

The Harvard Law School Record

VOL. 14 No. 7

CAMBRIDGE, MASS., THURSDAY, MARCH 20, 1952

PRICE TEN CENTS

Loss Takes Over Post Here With Corporations I Classes

Harvard has special reason to welcome the appointment of Louis Loss to the faculty, since he brings with him knowledge gleaned through many years of practical experience with his subject matter, combined with an academic and scholarly mind.

This semester Mr. Loss will teach two sections in Corporations I, and conduct a seminar in Regulatory Aspects of Corporate Finance. Formerly, these courses were taught by Professor Robert Amory, who has been granted a temporary leave of absence. Still with the S.E.C., Mr. Loss will be in Cambridge only on Thursdays, Fridays, and Saturdays of each week. However, in the fall he will resign to become a full-time member of the faculty. Next year he will also teach Administrative Law.

Born in 1914 in Lancaster, Pennsylvania, which is still his legal residence, Mr. Loss attended schools there until he entered the Wharton School of Finance and Commerce at the University of Pennsylvania. Upon his graduation in 1934 with the degree of Bachelor of Science in Economics, he entered Yale Law School, where he became Note Editor of the Law Journal, and a winner of the Moot Court finals. He was graduated *cum laude* in 1937.

He joined the Securities and Exchange Commission in Washington as a junior attorney, was admitted to the District of Columbia Bar, and later to the Supreme Court Bar. Mr. Loss has remained with the S.E.C. since that time, as Chief Counsel for the Trading and Exchange Division during 1944-1948 and since then as the Associate General Counsel of the agency. In these capacities he has argued many of the Commission's leading cases in the federal courts and has frequently appeared before committees of Congress.

His first-hand experience with the S.E.C. provided him in great part with the material for his recently published book, *Securities Regulation*. In the book, Mr. Loss emphasizes that the S.E.C. statutes affect the rights and liabilities of many private persons, who are investors or part of corporate management, not merely members of large Wall Street investment firms and their lawyers. Not

(See Loss on page three)



PROFESSOR LOUIS LOSS

Election Slate Listed; Voting Starts Today

Preferential ballots for candidates in the Class of 1952 elections will be available beginning this afternoon at the Receptionist's desk in Langdell. The election will continue through noon on Monday. Ballots are to be returned to the Receptionist.

The decision to use a preferential ballot marks a change from the rules as originally distributed. Under this new scheme, each voter will be allowed first, second, and third choices for each office. To be elected a candidate must receive a plurality of all votes cast for the particular position. Students are requested to exercise this preferential vote so that the winning man will be elected on a broader base of popularity.

The nominees for permanent class secretary are: H. Calvin Coolidge, of Cleveland Heights, Ohio; Alan F. Doniger, of Great Neck, N. Y.; James K. Edwards, of Bowling Green, Ky.; Charles Fernandez, Jr., of St. Louis; John B. Harrington, of Burlington, Vt.; Sid Kess, of New York City; Quentin Kopp, of Syracuse; John H. Perkins, Jr., of Ipswich, Mass.; Robert S. Persky, of Jersey City; Frank P. Seabee, of Kansas City, Mo.; and Herschel H. Weinberg, of Brooklyn.

(See Elections on page three)

Marshall Triumphs Over J. Smith Club In Ames Finals

On Monday, March 17th, at 8 p.m. the John Marshall Club defeated the Jeremiah Smith Club in the final Ames argument for 1952. Before an overflow crowd in the Langdell Courtroom, attorneys for the Clubs argued the case of *Russian State Steamship Line v. J. Howard McGrath, Attorney General of the U. S. and Successor to the Alien Property Custodian*.

Presiding, as Chief Judge, over the United States Court of Appeals for the Ames Circuit, before which the case was heard, was the Honorable William O. Douglas, Associate Justice of the U. S. Supreme Court. He was joined on the bench by Judge Charles E. Clark, Judge, U. S. Court of Appeals, 2nd Circuit, and Judge Harold P. Williams, LL.B. '06, an Associate Justice on the Supreme Judicial Court of Massachusetts.

Unwilling to dispose of the case on the merits, the Court, through Chief Justice Douglas, thought that the both briefs were very superior, and added complementarily, "a little on the Law Review side." He also commented that, "the arguments before our courts don't measure up to the arguments before the court this evening," and congratulated both sets of counsel for the excellency of their advocacy. The actual determination of the winning club was by a narrow margin. A prize of \$300 was awarded to the Marshall Club as winner, while the Smith Club received a prize of \$200.

Oralists for the Marshall Club were William A. Carroll, 3L, of Corcoran, Cal., and Richard A. Myren, 3L, of Madison, Wis. Counsel who cooperated in writing the brief consisted of Robert

(See Ames on page three)

Early Laws Shown In Treasure Room

Original editions of some of the earliest volumes of the session laws passed by the legislative assemblies of colonies, states and territories in the United States are on view in the Treasure Room, now and through the beginning of April.

The explanatory legends testify to the ravages of time by revealing that in a number of states no volumes have ever been discovered for certain years; in some cases there are apparent gaps of as much as ten years when the laws either were not published in bound form, or no copies of them have survived.

Another feature of the exhibit is the catalogue of the multitude of paths which were followed by the various districts of the country on their way to statehood.

Alabama, for instance, was made by taking parts of four other states, South Carolina, Georgia, Louisiana and Florida, and combining them, while in the Northwest Territory the reverse process was followed.

