

Dr. Singh Closes Fall Forum With Talk On India's Policy

Malley And Rappaport Scheduled As Speakers For Spring Discussions

India's Foreign Policy," a free legal symposium to be presented today at 2:30 p.m. in Langdell NM, will be the last offering of the Harvard Law School Forum for the Fall semester. The speaker will be Dr. R. U. Singh, S.J.D., Dean of the University of Lucknow School in India.

Forum directors expect Dr. Singh's talk to be of great importance, since Western legal systems so largely depend upon an India which will ally itself with the democratic world. "Although this issue has been obscured by the war in Korea, yet it remains the most important question in the world," remarked the coordinator, James H. Malley, Jr. (M. I. T. '50) of Charleston, Va.

Dr. Singh is a specialist in the problems of South Asia. Dr. Singh has been a member of the Indian Parliament for 14 years. He is also a member of the Standing Committee attached to the Minister of External Affairs. He is currently in this country assisting Professors Berman, von Mehren and on out of town seminars in Comparative Law.

The Spring series of Harvard Law School Forum programs is rapidly being completed. Topics to be covered during the second term include reform in municipal government, snobbery in musical comedy, the role of Great Britain in the Near East, segregation in the public schools and one program called who is "Mr. Republican, 1952?" Mr. Jerome Rappaport, founder of the Forum and organizer of the New Boston Committee, will speak on "Municipal Government" on next February 8. Mr. (See Forum on page four)



DR. R. U. SINGH

Pantzer Talk Shows Drafting As Science

"Draftsmanship is not an art, but a science, and should be taught like one, with weekly lectures, labs, and projects," argued Kurt F. Pantzer, LL.B. '17, S.J.D. '20 in his lecture, "The Principles of Draftsmanship," given in the Court Room last Friday.

Deploping the universal neglect of draftsmanship by law schools, he suggested that the current Harvard Law School drafting competition could be the first phase of a contribution to the practice of law, "as great as Dean Langdell's dialectic."

Law schools, he maintained, concentrate unduly on seeking out and training the student's logical aptitude, to the neglect of at least four other aptitudes of equal importance, a situation which he thought explained the fact (See Pantzer on page four)

Season's Greetings

The board and staff of the RECORD extend best wishes for Christmas and the New Year to all our readers.

This is the last issue of the current term. We shall resume publication, after the examination period, with the issue of February 7, 1952.

The RECORD welcomes essays or papers on legal matters for publication as *Articles*. Our columns are open to students, faculty members, alumni, and others interested in writing on topics of legal interest.

HVD Adds 13 Men In Recent Election

Harvard Voluntary Defenders have elected 13 second year men to that organization, Alvin H. Goldstein, Jr. (Colgate '49) of New York City, President, announced this week.

Goldstein and Herbert M. Weiss, 3L (Wesleyan '49) of Kingston, Pa., Secretary of the organization, explained that a larger number than usual were accepted this year in order to lighten the load.

In a recent two week period, the Harvard Voluntary Defenders handled 35 new cases, eight district court appearances, five research memoranda, and a number of investigations requiring field work as far as Providence.

The new men were introduced to third year members and members of the Boston Voluntary Defenders at a buffet supper last Sunday night in Harkness Commons.

Those second year men elected are: Brian John Buckley, (Loyola U. '48) of Chicago; Robert Coulson, (Yale '49) of New York City; Robert R. Feinberg, (N. Y. U. '50) of Brooklyn; Eugene M. Feingold, (U. of Pittsburgh '50) of Hazleton, Pa.; Michael V. Forrestal, (Princeton '49) of New York City; Robert Hammerman, (Johns Hopkins '50) of Baltimore; Robert A. Jelinek, (U. of Penn. '50) of Philadelphia; Robert Kauffman, (U. of Philadelphia; Robert Reading; Alexander L. Kymann, (S. M. U. '50) of Mount Vernon, N. Y.; William S. Lynch, (Fordham '50) of Woodside, N. Y.; Henry J. Naruk, (Wesleyan '50) of Middletown, Conn.; Julian H. Singman, (G. W. U. '50) of Washington, D. C.; and Melvin L. Zurier, (Harvard '50) of Providence.

Dorm Committee Plans Spring Social Functions

A Law School Weekend heads the agenda of possible social functions now in the early stages of planning by the Law School Dormitory Council's Social Committee, announced Seymour Levine, 3L (C. C. N. Y. '49) of Brooklyn, Dorm Council President.

Encouraged by the success of the Barrister's Ball, held December 8, the Social Committee is working on a full Spring weekend of social activities which will come at a time that will be convenient to all classes. The committee is also at work on another semi-formal dance to be held in the Spring at a date as yet unscheduled. Plans are also under way for having live music at the regular Saturday night dances.

The Social Committee is also planning to acquire a television set and is now deciding upon a good place in which to put it. Another project includes the placing of magazines at the end of Holmes Hall near the ping pong tables, where it is thought additional furniture might be added.

The grad dorm laundrette which opened officially last Wednesday has six washing machines and three dryers. If the revenue from the machines proves to be sufficient, free soap will be provided for users. At its next meeting the Dormitory Council will take up a proposal to have a man tend the machines as a convenience to the students who use the machines and a means of providing employment for a needy student.

HLS And Israel To Cooperate In Developing Legal System



HAROLD J. BERMAN

Diverse Legal Heritage Poses Unique Problem; Fund Drive Inaugurated

The State of Israel, seeking to develop a unified system of law to meet the needs of a modern state, has turned to the Harvard Law School for its cooperation in a program of comparative law research, Associate Dean David F. Cavers announced last week. The Law School, with its great foreign law library and its growing interest in comparative law, has resources which will enable the Israeli Ministry of Justice to make use of varied legal experience throughout the world in developing its new legal system.

