for the success of the venture," said Mintz, "is due to the unstinting cooperation of Vice-Dean Hall and the administrative department of Buildings and Grounds."

B. C., Northeastern Vie In Regional Moot Court

Next Thursday at 3:15 p. m. in Courtroom 6 of the Boston Post Office Building three students from Boston College Law School will argue against three students from Northeastern University Law School in an annual regional round of the National Moot Court competition sponsored by the Boston Bar Association in collaboration with the Association of the Bar of New York City.

The winners of this regional argument will go to New York to argue in the final rounds on December 13 and 14.

The case to be argued involves the question of the right of a witness before a Congressional investigating committee to refuse to testify when his refusal is based on the television and radio broadcasting of the proceedings.

The National Competition is based on cases selected and prepared by the Committee on Junior Bar Activities of the parent Association. Schools are paired off within circuits roughly corresponding to the federal judicial circuits. The brief of the winning team in each circuit goes to the Committee in New York which corrects and grades them. This score is carried through the subsequent oral competition although each court may give the score as much weight as it wishes. In the semi-finals two teams having prepared briefs on the same side may be matched against one another. The side that they finally argue is determined on the flip of a coin, and thus virtually a second brief must be prepared from which to argue if needed.

The finals are judged by six judges who compare to the quality of those on the bench of the Supreme Court of Ames. Last year's court was presided over by the Hon. Robert H. Jackson, Associate Justice of the Supreme Court of the United States. He also presided over the Supreme Court of Ames last spring.

STUDENT BAR—(Continued)

these activities and the lawyer's obligations to them.

The fourth meeting of the series, entitled "Trial Tactics and Justice," is scheduled for early March. The speaker will be Daniel J. Lyne, L.L.B. '12, a trial practitioner of long standing, of the Boston firm of Lyne, Woodward and Evans. The final talk, in early April, will be "Ethical Problems in the Prosecution and Defense of Criminals." The speaker will be Robert F. Bradford, L.L.B. '26, of the firm of Palmer, Dodge, Gardner, Bickford & Bradford. Bradford, who was Governor of Massachusetts from 1947 to 1949, has had much experience in criminal law, both as prosecutor and as defense attorney.

Those interested in attending these talks will have the opportunity next week to register for them, at a time and place to be announced.

STAR CHAMBER—(Cont.)

before the Court entailed no little danger. For the Court was not above using torture to exact what it considered proper answers to interrogatories. It is not quite certain when or by whom this practice was introduced, but it is thought that the last man to be put to the rack was a certain Peacham, in 1614, in the presence of Lord Bacon, then Attorney-General. It is interesting to observe that the Court did not feel itself competent to put to the torture anyone of noble rank. Also, that so noble a personage as Sir Edward Coke saw nothing amiss in using torture and himself ordered it on at least one occasion.

Court Arouses Hostility

Of course, the tyrannical proceedings of Star Chamber could not continue without arousing popular feeling against it. As long as the cases before it were not political, the Court attracted little attention and was, in many respects, quite efficient. But in political and criminal cases, it was the tool of the Crown, and as such, antagonized at one time or another, nearly all sections of the population.

This antagonism was less open during the greater part of the Tudor period and came into prominence as that period ended and that of the Stuarts began. The growing organization and jurisdiction of the Court was a threat to the supremacy of the common law system. It was natural, therefore, that the common law lawyers and judges should take alarm. In later Tudor times, common law judges began to criticize proceedings of the Court; and even the legality of the Court—as well as other branches of the Council—began to be questioned. As the various sovereigns used the Court for their own purposes, a hatred for Star Chamber remained long after the sovereign had passed out of the picture.

During the Stuart period, as has been suggested, this antagonism grew acute. The Stuarts—while no more despotic, perhaps, than the Tudors—never had the gift of ruling with grace. What the Tudors had made to appear necessary and desirable, the Stuarts presented as arbitrary and unnecessary. In Stuart hands, the Star Chamber acted ruthlessly, making no attempt at even a semblance of judicial procedure. In their fights with Parliament, the Stuarts were unwise enough to resort often to Star Chamber proceedings against unruly M.P.'s. The crisis in Charles I's reign approached in the second quarter of the XVII century, at a time when the Star Chamber was at its lowest point of prestige. The Puritans hated this Court which persecuted them; the Parliamentarians hated the Court which represented the incarnate prerogative of the Crown; the common lawyers and judges hated a rival court.

Parliament Abolishes Court

Their opportunity came when Charles, pressed by the needs of his war, was forced to summon the famous "long Parliament." This body commenced an attack on the King's prerogatives, tear-

ing down, one after another, those edicts which most odiously housed this power. And among the first to fall was Star Chamber.

The bill to abolish the Court began by listing the many grievances against it, including extension of jurisdiction, vindicating illegal commissions and orders of state, etc. At first, Parliament set out to limit the Court. After a second reading of the bill, however, it was suddenly suggested "that the remedies provided by that bill were not proportionable to the disease," and after arguing the point, it was stated that "the proper and most natural cure of that mischief would be to utterly abolish that Court, which was very difficult, if not impossible to regulate." Acting on this motion, the bill was re-committed with directions to "alter the form of it, as might utterly serve to take away and abolish that Court." As it finally emerged, the bill was styled "An Act for the regulating of the privy council and for taking away that Court commonly called the Star Chamber."

It provided that "neither His Majesty nor his Privy Council have or ought to have any jurisdiction, power or authority by . . . any . . . arbitrary way whatsoever, to examine or draw into question, determine or dispose of the lands, tenements, hereditaments, goods or chattels of any of the subjects of this Kingdom; but that the same ought to be tried and determined in the ordinary courts of justice, and by the ordinary course of law."

The House of Lords was too frightened and intimidated by the angry temper of Commons to do anything but pass the bill when it came to them. And Charles—threatened by adjournment of Commons, an action he could not afford in view of his pressing financial needs, signed it into law.

"Thus fell," records Gneist, "that high court, a great branch of the prerogative." Further, "the abolition of the whole civil and criminal jurisdiction of the Star Chamber and of its intimations . . . was a decisive step for the whole future of England."

End of Court Called Good

Undoubtedly, there were those who were sorry to see the end of the Court. Many contemporaries had spoken with great respect. Sir Thomas Wolsey, "a good institution," Sir Edward Coke remarked that "it is the most honourable court in Christendom, except our Parliament," and that "if the right procedure of old rules be observed, keeps the Court of England quiet." Sir Roger regarded it as a Court which exercised the "high and pre-eminent power reserved to the King's Council." All of these men were, of course, members of the court at some time or other. An objective appraisal of the Court, in respect, persuades us that there was truth in these quite biased opinions. We can be sure that the Court did a valuable and often necessary function. "In fact," writes Holdsworth, "the Court guided England through the changes of the century of Renaissance and Reformation, enforced a high standard of duty on all other courts, and sons entrusted with governmental functions and these . . . gave internal peace to the country."

Abolition Approved

Yet there is another side to the picture, which is equally as true and decidedly less complimentary. For it all in all, as a ministerial body state court of justice, Star Chamber was irresistible; it trampled on all the independence and rights traditionally owing to Englishmen. What was once a necessity—and often at first, an equitable tribunal—became too frequently a scene of ruthless oppression, brutality, and petty denunciations. Abolition of Star Chamber cannot, think, be looked upon in any light favorable. Because of it, perhaps, English tradition became one of ministerial responsibility, rather than ministerial domination, and England and the peoples sprung from her influenced by her—faced toward democracy, supremacy of the law, and a regard for human dignity.

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