That region was subdivided into other territories which were then re-subdivided until the states took their present form. Wisconsin offers the most interesting example of this, for it as successively denominated part of the Northwest, the Indiana, the Illinois and the Michigan territories, before being organized in 1836 into the Wisconsin Territory.

Massachusetts might be looked on as the Mother of a family of states, since at various times it either included or claimed to include Maine, New Hampshire, and Vermont, the latter was claimed also by New Hampshire and New York.

The fact that none of her more populous neighbors was willing that another

(See Books on page four)

Dean Airs Watts' Departure; Student Interest Commended



PROFESSOR DAVID E. WATTS

Assistant Professor David E. Watts will not be re-appointed to the Law School faculty, Dean Erwin N. Griswold announced Monday in an exclusive statement to the Record, confirming earlier reports that induced students to circulate petitions on Professor Watts' behalf.

While describing the "high esteem and great respect" the Law School has for Professor Watts, Dean Griswold pointed out that "to use a metaphor which may not be too remote, every romance is not a marriage."

He added that "it is not unknown in that area for two persons to decide that they are not meant for each other while mutually retaining high esteem and great respect."

Early last week several students began circulating a petition to express their feeling upon hearing the news that Professor Watts would not be retained as a teacher after this year. The petition was presented to Dean Griswold on Monday.

Dean Griswold's Statement

The Dean, who last week told the *Crimson* he had no comment on the petition, released the following statement to the Record Monday afternoon:

"A committee of students has handed me a petition, with a total of 342 signatures. The signers of this petition express 'the regret we feel at the reported departure' of Assistant Professor David E. Watts, and state that they 'consider Professor Watts to be a teacher of outstanding ability.'"

"On behalf of the School, I would like to say that we welcome this petition, and appreciate the interest of the students who have participated in it. It is a fine compliment to Professor Watts, and a well merited tribute to the excellent work he has done as a member of the Faculty of the School."

"Mr. Watts was appointed here in 1949 as an Assistant Professor for three years. The term of that appointment is expiring with the close of this academic year. After careful consideration by the Appointments Committee of the Faculty, and then by the whole Faculty, it was decided not to make a recommendation to the Harvard Corporation for the re-appointment of Mr. Watts."

"This did not mean that we felt that Mr. Watts had not done satisfactory

(See Watts on page four)

Republicans To Clash On Taft Or "Ike" As "Mr. Republican Of '52" At Forum

Against the background of the results of the New Hampshire primaries, four prominent supporters of General Eisenhower and Senator Taft will tell why their respective candidate is the leading contender for the title of "Mr. Republican of 1952" at the Harvard Law School Forum program tomorrow at 8 p.m. in Sanders Theater.

Holding the brief for Senator Taft will be the former Congressman from New York, Hon. Hamilton Fish, Jr. and Mr. J. Kenneth Bradley, Republican National Committeeman from Connecticut. John "Tex" McCrary, NBC radio and television commentator, will join General Robert Cutler, president of the Old Colony Trust Company, in presenting the case for General Eisenhower. Professor Warren A. Seavey will moderate, with Norman Gold, LL, of Chicago, acting as coordinator.

Mr. Fish was elected to Congress in 1920 and served consecutively for 24 years. One of his first acts was to introduce, and secure the passage of the bill to bring back the body of the Unknown Soldier for burial at Arlington.

Veterans Affairs

As a member of the House of Representatives Mr. Fish specialized in Veterans' legislation and in foreign affairs. Mr. Fish won the title of "Red Baiter" as early as 1930 when he served as chairman of the House Committee to Investi-

gate Communist Activities. Mr. Fish was also chairman of the committee of three who wrote the preamble to the constitution of the American Legion.

Although conceding that his candidate "may not have the sex appeal or glamour of a Clark Gable," Mr. Fish contends that "Honest Bob Taft has the rugged honesty, brain power, ability, high character, lofty ideals and political and legal experience that has made him the outstanding leader of the Republican Party."

A leader of the conservative wing in the Republican Party and arch-rival of President Roosevelt, Mr. Fish will strike out at the "extreme" internationalism of those who back Eisenhower together with their "me-tooism" and shadow boxing with the Fair Deal and "State Socialism."

Mr. Fish will maintain that General Eisenhower is a "phantom candidate" and no more qualified to be President than Taft is to be NATO commander.

McCrary Anti-Taft

Spearheading the attack on Taft will be "Tex" McCrary, prominent radio and TV commentator who already has come to verbal blows with the Senator from Ohio in a widely-publicized coast-to-coast TV discussion. Mr. McCrary spoke on behalf of the General in the "Draft Ike" rally held recently in Madison

(See Forum on page three)

Estate Law Theme For Israeli Project; Group Faced With Land Fragmentation

The Israeli Code Project under way at the Law School has begun work on the first of a series of concrete problems which the Government of Israel, through its Ministry of Justice, has placed before it.

The purpose of the program is to consider some of the problems which arise during the process of formulating a Code for the new state. As pointed out by Dean Cavers, faculty representative to the project, the main concern of the people working here is to serve as an advisory body, taking a particular problem, and through research, uncovering the solutions which the common law and the civil law countries have developed, and the pitfalls that lurk in each of the systems' solutions.

The resulting analysis is to be used by the Israeli drafters to help them critically analyze their proposed draft articles. With this aid the drafters will be able to predict to a limited extent the actual operation of the code article in the judicial matrix, and also have several alternative solutions to work with.

Mr. Joseph Laufer, who has come from the United States Department of Justice to direct the present research, reports that he has received a series of problems dealing with the law of decedents estates, succession and probate.