Professor Harold J. Berman is the faculty member most directly associated with the project. If the program is launched, it is expected that he will assist in its development. He points out that, in addition to the aid it will render to Israel, such a program is expected to afford an excellent opportunity for the study of comparative law here at the Law School.

A committee of friends of the Law School and of the State of Israel is being organized on a nationwide basis to secure the necessary financial support for the program. Its general chairman is Mr. Fred Monasson, a Boston manufacturer who has been prominent among American Zionists.

Locally, a Greater Boston Committee is being formed, headed by Mr. Abram Berkowitz, a member of the firm of Ropes Gray Best Coolidge and Rugg. Similar committees are planned for other parts of the country.

The idea for such a project arose last spring as a result of a visit to the Law School by Mr. Uri Yadin, Director of the Department of Legal Planning of the State of Israel. (See Israel on page three)

Public Policy Duty Stressed By Darrell

A view of the tax lawyer as a spokesman for the public interest was presented last week by Norris Darrell, a partner in the firm of Sullivan and Cromwell in New York, who spoke on "Responsibilities of a Lawyer in Tax Practice," the first of a five-lecture series sponsored by the Student Bar Association.

Mr. Darrell said that while the tax lawyer must do the best he can for his client, he also has a duty to help the client understand public policy. The speaker warned against any lawyer so identifying himself with the client's cause as to blind himself to the larger interest, and believed it proper for the practitioner to speak out to make tax law more equitable and workable "whatever the cost." (See Darrell on page three)

Show Business Treatment Jazzes Up Casebook Ads, Description Of Courses

Ever since Rudolph Bing re-vitalized the fame and fortunes of the Metropolitan Opera by invoking Broadway tactics, we have been thinking of applying the devices of Show Business to the Law School. It seems to us that the Law School often presents a dull aspect to the general public; perhaps if the School were more glamorous, better public relations might ensue.

As an indication of what could be done in this field, we have undertaken to polish-up the advertisements for casebooks, and streamline the descriptions of courses in the catalog. The results are as follows:

Agency Restated

Case-Books: These will have a Crim-son and White dust jacket, with a picture of a big-bosomed woman holding the scales of justice. The blurb will read something like this: *Cases on Agency* by W. A. Seavey, author of "Cases on Torts." "From the pen of this great writer, comes another magnificent collection of fascinating cases. Here is drama, pathos, lust, avarice, as seen through the eyes of countless jurists and faithfully set-down. Here is the tender story of man's confidence in man betrayed! Faithless, unauthorized agents wreak havoc throughout the pages of this moving volume. Prof. Seavey writes with deep insight, and exposes a sordid part of mankind. Read here of the husband who won't provide for his wife's debts, of the ruthless principals masquerading behind their agents' skirts. THIS BOOK IS A MUST!! The *Tupka Law Review* said: 'This book is a must!' Prof. Hardhead writes: 'This is a bully book!' Get your copy now, immediately, soon!"

If this doesn't sell more case-books, then our name isn't Foundation J. Press.

Catalog: We propose that the new catalog will do away with that drab green color and Harvard seal; in its place will be a big-bosomed woman holding Langdell Hall under one arm, and balancing Austin Hall on her hip. A banner flowing across her bosom will identify her as "Justice."

Turning at random to a course description, we would find something like this:

Prop. 1-This is a four-bell course! It is the simple, everyday story of human relations, which asks the question "Can a young ideal lawyer find happiness in a small conveyancer's office?"

What is the dreadful, nameless horror that creeps into the hearts of real estate lawyers whenever that mysterious person known only as B.F.P. appears on the scene? Why does Amos P. Kuit-claine shudder when the words *prima nox* are mentioned. What is he hiding? From out of our past, unfolds a vigorous story, filled with hope and promise for the future as the ancient land laws begin to yield to progress. This is a course for all the family.

Smash Hit

Obviously, such a description would lure students into the classes with eager expectations. Or try this:

Constitutional Law: This is it! Supreme Production's bid for the Award of the Year. With students who know courses best, it is Con Law, 2 1/2 to 1.5! Studded with such stars as Holmes, Brandeis, Marshall, Cardozo, etc., this course has something for everybody. For mother, there is the touching opinion allowing her to keep drummers off the front lawn; for junior, the hard-hitting expose of black hearted teachers trying to force religion down his poor throat; for Dad, there are such important revelations. (See Glamour on page four)

Saltonstall Article Outlines Provisions Of Massachusetts 'Red Control' Statute

This article, a critical analysis of Chapter 805 of the Massachusetts Laws of 1951, was written for the RECORD by John L. Saltonstall, Jr., A.B. Harvard LL.B. Yale '41. Mr. Saltonstall, chairman of the Massachusetts Committee of A.D.A., is a member of the firm of Hill, Barlow, Goodale and Wiseman in Boston.

Widespread interest has developed during the past few weeks in the so-called Red Control Act (Chapter 805, Laws of 1951) signed by Governor Paul A. Dever on November 17, a few hours after its passage by the General Court of Massachusetts. Since the law received little attention from the press in the general flurry attending prorogation of the General Court, there is considerable public uncertainty concerning its provisions.



JOHN L. SALTONSTALL, JR.

In its final form the Act is the work of a Senate-House Conference Committee which was established during the closing days of the recent legislative session to iron out the impasse between the House, which had voted overwhelmingly for an exacerbated version of Maryland's Ober Law, and the Senate, which had voted for a more moderate bill. The final product comes much closer to the wishes of the Senate but it also contains a wholly new provision—i.e., a legislative declaration that the Communist Party is a "subversive organization."

The Act, which is entitled "An Act providing for the adjudication of certain organizations as subversive, and imposing penalties for membership in, or the furnishing of certain aid or assistance to subversive organizations," is an emergency law which became effective immediately upon signing. Its preamble declares that the Act is necessary "to provide without delay for the common defense and to promote our national security against enemies from without as well as from within in the face of a clear and present danger."

Additions to Criminal Code

SECTIONS 1 and 2 are technical provisions intended for purposes of reorganizing Chapter 264 of the General Laws of Massachusetts entitled "Crimes Against Government." They make no substantive changes.

SECTION 3 adds nine new sections to Chapter 264 following old Section 15 as follows:

Section 16 defines a "subversive organization" as being, for purposes of the Act, "any form of association of three or more persons, however named or characterized, and by whatever legal or non-legal entity or non-entity [sic] it be established, and whether incorporated or otherwise for the common purpose of advocating, advising, counseling or in- (See Saltonstall on page four)

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Food for Thought

Only in the minds of the present third year student does the fond memory linger of the time when Kendall House, the present home of the Placement and Admissions Offices, was used to furnish inexpensive lunches to the law student. But the need for reviving that faint memory and making it once again food for the stomach instead of the mind was never more urgent than now.

For those who know not whereof we speak, a little reminiscing is in order. There was a time when hungry students used to line up in Kendall House around the noon hour of each school day and reap the caloric rewards of their richer brethren. There was a time, when for the approximate cost of forty cents the student could eat two sandwiches, milk or coffee and a dish of ice cream. Also offered were assorted soups, cookies and cakes. Last year, the project abruptly disappeared.

During the past month, the food price index reached a new high. This has been reflected in local restaurant prices as well. The student with moderate resources is now confronted with the altogether unhappy alternative of eating much less than he requires or drawing upon funds which he had set aside for other pressing purposes when he planned the amount he would need for his law school career.

There seems to have been two prime reasons for the discontinuance of this project.

- 1) The need for office space which Kendall House provided.
- 2) The fact that continuing this service might cut down on the revenues of the Graduate Dining Hall.

It is only on the latter that we can fruitfully comment. It hardly seems likely that those who are presently "signed on" at the Dining Hall would "sign off" merely because of this opportunity to eat elsewhere. And those who can pay the 85 cents luncheon charge as transients and want or require the larger lunches provided there, would, for the most part, continue to do so as well. Our concern is with the relatively large number of students, who are sorely limited in their finances, and who are compelled to eat negligible lunches in the local restaurants.

Admittedly, we can offer no constructive suggestions regarding the "office space" problem. We can only observe that the Placement and Admissions Offices did exist and function before they were moved into Kendall House and that some other place might also prove feasible for the revival of a cheap lunch project.

Slippery Walks

Last weekend's snowstorm left a blanket of snow and ice over the entire northeastern section of the United States, and the Law School was no exception. What surprised us about last weekend was the failure of the grounds crews to clear the walks or even to sand the iciest parts. As a result, parts of the Law School area, particularly around the dorms, were dangerously slippery as late as Monday afternoon. We hope this oversight will not recur.

Gallery

FELIX FORTE
Jurist



Bachrach

After attending the nation's oldest grammar school and the nation's oldest public school it was only natural that Felix Forte should receive the highest degree in law at the nation's oldest university law school. He was, however, a very unusual student, even for Harvard Law School. Right after class he often hurried over to Somerville to serve as a Special Justice of the District Court. He was at the same time teaching law at Boston University and running his own law office. In his "spare" time he conducted two Bar Review courses, one in the Spring and one in the Fall. Nevertheless he managed to qualify for the degree of Doctor of Juridical Science in just one year, a most difficult and unusual achievement at that time.

Law School Days

Reminiscing about his Law School days, Judge Forte recalls that in his class on "The Administration of Criminal Justice," conducted by Professor Sam Bass Warner, there were just two pupils. One was Judge Forte, the other was John Sloan Dickey, now President of Dartmouth College. Of Dean Pound, who was then giving his course on Jurisprudence, Judge Forte says "I can not speak in higher terms of him. He has the greatest legal mind it was ever my good fortune to come in contact with." In discussing a problem with Professor Warner, Dean Pound once remarked that the Romans had a similar problem. When asked how he knew this Dean Pound quoted from memory a lengthy passage from Virgil, a passage which to the best of his knowledge he had memorized 51 years before. In the opinion of Judge Forte Dean Pound exhibited similar remarkable qualities of mind and legal acumen in grappling with the problems of jurisprudence.

Felix Forte was born in 1895 in the shadow of Old North Church. After attending Public Latin School for two years and later graduating from the Boston English High School he attended Boston University School of Law. He received his LL.B., cum laude, in 1916 and his LL.M. in 1919. Not content with this and while practicing law he returned to school and received an M.A. in 1928. He entered Harvard Law School in 1931 and received his S.J.D. in 1932. Since then the honorary degrees of LL.D.

from Boston University and S.A.O. from Staley College have been awarded him.