These problems were formulated by the Israeli Ministry of Justice during the preparation of a bill it hopes to introduce to the Knesseth, the Israeli legislature.

Mr. Laufer points out that the law of succession which is adopted in Israel will have very wide ramifications in that it will affect many other persons besides those who are likely to become heirs under this law. Israel's food imports still far exceed its own production. The country now has a large agricultural development program and it is trying to increase the efficiency and yield of its agriculture. The extent to which a person will be free to divide his land among his heirs and further fragment the small land holdings is the problem which the legislature will have to decide. If the land is continually fragmented the methods of efficient modern agriculture will suffer and, in turn, so will the yield. A similar problem arose in France and the solutions developed there will be one of the fields the staff will work on in order to present some advice to the drafters on this topic.

Another problem in the area of decedent estate law is the definition of domicile. Israel has a population which includes a large number of recent immigrants. These people have many finan-

(See Israel on page four)

The Harvard Law School Record

Published weekly on Thursdays for twelve weeks of each term by *The Harvard Law School Record Corporation*, Austin Hall, Cambridge 38, Massachusetts. Subscription price: \$2.00 per term mailed, \$4.00 per year (24 issues); student subscription \$1.50 per term mailed, \$1.00 per term distributed at the Law School. Individual copies \$.10 each at the Law School; \$.15 each mailed. Business and Editorial Offices, Austin Hall, Cambridge 38, Massachusetts. Telephone KIRkland 7-7600, extension 447.

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

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Professor Watts

It was with astonishment and dismay that we learned that the School has decided not to give Professor David E. Watts a permanent appointment as Professor of Law following his three-year trial period. Of course, it is to be realized that the very essence of such a temporary appointment is that the man subject to such a trial may not get his permanent post for one reason or another. The decision, of necessity, must rest with the Administration. Yet, we, the students, cannot help but question the sagacity of this particular decision.

Three years ago, those of us who are to be graduated this June arrived in Cambridge coincidentally with a small, dynamic law teacher, who was little older than many in our class and younger than a few. Assistant Professor David E. Watts, his youthful appearance belying a mature grasp of an ancient subject, was assigned the task of stimulating and inculcating in half of that first year class an interest in and a knowledge of the subject matter of Property I.

At the inception of our legal studies, we had little basis for comparing the relative merits of our teachers. But with the passage of time and development of inter-group discussions it appeared that few, if any, had reason to regret not having a section taught by Professors Casner or Leach. The consensus in the class seemed to be that "Davie" Watts might be a few years away from greatness . . . but give him time. He was just beginning, but he had our confidence. It made us stop and wonder what an "Eddie" Morgan and a "Scotty" were like some forty years earlier.

We watched with interest and a sense of satisfaction the reactions of succeeding classes which were taught by Professor Watts and noted that our own evaluation seemed justified. He was acknowledged as one of the brighter young men on the faculty, a man who could teach and a man who was liked. Those are unbeatable qualifications for a teacher of any sort. This man, in our opinion, had "it." That he would be asked to continue on at Harvard seemed almost a matter of course.

Small wonder, then, that we were surprised when we heard that the contrary was to be the case. Mere disappointment surely would be an understatement. And though we have no direct control over such matters, we must express our dissatisfaction. Absent the ability to make the School reconsider its action, we wish to affirm that the students are solidly behind Professor Watts and wish him well in whatever may be his future ventures.

LETTERS to the EDITOR

To the Editor of the RECORD:

In the review by "D. S." appearing in your issue of February 21, 1952, of the biography of Mr. Justice Sutherland, by Joel Francis Paschal, the statement is made that Judge Sutherland, in a series of opinions, from 1922-1930, did more to undermine social progress than any man in America. As an illustration the review says: "City zoning ordinances fell (*Nectow v. Cambridge*)."

This is an inaccurate statement as is shown by a

Gallery

PHILIP L. GRAHAM
Publisher



Washington Post

How does a former Harvard Law Review President become a newspaper publisher? One of the few men who could answer that question is Philip L. Graham, LL.B. '39.

"When I was going to the Law School, I thought that I should like to go into politics some day. How I got here, I'm not sure I'll ever really know." Mr. Graham started off in the direction of a legal career, serving as Secretary to Mr. Justice Reed in the '39 to '40 term and for Mr. Justice Frankfurter in '40-'41. He then went to work for the Office for Emergency Management and in the Lend-Lease Administration. In 1942 he enlisted as a private in the Army Air Force, serving in New Guinea and the Philippines. He was discharged in 1946 having risen to the rank of Major. At that time, his father-in-law, Mr. Eugene Meyer, owner and publisher of *The Washington Post*, asked him to become Associate Publisher. Mr. Graham agreed and liked the work so much that he is still with the paper.

When Eugene Meyer bought *The Post* in 1933 it was a small newspaper which had gone into receivership. By 1946 he had built it into a healthy, well organized and widely read journal. Since Philip Graham took over the reins as Publisher in July, 1946, the paper has gone even further. Today *The Washington Post* is unquestionably the liveliest and most respected paper in Washington and is recognized as one of the country's greatest newspapers.

Perhaps the chief reason for the success of the *Post* is the tradition of independence and free search for truth begun by Mr. Meyer and carefully pursued by Mr. Graham. "Our purpose is no less a search for truth than is that of law school professors," says Mr. Graham. "Our goal is to report news freely and objectively. To depart from objective reporting is to assume a lot of power that newspapers have no business assuming," Mr. Graham declares. He recognizes that complete objectivity may be impossible, but believes that to be no excuse for not trying to do one's best. He is also strongly in favor of "interpretive reporting," which means simply that the background of a story is added to enable the reader to gauge more accurately the importance of the news.