The man behind this imposing list of academic degrees is not the bookish individual one might expect. A keen lawyer with a quarter of a century of practice behind him, Judge Forte is quick to translate the theory of the classroom into the realities of actual practice. Earlier in his career he made a rapid rise in Massachusetts politics and was nearly elected Attorney-General just four years after leaving Harvard. As a Republican nominee in the year of the Roosevelt landslide, he lost to his former pupil, Paul Dever, now Governor of Massachusetts.

Teaching Law

An earlier and stronger love of Judge Forte is that of teaching law. His adeptness in conducting several murder trials brought him a teaching offer from Boston University in 1921. He gave one course in Evidence and another in Practice and Pleading. During his teaching career he also taught Contracts, Wills, Probate Law, Bankruptcy, Bills and Notes, Suretyship, Future Interests and Extraordinary Remedies. In 1927 he became an Associate Professor and in 1929 a full Professor. He is now Professor *emeritus*, having retired in 1939 when he was appointed to the Superior Court. He gave up teaching for five years to devote all his time to the bench, but when he found himself getting rusty in the law, and having to check at night the law of cases argued before him in the daytime, he resumed informal teaching on Friday nights and weekends. He feels that teaching keeps him fresh and aids him greatly in his duties as a judge.

Author

Judge Forte is equally well known as an author on legal subjects. Among his published works are a "Casebook on the Law of Contracts," "A Brief Survey of Anglo-American Legal History," "Master's and Auditors," and "Massachusetts Bar Examinations and Answers," which is now in its 6th edition. He has also been a contributor to the Boston University Law Review and the Notre Dame Lawyer.

Early this year he gave a lecture to several hundred lawyers on "The Trial of a Negligent Case" under the auspices of the Massachusetts, Boston and other bar associations. He later repeated the lecture at Springfield at the request of the Hampden County bar association. His lecture and the others of a series have recently been published in book form.

His continued interest in the field of Jurisprudence has inspired him to work on a translation from the Italian of a treatise of Giorgio Del Vecchio, former dean of the law school of the University of Rome and recognized authority on legal philosophy. At the request of Dean Pound Judge Forte plans to publish his English translation next Spring.

Judge Forte's work has won wide recognition. Besides being made a Knight of Malta he has received several decorations, among them a Distinguished Service Cross from the Regular Veterans Association and the Stella Della Solidarieta, presented by the present government of Italy. He is also the President of the Bigelow Association of Masters of Law.

As a practicing lawyer, author, scholar, teacher, political candidate and jurist, Felix Forte has demonstrated a life long devotion to the law. There can be no doubt that because of this devotion both the law and the community have profited immeasurably.

D. C.

Sub Judice

IRISH STEW

Action for negligence by defendant for negligence of defendant's bartender to act prudently in protecting plaintiff from his fellow guests. The transcript of the testimony in this case portrays an unfortunate episode in the life of Reilly.

"On the evening of Memorial Day in the year 1949 the plaintiff, John Reilly, resolved to visit a nearby tavern known as the 180 Club. Among its accommodations it included a circular bar. . . . Wooden stools were adroitly stationed around its contour for the comfort of the patrons.

"While the safe use of a stool probably depends particularly upon the capacity of occupant to respond with alacrity to the dictations of equilibrium, yet our attention has been invited to any authority holding that in a barroom are *per se* dangerous instrumentalities.

"Upon entering at about 10:30 p.m. he recognized among those present his acquaintances Messrs. Moriarty [and] McGee. Reilly forthwith mounted a vacant stool at the bar, wrapped his feet around the rungs and began to achieve the object of his visit.

"Moriarty was 'needling' McGee with unprecedented continuity and persistence. Moriarty's inaugural comments ungraciously pertained to McGee's necktie, then to the latter's 'sharp' pants." Then followed a dissertation concerning McGee's parsimony in which Moriarty proclaimed that "McGee was too cheap to buy a drink and he wouldn't buy a drink for own brother."

"And so Moriarty's 'needling,' McGee's asperation, and the chosen beverages all continued to flow until 1:30 a.m. . . . Physic combat . . . ensued, each made 'one swipe' the other, went into a clinch, and while struggling they collided with Reilly, causing both him and the stool with which he had been theretofore peacefully and placidly intertwined."

Reilly sustained a fractured leg and awarded \$7,500 damages. The appellate court was called upon to review the propriety of trial judge's refusal to direct a verdict. Held: Judgment affirmed.

One of the reasons asserted for a reversal of the judgment was that there was no proof introduced by the plaintiff that defendant (through its agent in charge) ought reasonably to have anticipated the occurrence.

"We conclude that it was the function of the jury to determine the actual character and importance of the remarks, their cumulative tendency to arouse resentment and ultimate to incite disorder, and having resolved the features of the evidence to decide what the defendant's bartender, amid such conditions and circumstances, exercised, or failed to exercise that degree of care and forethought which the ordinary prudent person would have exercised in the fulfillment of the duty reasonably to protect the plaintiff from injury. *Reilly v. 180 Club*, 82 A. 2d 210 (N. J. 1951).

LETTERS to the EDITOR

To the Editor of the RECORD:

I am enclosing a notice posted yesterday in the School's Bulletin Boards following the publication by you of a letter in regard to scheduling of make-up classes.

SCHEDULING OF MAKE-UP CLASSES
"I appreciate the letter published in today's RECORD calling attention to class conflicts caused by the scheduling of make-up classes. Coordination of this problem is difficult in view of the large number of classes in the school. We will do what we can to avoid conflicts such as that which occurred recently as a result of Mr. Baker's make-up class in Corporations."

The make-up class in Commercial Law Section (2), previously scheduled for Tuesday, December 18th at 11 a.m. will be held instead Thursday, December 20th at 11 a.m. in which will avoid any conflicts with third year courses."