Mr. Graham places heavy emphasis on the editorial policy of the paper, but insists that opinions be plainly labeled as such and be kept completely separate from the news reporting section. This is carried into effect on *The Post* by an unusual organizational structure. *The Post's* editor, who is responsible solely for the editorial page, is a coequal with the managing editor, who is responsible for the rest of the paper. Both are in turn under the direction of the Publisher. "The Publisher," explains Mr. Graham, "is the chief executive of the outfit. He worries about everything, from getting newsprint and maintaining proper labor relations, to representing the paper at Mrs. Jones' tea party." His job is further complicated by the fact that *The Washington Post* owns and operates the largest radio and television station in the District of Columbia.

reading of the *Nectow* case in 277 U. S. 183. All that was at issue was whether a certain limited area in the city of Cambridge, Massachusetts, bordering on one side of an industrial district was properly zoned, in that most types of business and industrial structures were excluded therefrom. The master to whom the case had been submitted by the Massachusetts court for a finding of fact had reported that "I am satisfied that the districting of the plaintiff's land in a residence district would not promote the health, safety, convenience and general welfare of the inhabitants of that part of the defendant city, taking into account the natural development thereof and the character of the district and the resulting benefit to accrue to the whole city" (260 Mass. 445). It was on these findings of the master that the Supreme Court, speaking through Mr. Justice Sutherland, held that the zoning classification of this particular area (which contained 29,000 square

feet) was invalid as a taking of property without due process of law under the 14th Amendment. Mr. Justice Sutherland specifically said (277 U. S. 185) speaking of the ordinance, that "in its general scope it is conceded to be constitutional" within the decision of *Euclid v. Ambler Realty Co.*, 272 U. S. 365. And of course it was Mr. Justice Sutherland who wrote the opinion in the *Euclid* case which was the first and leading case decided by the Supreme Court which upheld the constitutionality of zoning ordinances.

Corporate Setup

So passionate is *The Washington Post's* belief in free thought and independent expression that its management has devised a unique scheme to perpetuate such ideals beyond the lives of its present leaders. In 1948, Mr. Eugene Meyer transferred all of the newspaper's voting stock to Mr. Graham and his wife, Katharine Meyer Graham, who has in the past worked in various departments of the paper. Mr. Meyer remains as Chairman of the Board. Provision was made in the transfer, however, that the voting stock may not be transferred by will, intestacy or grant without the prior approval of a committee of five. This committee is to approve any transfer only if it is clear to them that the transferee will carry on the principles of the newspaper, as declared in its articles of incorporation. Members of the approval committee are Mr. Chester I. Barnard, President of the Rockefeller Foundation; Dr. James B. Conant, Governor Colgate W. Darden, Jr., President of the University of Virginia; Chief Justice Bolitha J. Laws of the District Court of the District of Columbia; and Dr. Millicent C. McIntosh, Dean of Barnard College. Members of the committee are appointed for life, and surviving members are to appoint successors.

Mr. Graham's activities are not limited to journalism. He is a trustee of the University of Chicago and was a member of the Editors and Publishers Committee to review the Nieman Fellowship here at Harvard. Last November, he spoke to the Association of the Bar of the City of New York on "A Publisher Looks at the Law." In that address Mr. Graham took the bar to task for its failure to take a leading part in the fight for civil liberties. It is his contention that during many of the recent attacks on prominent jurists, and during the hysterical witch-hunts of recent date, the public has waited for the Bar to support American traditions of an independent judiciary and individual freedom, but in vain. The recent action of the Bar Association setting up a "Special Committee on Individual Rights as Affected by National Security" points toward a reversal of the Bar's indifference which has so alarmed Mr. Graham and others.

Mr. Graham finds that the analytical training he got at the Law School helps him every day in running the paper. It is useful not only in letting him understand the legal work that is done by the paper's counsel, though Mr. Graham never interferes with the legal matters of the newspaper; but it also helps him in his day-to-day dealings with people. Most importantly, claims Mr. Graham, it has taught him to resist snap judgments of any kind. It is this cautious approach which has often saved him much trouble.

He thinks back on his HLS days with fondness. There were good times as well as hard work, and for corroboration of this fact, Mr. Graham refers us to his classmate and friend, Bob Braucher, now teaching Commercial Law.

One unforgettable event for Mr. Graham at the Law School involves another story about "Scotty." When Mr. Graham was elected President of the *Law Review*, he was invited to a faculty cocktail party. There he was introduced to Professor Scott, who asked where he had gone to college. Mr. Graham told Professor Scott that he had attended the University of Florida; whereupon Mr. Scott, visibly agitated, shouted, "By Jove, that proves what I've said all along. Any illiterate could make good at Harvard Law School."

Sub Judice

"WHO'S A BUM?"

The housing shortage which existed just after World War II brought more than just crowded conditions to many neighborhoods. One of the major effects of the shortage was the favored position of the landlord and the subsequent tension which arose between landlord and tenant.

No one was surprised, therefore, when, in a front yard melee, Albert and Angelina (landlords) were bombarded by Seymour and Jean (tenants) with accusations of being "blackmarketeers," because the former pair allegedly took a \$300 bonus from them. Al and Angie, their Latin blood aroused, retorted with such dainty epithets as "You are a bleached blonde b—" and "You are a God damn S.O.B., a bum, and a no good tramp."

In a suit for slander, Al and Angie were met by tenant's counterclaim. Both parties moved to dismiss for failure to state a claim.

Held: counterclaim dismissed. Verdict for the plaintiff.

After ruling that mere words of abuse were not actionable without the allegation and proof of special damages, the court went on to consider whether the word "tramp" or "bum" carried with it, by way of innuendo, such meanings as to question the chastity of the one at whom it had been directed.

"The law is well settled in this state that if words are used which impute unchastity to a woman, no special damages need be pleaded. Such words are slanderous *per se* . . . The word 'bum' has been defined in many cases and it has been held, unaccompanied by special damages, not to be actionable . . . The same rule has been applied to a married woman charged with being a 'bum' and a 'tramp' unless an innuendo is pleaded to explain the meaning of the language used under the circumstances and to show that it was used in a defamatory sense.

"In cases before this court it has been held that the words 'You are nothing but a bleached bum' or 'She went to the country to bum around with the men there' did not impute unchastity to the plaintiff, and were not actionable *per se*. From the foregoing, it is clear that the question is not whether the words *could* have been understood as imputing unchastity to the plaintiff, but whether they *would* be so commonly understood . . . The innuendo pleaded by the defendants in this case is nothing more than a statement that the words do not mean what they say and that this meaning should be extended. This is insufficient." *Notarmuzzi et al v. Shevack et al*, 108 N.Y.S. 2d 172 (Dec. 1951).

chal's thesis, as reviewer Daniel Sklar set forth, that this case represents a deviation from Sutherland's normal course to which he returned in the *Nectow* case. Sutherland was set to decide the former case the other way, as a matter of fact, but was talked out of it by Stone. Also, the *Euclid* case presented special facts, including population overcrowding. The ease with which the zoning act was overturned in the later *Nectow* case and the great hurdles put in the city's way are considered justification for concluding that Sutherland was hindering progress.—Ed.

* * * * *

To the Editor of the RECORD:

The editorial produced in the March 6 issue of the RECORD gives an inaccurate impression of our organization.

Not possessing the power of a press, we must request readers of the RECORD to glance back at page one of that issue. There you will find a statement of the Rodell-Sutherland debate on the Supreme Court, a statement on the Hershey-Randall debate on Universal Military Training, a report on the "Segregation" Forum held on February 29th, and an account of Professor Mark DeWolfe Howe's address on "Mr. Justice Holmes."

We are extremely flattered to know that our activities are sufficiently newsworthy to have merited so much space in March 6th edition. A reading of these articles will produce an awareness of the varied social and cultural content of the discussions we have attempted to produce.

For the record, let it be clarified that the Forum is a self-sustaining student-run organization which is not subsidized by the University or any other organization or person. This could be otherwise, but we are convinced that the financial independence which we enjoy permits us better to discharge our obligation to the Law School and the surrounding community.

Our series of free legal programs at the Law School admittedly has been much appreciated. In addition, however, we consider our bi-ennial, "School for Young Lawyers" a real contribution to the Law School community. This enables the students to survey the vocational opportunities available in various legal and related fields.

Our hides having been toughened by the recent observations of Messrs. Mortimer and Lait in U. S. A. *Confidential* pp. 91 & 92. We can therefore truly say that we appreciate the interest of the RECORD in attempting to further our common effort to be of service to the Law School.

The Executive Committee of
THE HARVARD LAW SCHOOL FORUM

feet) was invalid as a taking of property without due process of law under the 14th Amendment.

Mr. Justice Sutherland specifically said (277 U. S. 185) speaking of the ordinance, that "in its general scope it is conceded to be constitutional" within the decision of *Euclid v. Ambler Realty Co.*, 272 U. S. 365. And of course it was Mr. Justice Sutherland who wrote the opinion in the *Euclid* case which was the first and leading case decided by the Supreme Court which upheld the constitutionality of zoning ordinances.

Incidentally, the Supreme Court at the time of the *Nectow* case included in its membership, Holmes, Brandeis, and Stone, and there was not any hint of any dissent from the decision of Mr. Justice Sutherland.

JAMES M. ROSENTHAL, LL.B. '11

Although it is true that Sutherland's decision in the *Euclid* case upheld zoning laws, it is Dr. Pas-

LOSS—(Continued)

intended solely for classroom purposes, the book is a treatise of 1200 pages on the problems of securities regulation, which at the same time can be used as a teaching aid and is being used at a number of the leading law schools.

Loss Assumes Amory's Duties

Teaching will not be a new experience for Mr. Loss, who from 1947 until a few weeks ago was a Visiting Lecturer in Law at Yale. He initiated what was probably the first course in S.E.C. Aspects of Corporate Finance, which he taught as a seminar at Yale in the fall term and for the past few years at George Washington Law School in the spring term.

No Change In Technique

Mr. Loss does not intend to change any of his teaching techniques now that he is no longer teaching at Yale, dispelling to some extent the idea that gross differences in teaching methods exist between the schools. To supplement the student's use of the casebooks in his courses, Mr. Loss intends, whenever possible, to have his classes consider problems as they arise before the S.E.C.

Mr. Loss married Bernice Segaloff, an artist, and a graduate of the Yale School of Fine Arts, in 1938. They have two children, a daughter, six and a son almost two. Mr. Loss is an amateur violinist who very much likes to play in string ensembles, an activity which his former life severely limited and which he now hopes to resume.