Yours truly,
HARRISON S. DIMMITT
Secretary

NONSENSICAL INTELLIGENCE DEPT

Although this suggestion certainly will fall deaf ears, there are three boys among the who will be admitted to the state bar Tuesday who should consider forming a law partnership. They are Eugene R. Chance, Beech Grove; Robert W. Gambill Jr., Terre Haute; and Robert Skinner, Bedford. Sure they live in different cities, but just think of their names on the door: Chance, Gambill & Skinner!
Indianapolis Star, Indianapolis, Ind.

Off the Record

The following quotes were made in the Law School, 1915-19, and were submitted by Emmet Russell, LL.B. '19.

Professor Frankfurter—"All law is against public policy."

Professor Edward H. Warren—"Who is suing in this case?"

Student—"The plaintiff."

Student—"What is the citation of that actress case?"

Professor Scott—"2. K.B. . . . There's no picture of the girl."

DOUBLE JEOPARDY

In summing up a description of the process of "kiting" checks, Professor Sutherland remarked, "This process is not only felonious, but also hard on the feet."

GOOD TRY

The following exchange occurred last week in Austin North:

Prof.: If A gives money to his girl-friend B to pay his debt to C, does A mean to kiss that money goodbye?

Student: Maybe not. Maybe he meant to kiss B goodbye.



RAFFLES v. WICHELHAUS

Alumni Notes

B. 19—Emmet Russell is the author of novel, *Gold of Her Glory*, published this fall by Van Kampen Press, New York, Ill.

B. 25—Leon E. Hickman has been appointed General Counsel of the Aluminum Company of America in Pittsburgh.

B. 27—Alfred C. Clapp has been named Dean of Rutgers University School of Law in Newark, N. J. Mr. Clapp is also State Senator from Essex County, Editor of the *New Jersey Law Journal* and author of *Wills and Administration in New Jersey*, a five-volume work published last year.

B. 31—John E. Connelly, formerly S. Sylvester ex '41, John L. Davis '43 ('48), Charles W. Davis '47, and Roger J. Donahue '49, announced the opening of their offices for the general practice of law in Boston under the firm name of Sylvester, Davis and Connelly. Mr. Connelly was one of the founders of the firm, serving as Advertising Manager and Current Case Editor.

B. 34—F. Reed Dickerson is the author of *Products Liability and the Consumer*, published recently by Little, Brown and Co.

B. 44—Laurence S. Levenson announces the formation of a partnership for the general practice of law in Miami, Fla., under the name of Davis and Levenson.

B. 48—Carl L. Shipley has been named by American University, Washington, D. C., to a lectureship which includes a three-hour course in Communication Law dealing with legal problems that occur in journalism, radio, television and moving pictures. Shipley will continue in private practice.

B. 49—Captain Robert S. Burton, M.C.R. has been called to active duty as Operations Officer of Marine Corps Squadron 231. Burton served during World War II as a fighter pilot in the Russell Islands, Bougainville, and in campaigns in the Pacific Area. In civilian life, he is an attorney with Hadden and Putnam, Akron, Ohio.

B. 51—Richard H. Brown and David J. Herwitz, who were elected treasurer and secretary, respectively, of the Harvard Law School Association of Missouri, and who were teaching law at the Law School last year, have been appointed lecturers in Corporate Law in the Graduate Division of the School of Law, Northeastern University, Boston. Herwitz practices law with the firm of Mintz, Levin and Cohn.

Irwin E. Schlusell has been with the office of the Chief Counsel, Wage Stabilization Board, Washington, D. C., since last February. Prior to that time, Schlusell was engaged in the practice of law in New York City.

LL.B. '49—Arthur S. Friedman is engaged in the general practice of law with the firm of Gallop Climenko and Gould of New York City. Warren C. Lane, Jr., is associated with the firm of Thayer, Smith and Gaskell in Worcester, Mass.

LL.B. '49—John L. Mirabile announces the opening of his law offices in Spring Valley, N. Y.

LL.B. '50—Robert L. Humphrey has been awarded a 1951-1952 Rotary Foundation Fellowship for the study of international relations and diplomacy at the University of Mexico, in preparation for a career in government service. He received a master of arts degree in diplomacy in June from the Fletcher School of Diplomacy, Tufts College, in Medford, Mass. Hans F. Loeser, who is practicing law in Boston with the firm of Foley, Hoag and Eliot, has been appointed a teaching fellow on a part-time basis at the Law School of Boston University.

LL.B. '51—H. Peter Somers has been appointed lecturer in Commercial Law in the Day and Evening Divisions of the School of Law, Northeastern University, Boston. Somers practices law with the Boston firm of Hill, Barlow, Goodale and Wiswall.

NEWS IN BRIEF

PROFESSOR MORGAN

Royall Professor Emeritus Edmund M. Morgan has been named Thomson Guest Professor at the University of Colorado for next summer. Professor Morgan will teach a 60-hour course in Evidence. Professor Austin W. Scott was Thomson lecturer there last summer.

FIRST YEAR AMES

Some 495 men and women, out of a class of 510, participated in the first year Ames arguments this past fall. Lucius H. Bigelow, Jr., 3L (Yale '48) of Old Lyme, Conn., chairman of the First Year Committee of the Board of Student Advisers, reported this week. There were 66 first year clubs organized and 246 arguments conducted, including two ex parte proceedings and five three party cases.