AMES—(Continued)

B. Hudson, 3L, of Los Angeles, Cal.; Rodney W. Loeb, 3L, also of Los Angeles; Stanley V. Ostrow, 3L, of Pittsburgh, Pa.; and Floyd Wilkins, Jr., 3L, of Fowler, Cal.

Arguing for the government, who was defendant-appellee, the Jeremiah Smith Club had as their oralists Joseph R. Cortese, 3L, of Youngstown, Ohio; and Philip C. Potter, Jr., 3L, of New York City. Members of the Club who prepared the brief were Robert P. Cook, 3L, of Allston, Mass.; Phil N. Crawford, 3L, of Lakeport, Cal.; Theodore J. Hovarth, 3L, of Cleveland, Ohio; William J. Kelly, 3L, of Beaver Falls, Pa.; Richard E. Mansfield, 3L, of Riverside, Ill.; and Arthur V. Savage, 3L, of Morristown, N. J.

STAYING IN BOSTON?

Roommate wanted to share apartment with 1951 HLS graduate now associated with Boston law firm. Consists of 4 1/2 spacious, light, airy rooms on first floor. Completely furnished. Ideal location. Garage. Modest rent. For further information call Jerome Medall days LA 3-2666. (Nights AL 4-0655)

TOURS-CRUISES

Airline-Train Reservations
UNIVERSITY TRAVEL CO.
18 Brattle St. KI 7-1650

FORUM—(Continued)

Square Garden. As one of the more vocal "I Like Ike's" he will attempt to dispel the belief that Eisenhower is a "phantom candidate."

Mr. McCrary is expected to devote his talk to stressing Eisenhower's qualifications as they are exemplified by the General's stand on the international problems which face the nation.

As McCrary's running mate on the Eisenhower ticket at the Forum, General Cutler will concentrate upon Ike's domestic views and programs. General Cutler is President and Director of the Old Colony Trust Company, but has many business, charitable and civic affiliations in the greater Boston area. The General is currently an Overseer of Harvard University.

Served In Both Wars

General Cutler has seen service in both wars, his first official position being that of Acting Deputy Director of the Psychological Security Board in 1951. He has the Distinguished Service Medal and the Legion of Merit.

While at the Harvard Law School from which he obtained his LL.B. cum laude in 1922, General Cutler was Editor of the Harvard Law Review, Chairman of the Board of Advisers and Secretary of his class.

J. Kenneth Bradley will discuss Senator Taft's domestic policies. Mr. Bradley, a Republican leader in Connecticut, and campaign organizer for Governor John Davis Lodge and Senator Raymond E. Baldwin, will point specifically to Taft's views of excessive taxation, big spending, "liberty against socialism" and against squandering our resources at home and abroad.

National Committeeman

An active Republican in Connecticut politics, Mr. Bradley was State Chairman in 1940 and served as a member of the Republican National Committee from 1940 to 1948.

It was under Mr. Bradley's leadership that Mrs. Sarah Crawford of Westport was nominated and elected as first woman Secretary of the State. He also sponsored Clare Booth Luce's candidacy for election to Congress.

BROWN—(Continued)

came a law professor at the University of Buffalo in 1938 while continuing his law practice.

Born in Lake Providence, La., in 1906, Professor Brown received his A.B. degree from Princeton University in 1927 and his LL.B. from Harvard Law School in 1931.

While serving as Hearing Commissioner, Professor Brown will continue his regular teaching assignments.

Author Believes Capitalism On Decline; Suggests Alternatives In Foreign Policy

Capitalism and Socialism on Trial, by Fritz Sternberg. (John Day Co., New York, 1952), 603 pp. \$6.50.

A popular news magazine of more than local importance recently observed that the foreign policies of most near and far eastern countries are today being made in the streets. But rioting is rarely an efficient cause, much more often being the end product, the boiling point, of the history that preceded it. Perhaps the history behind the wave of nationalism sweeping Asia and Africa does not make good material for slick commentaries, but it still remains imperative that we in the United States know it and understand it. Our failure to do so may well result in disaster for our well-laid plans for the containment of Communism. On one level, Fritz Sternberg's *Capitalism and Socialism on Trial* adds much needed perspective in this troubled area.

This book, however, is not limited to one area, nor one period of time. Sternberg has given us an economic interpretation of modern history from approximately the beginning of the nineteenth century down to the present day events on the streets of Asia. Obviously such scope forestalls any close factual presentation in a single volume of 600 pages. This does not detract from its quality, nor should it lead the reader to underestimate the importance of the issues raised.

Sternberg's principal contention is that capitalism will not survive the twentieth century. Whether socialism will replace it is not nearly so clear. That is the issue of the next fifty years. The judge and jury will consist of the peoples and governments of the world. He draws this conclusion from a careful analysis of capitalist development. He does not concentrate on one country, as Marx concentrated on England. He admittedly relies heavily on Marx, but is never willing to accept his conclusions when opposed to the facts. Thus, to take some more familiar examples, he explains why Marx went wrong in predicting the ever increasing polarization of the classes, the strong possibility of socialism by the end of the nineteenth century, and in not considering adequately the effect of imperialism on capitalist development.

It is this last, the causes and effects of imperialism, to which Sternberg pays considerable attention. He believes that imperialism was an essential and integral part of the development of capitalism. The constant, dynamic growth of capitalism imposed an ever present requirement for new markets. In other words, supply constantly outstripped demand. These markets were found in the backward areas of the world, where the home countries could exert political as well as economic control. These colonial areas were a fruitful source of raw materials as well. A concomitant policy was the destruction of all locally controlled industry and the suppression

of all attempts to reintroduce it. The result was lower and lower living conditions among the colonial peoples.

A further result, Sternberg finds, was that European wages were kept at a comparatively high level, thus preventing the victory of socialism in Europe which Marx and Engels had predicted. An interesting inference which one might find, but which Sternberg certainly does not, is that the colonial peoples in Asia and Africa are the real proletariat of capitalism and it is to them that we ought naturally to look for social revolutions. It might be noted that indeed the first two successful socialist revolutions have taken place in backward, semi-colonial countries.

One should not conclude that Sternberg favors the triumph of the Stalinist brand of Marxism. In fact some of his bitterest passages are directed to the totalitarian regime which has emerged from the November Revolution. Sternberg is, in reality, a brilliant theoretician for the Democratic Socialists and it is the cause of the "third force," which they represent, which he espouses. It is his contention that a Democratic Socialist Europe would be an important factor for peace, since it could far out-produce Russia and its satellites; it could provide stability through economic planning, and its program of personal and political liberty would inevitably seep through the "Iron Curtain" and stimulate the "emergence of democratic currents within the Russian dictatorship."

He is not hesitant, however, to place a considerable share of the blame for the failure of Democratic Socialism to succeed in Europe on the United States. Our insistence on supporting capitalism, he says, has led us into collaboration with many anti-democratic elements which cannot possibly offer an alternative to war with Russia. He naturally has high praise for the British Labor party, the first example of a socialist party winning a parliamentary majority in a capitalist country and carrying forward its program within a democratic framework. But with only 10 per cent of the world's industrial output, Great Britain could not be relied on to carry out alone a complete socialist transformation.

By present American standards this book is certainly controversial. It in effect offers an alternative to much of our present foreign policy. It suggests that a more effective answer to Soviet expansion lies not in a European army, but in a unified Socialist Europe. It suggests Western influence in Asia is no longer important and the sooner we outgrow imperialist habits, the better able we will be to make the Asian peoples our friends and allies.

Alumni Notes

S.J.D. '27—Ernest L. Wilkinson is President of Brigham Young University, Provo, Utah.

LL.B. '35—Joseph H. Freehill is now Chief Counsel of the Office of Price Stabilization in Washington. John W. Horstmann is at the Judge Advocate General's School in Charlottesville, Va.

LL.B. '38—George E. Hale has become a member of the firm of Wilson and McIlvaine, of Chicago.

LL.B. '43 ('47)—Edward F. Hindle is with the Providence firm of Edwards and Angell.

LL.B. '43 ('48)—Wilfred G. Howland has been elected Secretary and General Counsel of Springfield Fire and Marine Insurance Company and New England Insurance Company, with head office in Springfield.

LL.B. '43 ('47)—Willis A. Trafton, Jr. announces the formation, in Auburn, Me., of a partnership for the general practice of law under the firm name of Trafton and Scales.

LL.B. '45 ('48)—Albert Barney of St. Johnsbury, Vt., has been appointed a Superior Court Judge of the State of Vermont.

LL.B. '49—Bernard Weitzman has left his post as an attorney with the National Labor Relations Board and is now associated with the New York City firm of Nathan, Mannheim, Asche and Winer.

LL.B. '50—Harold B. Berman has joined the firm of Corenbleth, Thuss and Jaffe, of Dallas.

LL.B. '51—Morton J. Marks is associated with the Office of the Solicitor, Department of Labor, in Washington, D. C.

ELECTIONS—(Continued)

Candidates for treasurer are: Jack I. Alspeter, of Detroit; Eugene Feldman, of New York City; Bertram H. Fields, of Beverley Hills, Cal.; James B. Johnson, of Billings, Mont.; and B. Jenkins Middleton, of Rochester, N. Y.

In the race for Class Marshal are: Theodore O. Childs, of Bellerose, N. Y.; Louis Del Duca, of Philadelphia; Everett B. Ellin, of Chicago; Ralph H. Jefferson, of Rochester, N. Y.; John K. Lally, of Arlington, Va.; and William Tarver Rountree, Jr., of Selma, Ala.

Sternberg also does not consider the future of American capitalism particularly bright. He questions whether we will be able to solve the problem of inadequate demand without huge armament expenditures. These are not contentions to be taken lightly. In this election year especially, serious citizens ought to be made aware of alternatives. This book is recommended as a provocative presentation of one such alternative.

Martin L. Barr, 3L.

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WATTS—(Continued)

work here. On the contrary, anyone who is good enough to receive a three-year appointment here is likely to be a very good teacher.

"To use a metaphor which may not be too remote, every romance is not a marriage. And it is not unknown in that area for two persons to decide that they are not meant for each other while mutually retaining high esteem and great respect.

"We have high esteem and great respect for Mr. Watts. We have valued his association with us, and have enjoyed him as a member of the Faculty—both personally and intellectually. He has our every good wish in the development of his career. I hope that he will feel great satisfaction in the high regard which has been expressed for him by his students."

342 Students Sign

In one week 342 students signed the petition. Because the petition was presented only to past and present students of Professor Watts, the number of potential signers was limited to approximately 600.

The petition read:

"WHEREAS, we the undersigned students of Harvard Law School, being deeply concerned with the caliber and future of our faculty, earnestly wish to make known the regret we feel at the reported departure of Assistant Professor David E. Watts; and

"WHEREAS, we, his present or former students, consider Professor Watts to be a teacher of outstanding ability;

"Now, THEREFORE, we urge that both Professor Watts and the Administration sincerely reconsider this action, bearing in mind this expression of student opinion."