The Witness Stand

Do you believe that it would be advantageous to change the present examination system so that numbers will appear on "blue books" rather than the students' names?

Bob Bjork, 3L (Princeton '49) of Yonkers, N. Y.

"Yes—There have been reports that favoritism has been shown to high standing members of the first or second year classes. Regardless of the truth of this matter, much could be gained from the use of a number system in eliminating any such comment."

Jack Kevorkian, 2L (Penn. '50) of Philadelphia.

"No—It shows a want of confidence in the professors. In these days of scandal we want to reaffirm our confidence in the integrity of the profession."

Dick Brilliant, 1L (Yale '51) of Cambridge.

"No—If you believe the professors don't discriminate against the person represented by the name from previous prejudice arising out of classroom work, then there is no advantage to be gained from the anonymity of a number."

John Kern, 3L (Princeton '49) of Washington, D. C.

"No—The classes are very large here, subsequently there is very little opportunity for the professors to become acquainted with the students. Therefore, the use of numbers doesn't seem to serve any useful purpose."

Gabriel Ivan, 2L (U. S. Military Academy '43) of Milford, Conn.

"Yes—The present system seems to have created doubts as to whether classroom participation or extra-curricular work count in grading, possibly they should, but if they are not intended to have any importance then the use of the number system is the best way to dispel doubts."

Frederick Blumberg, 2L (Cornell '50) of New York City.

"Yes—It will help dissipate the defeatist attitude of many students who feel that their past grades will inevitably be their future grades. Furthermore, since grades are such a fetish at the Law School, there should be no cloud around their legitimacy."

Bill Kinard, 3L (Washington and Lee '49) of Louisville, Ky.

"No—It makes absolutely no difference to me whether a professor wants to look at anyone's name or not while grading the exam. I figure my mark will turn out the same."

Jim Seviak, 1L (Harvard Business '47) of Chicago.

"Yes—How can you rationalize the use of names when they are supposedly disregarded in grading. By their very retention there seems to be an implication to the contrary. At the Business School, where the system of anonymity is in effect, there has been no question as to the unbiased nature of the grading."



Bok (2) and Hawkins (7) Snare the Ball From Yale

Law School Quintet Whips Elis 63-36

In the first of a three game series between the Harvard Law School Basketball All-Stars and the Yale All-Stars, the Harvard team swamped the Elis by a 63 to 36 score. The game was played at the winning team's home court in Hemenway Gym, Friday evening, December 14.

Featuring a fast break that split the game wide open in the last quarter the Harvard All-Stars led by six points at the half, 26 to 20. Outstanding performers for the squad were: Lou Schauer, 3L (Northwestern '49) of Chicago, and John Harty, 2L (Amherst '50) of Johnstown, Pa.

Dave Atcheson, 2L (Stanford '50) of Seattle, Wash., topped the Harvard scorers with eleven points. The big six foot seven star was closely followed by Harty and Schauer who scored nine and eight points, respectively.

High scoring honors for the evening, though, went to Yale's Bud Monasch, ex-N. Y. U. varsity star, with twelve points. The Yale team was playing without the services of several of its starting ball players who were unable to make the trip up to Cambridge. Greatly handicapped by this, the Blue based their attack on set-shooting from the outside.

The next meeting between the two teams is scheduled for February 17 at New Haven. It is expected that a fully staffed Yale team will present stern opposition to the Harvard All-Stars. The site of a third game, if it is necessary, has not yet been determined by the teams.

Slichter Sees End Of Price Controls By 1953

Professor Sumner Slichter told his Coffee Hour audience last Tuesday that 1952 will be a year of stable prices, and that price control should be a thing of the past by 1953. He spoke generally on the state of our domestic economy, and reviewed the price control program.

He opposed the present rate of military spending, maintaining that it is at a near-hysterical rate. Our military expenditures nearly equal the entire Soviet Union national product, he said.

Despite his opposition, Prof. Slichter stated that he expects our rate of expenditure to continue at about the same level, but that within the next year our economy will have adjusted to it sufficiently to permit the abandonment of the price control program.

In a discussion after the talk, Slichter commented briefly upon the contribution of Lord Keynes to modern economic theory. "Although Keynes has largely been left behind," he said, "he enabled us to use economic tools of analysis and encouraged us to view fiscal policy in a light never before seen."

DARRELL—(Continued)

effect on the client's pocketbook may be." Speaking out to present one's views on the best measures for the public interest, Mr. Darrell declared, was not only a right but a duty. Stating that the lawyer was primarily a citizen, he said, "Clients respect independence of mind, and do not usually demand the soul."

Introduced by Dean Griswold as one of the leading lawyers in the tax field, Mr. Darrell first stated in regard to the current investigation of the tax bureau that most of the Internal Revenue Bureau's employees were career men and "would resent bribery . . . and the use of influence."

Mr. Darrell pointed out that few active practitioners would indulge in such practices because "reputable counsel are rarely tempted" and "reputable counsel usually withdraw for their own protection (from situations where they are asked to influence legislators)." He later said that he did not object to lobbying or the use of influence so long as the person approaching a legislator made his motives clear.

"Rule number one is common honesty," he said in laying down what he believed should be a tax practitioner's guides of conduct.

Comparing tax legislation with an armaments race, in that each weapon of the practitioner is met by a better one of the Bureau, Mr. Darrell warned of the danger of relying on "loopholes" in giving advice. He said that the "morals, propriety, and legal effectiveness of the plans should be weighed," but he would not have lawyers "lean over backwards in favor of the government."

ISRAEL—(Continued)

the Israeli Ministry of Justice. At that time Mr. Yadin explained to a few members of the faculty the handicaps facing Israel because of her lack of an adequate legal system. Although Israel has inherited a mixture of Turkish, English, Arabic and Hebrew law there are still many gaps. For example there is still no provision for devising land by will and there has never been a jury system. Furthermore, the laws of personal status vary from group to group.

It was soon agreed both by the Law School and the officials in Israel that a systematic cooperation between the two would be of greater benefit to both than merely occasional advice. But to implement such an ambitious program, explains Dean Cavers, it is necessary to obtain financial backing and a small research staff.

The Law School has been in communication with Mr. Joseph Laufer, an attorney in the United States Department of Justice, as possible head of the proposed research staff.

Mr. Laufer has received law degrees from the University of Heidelberg, Duke University and Harvard (LL.M. '41.) He has spent some time in Palestine before coming to America and, as a member of the legal staff of the Justice Department, has dealt continually with problems of foreign law.

The remainder of the staff will include several Israeli law graduates and a number of research assistants, their number and special qualifications depending upon the amount and character of the work to be done.

These proposed plans are part of a general plan of development in the field of International Legal Studies under the direction of Associate Dean Cavers.

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PANTZER—(Continued)

that many low ranking law students are more successful than their higher-ranking fellows, once they get into practice.

The forgotten aptitude toward which Mr. Pantzer directed his attention in particular was the ability to organize, and its companion, draftsmanship.

In this field especially, he thought the time was ripe for the introduction of scientific methods of study and teaching, including detailed scrutiny of documents to see how they work in practice. Permitting analysis of their faults, and improvement of their form.

Mr. Pantzer revealed that the Indiana Bar Association had made a study of local divorce decrees, and found that 25 percent of them had been drafted in such a manner as to make them invalid on their face.

He suggested that from such studies could come model acts, clearly drafted to meet all problems that might arise, and which each state could use as a basis for drafting an act to meet its own particular needs. He used the Delaware General Corporation Law as an example of bad drafting, in contrast to the Wisconsin law, which is based on a model act.

Proceeding to the technique of drafting, Mr. Pantzer emphasized that every bilateral document, in addition to showing a through understanding of the factual frame with which it deals, and conforming with all legal requirements must appear equitable to the parties agreeing to it. This becomes very important if the agreement is brought into the courts, he said.

One device which he had found effective in making both parties happy, was to include two paragraphs on every point covered in the contract; one defining the duties of each party, to the other.

GLAMOUR—(Continued)

tions as the news that good ol' baseball does not constitute interstate commerce! But, *quære*, of course.

Yes, this is a course for all Red-Blooded Americans. The Communists won't like this course! Joe McCarthy probably never even heard of it. Enroll today!

While the foregoing innovations might seem drastic to some readers, we urge them to remember that this modern age is highly competitive: radio, movies, television, and L'il Abner are attracting a large share of the audience that properly belongs to Professors.

As a final note, we would also urge the adoption by the Law School of another motto to replace the Latin phrase chisled on the facade of Langdell Hall. We suggest the following, as most appropriate: "Law School Courses Are Meatier Than Ever!" D. M. S.

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SALTONSTALL—(Continued)

citing the overthrow by force or violence, or by other unlawful means, of the government of the Commonwealth or of the United States."

Section 16A states, "The Communist Party is hereby declared to be a subversive organization."

Section 17 provides, "A subversive organization is hereby declared to be unlawful."

Procedure

Section 18 provides that when the Attorney General has "reasonable cause to believe" that an organization is subversive he shall bring an action against it in the Superior Court "by an information or petition in equity." The Justice of the Superior Court to whom the matter is assigned is then required to issue an order of notice against the organization if "upon a summary examination of the information or petition and such supporting depositions, other testimony or evidence as he may require . . . he is of the opinion that there is reasonable cause to believe that such organization is subversive. . . ." At least fourteen days before the day on which the order of notice is returnable, a copy of the order of notice is required to be mailed "to such officers of such organization as are known to the court, and to any other persons, including members, as the court may order. . . ." No provision is made for notice to the organization itself, even though in some cases none of the officers of the organization or its members may be "known to the court." There is, however, a provision for publishing the order of notice for two successive weeks "in a daily newspaper published in the city of Boston."

Until an order of notice is issued "the fact that such information or petition has been or is to be filed shall not be made public." However, there is apparently nothing to prevent the Attorney General from making announcements to the press from time to time concerning the identity of an organization he is investigating as possibly "subversive."

Protection Afforded to Accused

An attorney for the organization, or any officer or member of it, may appear and answer on behalf of the organization and may claim a trial by jury. However, if no answer is filed the organization may be defaulted upon motion of the Attorney General or on the court's own motion. And while the provision as to default is in permissive language, there is apparently no provision for hearing unless an answer is filed. Thus it would seem that the court would have little practical discretion to take any action other than to default an organization whose officers, members or attorney fail to file an answer.

If an answer is filed the case is set down for speedy hearing, which is to be conducted "in accordance with the usual course of procedure in equity, including all rights of exception and appeal;" and if, upon hearing, the court adjudges that the organization is subversive, it may enjoin further activities on the part of the organization, may order its dissolution and shall notify the Secretary of State of its finding. If a review of the court's finding is sought by either party

the effectiveness of the court's order is stayed, pending a determination by the Supreme Judicial Court. Upon final determination that the organization is subversive, notice of the determination must be published for two successive weeks in "a daily newspaper published in the city of Boston," and all funds and property of the organization will thereupon escheat to the Commonwealth.