Professor Watts was graduated with a B.A. from the University of Iowa in 1941. At Iowa Law School he was Comment Editor of the law review and president of his legal fraternity. In 1942 he received a J.D. degree with highest distinction from Iowa.

PBH Aids Drafting Public Health Law

In an effort to direct the attention of students to an awareness of community problems, the Law School Committee of PBH recently cooperated with the Federation of South End Settlements and the South End Planning Council in drafting public health legislation which is now being considered by the Massachusetts House of Representatives.

Speaking of this new branch of activity for the Law School Committee, the chairman, Sid Kess, 3L, of Brooklyn, pointed out that the project will not lead to a slighting of other services provided by the group, but that it was intended as a step toward what eventually may become a formally established campus organization. He made it clear that the drafting group would not undertake research for political legislation.

"The projected development and broadened orientation of the Law School Committee," he stated, "can best be described as 'progress by glancing backwards.'" In the past, and certainly for the present and future, the function of the Committee has been one of service to the law student and to the school, providing facilities to assure a cohesiveness of the student body and to encourage closer relationships between the administration and the student.

He added that where other and newer organizations, offshoots of the Law School Committee, have assumed its functions, the work of the Committee in this area will expand.

Members of the Committee working on the legislative research project are: Natalie Adelman, 1L, of Brookline; James E. Bye, 1L, of Anoka, Minn.; James B. Johnson, 3L, of Billings, Mont.; Harry Schulman, 1L, of Plainfield, N. J.; and Greta Worstell, 1L, of Columbus, O.

Mr. Kess also announced the results of elections for next year's officers. Tedson J. Meyers, 2L, of Bayonne, N. J., will succeed him as chairman, while Mary M. O'Connell, 2L, of Jeanette, Pa., was chosen treasurer. Frances Fraher, 1L, of West Roxbury, will replace her as secretary.

NEWS IN BRIEF**LAW WIVES**

Members of the Harvard Law Wives are reminded that on Saturday, March 29, at 6:30 p.m. in the Wheeler Room of Holmes Hall, they will display the product of their combined culinary arts at a pot-luck supper. Wives are asked to contact Mrs. Oliver Oldman, at Kirkland 7-2293, as soon as possible.

COFFEE HOUR

Harold Boies Hoskins, chief of the Middle East section of the Department of State, will speak at a special Coffee Hour today at 1:30 p.m. in Harkness Commons. His topic is "The Egyptian Crisis and the Middle Eastern Problem."

MASS. BAR

One hundred and sixty persons, out of 535 taking the December Massachusetts bar exams, have passed, it was announced last Sunday. This was a figure of only 30 percent as compared to the 45 percent who passed the October exam.

LAW AND U. N.

Oscar Schachter, Deputy Director of the General Legal Division, Legal Department of the United Nations, will be guest speaker at a meeting of the Graduate Students Association of Harvard Law School tonight at 8:30 in Harkness Commons.

DEMOCRATIC CLUB

The Democratic Club of the Law School will meet today at 2 p.m. in the Wheeler Room to discuss the potentialities of various candidates for the Democratic nomination for President.

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BOOKS—(Continued)

should win Vermont may well be the reason she entered the Union as a separate state. Virginia, another "Mother," consented to Kentucky's becoming a separate state in 1789, and then in 1861, saw West Virginia secede to the Union.

The name of Louisiana has contributed considerable confusion to the surrounding area: in 1803 the Louisiana Purchase included a vast area of the Mississippi watershed, but the next year the area which was to become the State of Louisiana was organized as the Territory of Orleans, while the name District of Louisiana was given to the land which became within a few years, the Territory and later the State of Missouri.

Wyoming, however, seems to have been the victim of a more serious difference of opinion, for starting also as part of the Louisiana Purchase, it was later thought of as being included in the Oregon Territory, the Texas Annexation, and the Mexican Cession, before it settled down in 1868 in the Territory of Wisconsin, to prepare for statehood.

North Carolina was perhaps the first state to experience the "acquisitive" power of the Federal government, for she "ceded" Tennessee to its tender mercies in 1790; however Tennessee was turned loose as a state six years later.

Other territories than Hawaii and Alaska have had trouble in gaining admission to the Union, for the State of Deseret, organized by the Mormons in the Mexican Cession, was disapproved

by Congress in 1849; but a change of name, or perhaps increased interest in the overland route to California, brought admission for Utah the next year.

ISRAEL—(Continued)

cial and family ties in the countries from which they came and interests scattered all over the world.

The definition of domicile will be most important when a court will have to decide as between several nations and Israel itself, whose law will apply to a decedent's estate, since the domicile of the decedent will be decisive.

Mr. Laufer points out that problems of conflict of laws are ordinarily difficult but in the case of an attempt to formulate a new code they become even more so. There is the strong desire to consider all problems which have arisen in other countries and draft a law which will solve as many as possible.

Recently arrived to assist and advise Mr. Laufer and the others participating in the program is Mr. Arieh Henig, General Counsel of the Ministry of Finance and United Nations Fellow. Mr. Henig will divide his time between studying taxation and fiscal problems and working with Mr. Laufer on the project. He has been specifically appointed by the Ministries of Justice and Finance to assist Mr. Laufer. Mr. Henig expects to remain in the United States for five months but states that this may be extended should it prove necessary.

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