Finally, Section 18 provides that "the fact that proceedings have begun or findings or decision made under this section shall not be admissible in evidence in any action brought under the provisions of Sections 11, 19, 21, 22 or 23." (Section 11 is in substance similar to the Federal Smith Act recently dealt with by the United States Supreme Court in the case of the eleven leaders of the Communist Party).

Penalties for Violators

Section 19 provides imprisonment for not more than three years, a fine of not more than \$1,000, or both, for "any person who becomes or remains a member of any organization knowing it to be a subversive organization." This section places the onus upon the individual to determine, quite likely before any adjudication under Section 18, whether an organization is "subversive." And since the Act became effective immediately upon enactment there was no escape period within which a member of such an organization could purge himself by resigning.

Section 20 provides that no person convicted of a violation of the provisions of Section 11, 19 or 23 shall be eligible for any public office or employment, whether elective or appointive, and that no such person shall be eligible to teach "in any public or private educational institution." Provision is also made for enforcement of this section by injunctive process, and for removal by the court of the ban on teaching and public office if, after a lapse of five years, the person involved can then, in the opinion of the court, "be adjudged to be loyal to the government of the Commonwealth and the United States."

Section 21 provides imprisonment for not more than three years, a fine of not more than \$1,000, or both, for any person who "destroys, or conceals books, records, files, membership lists or funds belonging to an organization which he knows to be a subversive organization."

Section 22 provides that any person in charge of an auditorium, hall or other building who "shall knowingly permit it to be used by the Communist Party or by an organization which has been adjudicated a subversive organization" may be fined not more than \$1,000, imprisoned for not more than one year, or both.

Section 23 penalizes any person who contributes money or property to an organization which he knows to be a subversive organization by subjecting him to a fine of not more than \$1,000 or to imprisonment for not more than three years, or both.

Political Disqualification

SECTION 4 of the Act provides that neither the Communist Party nor any organization which has been adjudicated subversive under Section 18 shall constitute a "political party" as defined in Section 1 of Chapter 50 of the General Laws. But since Section 1 defines parties as only those parties which at the last election for Governor polled at least 3% of the entire vote cast in the Commonwealth for that office, it is doubtful whether SECTION 4 will have any practical effect.

SECTION 5 amends Section 8 of Chapter 53 of the General Laws to provide that no candidate for public office may carry in his political designation (as it appears on the ballot) the name of any organization which has been adjudicated subversive under Section 18.

SECTION 6 consists of a severability clause, and SECTION 7 provides that the passage of the Act shall not affect any action or suit pending at the time of the effective date of the Act.

Proposed Changes

On December 5 a bill was filed to amend the Red Control Act. A brief discussion of the provisions of this bill may serve to suggest some of the principal criticisms now being leveled at the Act:

1. Section 16A declaring the Communist Party to be a subversive organization would be deleted. This deletion is sought because of a belief that Section 16A constitutes a bill of attainder in violation of Article I, Section 10 of the Federal Constitution and of Article XXV of the Massachusetts Constitution, and because, in any event, the section if allowed to go unchallenged might establish a dangerous precedent and provide valuable propaganda ammunition to the friends of Soviet totalitarianism.

2. Section 18 would be amended to provide that all investigations of suspected subversive organizations conducted by the Attorney General must be confidential in character and that no public mention of any organization as subversive is to be made by any official until issuance of an order of notice by the Superior Court.

3. Section 18 would also be amended to eliminate the provision for default of an organization which fails to answer a petition filed against it and to provide that the court must hear such evidence as the Attorney General may adduce and, in its discretion, may appoint counsel to defend the organization.

4. Sections 19, 21 and 23 would be amended to provide that only if an organization has been adjudicated subversive under Section 18 can a person be imprisoned or fined for becoming or remaining a member, for destroying or concealing its books, papers or funds, or for contributing money to it.

5. Finally, the bill provides for issuance of "a certificate of non-adjudication" by the Secretary of State to any

organization which has not been adjudicated subversive. The purpose here is to afford organizations a practical means of convincing hall or building owners and prospective members contributors that they will not risk criminalization by dealing with the organization.

FORUM—(Continued)

Rudolph Halley, newly elected President of the New York City Council, District Attorney Dilworth of Philadelphia, will also be participants in discussion.

"Can We Afford Segregation in Public Schools?" is the topic to be considered three weeks later. Thurston Marshall, special counsel for the N.C.P. who appeared on a Legal Proceedings last year, will appear, and efforts being made to include representatives of the Southern point of view. Let us now turn to Senators Ellender (La.) and Russell (D. Ga.).

Scheduled for the week following is a discussion of the Egyptian and crises under the general heading "Great Britain's Role in the Near East." Bernard Barrows, Head of Chancery, the British Embassy in New York, that branch's specialist on the Near East will seek to explain and defend English position. Correspondence is also being carried on with the Egyptian Embassy and it is expected they will provide a speaker. A foreign correspondent will complete that evening's roster.

Aaron Copland, the well-known American composer, and Arthur Fiedler, conductor of the Boston "Pops" Orchestra have agreed to speak on modern attitudes and appreciation of modern music. The coordinator hopes to include a newspaper music critic and another composer in the program.

Arrangements are being made by Beacon Press for the printing of the of the forum on "Can We Afford Academic Freedom." This forum has created wide-spread interest and many have requested the transcripts of the remarks made.

Last year, the forum discussion "Public Aid to Parochial Education" published. The Forum has copies of this discussion at their office in Haskins basement for any interested students alumni.

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