

The Harvard Law School Record

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Root, Casner Clubs Open Quarterfinals With Corporate Capitalization Problem

The first round of the Ames Quarterfinals will be held on April 1, at 8:00 p. m., in Langdell Courtroom. Competing are the Root Equity and the Casner Law clubs. They will argue the case of *Martin Parkinson v. Cosmopolitan Printing Company*.

The case involves a complex corporation law problem. The major issue in the case involves the right of a preferred stockholder to dividends in arrears in a recapitalization. The corporation had common and preferred stock. From the preferred stock indenture it was not clear whether the stock was cumulative or non-cumulative. Preferred stock dividends were not paid from 1941 to 1950. In 1950 recapitalization took place, and the preferred stockholders were given three new shares of common stock for each share of preferred. One share of new common stock was issued for every ten old shares of common.

The preferred stockholders claim that dividends in arrears give rise to a vested right which cannot be defeated by a recapitalization. They claim a right to arrears which takes precedence over any payments on the new common stock.

Sitting as Chief Justice in the Supreme Court of the Commonwealth of Ames will be the Honorable Lewis Goldberg, LL.B. '13, of the Massachusetts Superior Court. With him on the bench will be Arthur J. Santry, LL.B. '12, of Putnam, Bell, Dutch and Santry, and Robert I. Hunneman, LL.B. '31, of Palmer Dodge Gardner Bickford and Bradford, both of Boston.

Arguing for Root Equity, the moving party, will be Alan R. Finberg, of Waban, Mass., and Rodolphe Hamel, of Lewiston, Me. Counsel on the brief are Bud H. Gibbs and William F. Gleason, both of Chicago; Howard E. Goldfarb, of Washington, Pa.; Paul J. Miller, from Brookline, Mass.; Christopher H. Russell, New Britain, Ct., and Jack M. Stark, Norwalk, Ct.

Presenting the oral argument for the Casner Law Club will be Murray Drabkin, of Portchester, N. Y., and Robert I. H. Hammerman, of Baltimore. On the brief are D. Broward Craig, of New York City; Edward L. Genn, of Pittsfield, Mass.; Donald F. Malin, Jr., of Wellesley; Walter S. Rothschild, of New York City; William Samore, of Sioux City, Iowa; Melvin L. Zurier, Providence, R. I.

The second quarter final argument will be held next Thursday, April 3, at 8:00 (See Ames on page three)

Schachter Defends U.N.; Criticizes Power Politics

A strong world organization founded upon legal procedures is the primary hope for successfully working out the problems of international relations, according to Oscar Schachter, Deputy Director of the General Legal Division of the United Nations. Mr. Schachter made the statement in an informal talk to members of the Graduate Students Association last Thursday night in Harkness Commons.

He criticized members of the "power politics" school of thought who insist that all international affairs are and must be conflicts of selfish interest. Such a view, he indicated, inevitably leads to problems than can only be resolved through use of force.

The UN, though admittedly an imperfect organization, makes use of legal processes to resolve the conflicts in national interest that constantly arise. Typical of this sort of procedure is the method used for apportioning economic assistance, Schachter said.

Each nation submits its requests which are "screened" by a board of experts who decide how the available aid shall be divided. He speculated that under the power politics theory this could only be done through a series of bi-lateral bargaining sessions.

Citing the Soviet veto on the seating of the Chinese nationalist delegation, Mr. Schachter asserted that legal procedures are also used successfully in resolving political issues.

PBH Activities Listed In Year End Survey

The Law School Committee of Phillips Brooks House, with 25 students, including six women in its lists, recently released its report for the year, showing an increase in its customary services and the adoption of several new programs. The report also contains a number of suggestions for expansion of activities.

High on the list of achievements for the past year is the success of the Blood Drive and the Combined Drive, the latter appeal headed by Sondra Markowitz, 2L, of Brooklyn, while Vernon Elderkin, Jr., 3L, of Jamestown, N. Y., headed the former. The call for blood donations netted 480 pints from the Law School, representing contributions by one out of every three students.

To date \$2905 has been contributed to the Combined Charities Drive, an amount in excess of last year's gifts. Students were permitted to earmark their money for specific charities, but only 25 percent chose to do so.

Among the recommendations made by the retiring chairman, Sid Kess, 3L, of Brooklyn, were proposals to study ways of improving the Harvard Law School Alumni Association by setting up a sub-committee of second and third year students to work on the problem and to set up a Visitor's Committee which would serve as guides for returning alumni and (See PBH on page three)

Student Days Recalled By Professor; Period Of Healthy Transitional Growth

This article was written for the RECORD by John M. Maguire, LL.B. '11, Royall Professor of Law.

Graduating from Colorado College in 1908, I came with two classmates to the Harvard Law School. The three of us realized that our college was remote, small, and quite unknown in the east, and hence were perhaps too touchy about possible slights from fellow students. The melting pot of a Law School table in Memorial Hall, then the principal Harvard commons, brought us promptly into contact with first year men from a variety of other colleges. We concluded almost forthwith that the graduates of the smaller New England institutions, the southern colleges, and Dartmouth and Princeton were ready to treat us as equals. My two companions, however, felt and talked strong disapproval about the offish superiority of Harvard College men, whom they dubbed "chinless wonders."

Looking back over nearly 45 years, I feel that such institutional distinctions were pretty completely mistaken. Then as now, some men from any college were easy to know and like, while others were hard to come at. Indeed, I soon reached good terms with a Harvard A.B. who happened to sit next to me in two courses. He was wealthy and sophisticated, while I was neither, but this contrast made no difference at all. We worked together at least two afternoons a week throughout our second and third years, and following graduation kept companionably in touch until our friendship ended, like many another, with his death in France during the grimly victorious early autumn of 1918.

Memorial Hall was quite a place. The huge high room, with its stained glass windows and paintings of ancient Harvard worthies ranged along the wall, impressed without more. Printed menus

Sebree, T. Rountree And Fields Elected '52 Class Officers

With the preferential system in use for the first time in the election of class officers, almost 75 per cent of the third year class exercised their right to vote to select Frank P. Sebree, Secretary, Bertram H. Fields, Treasurer, and W. Tarver Rountree, Class Marshall.

Sebree, Missouri '49, who had a large plurality on the first vote in a field of eleven candidates for the office of Secretary, eventually was elected with 141 votes over runner-up John H. Perkins, Jr., Harvard '49, who received 90 votes.

Sebree, who early in his career in the Law School, was presented with a cigar by Professor Kaplan in recognition of his response to a question "which no first year man has ever answered," is one of the more active men in the law school.

He is an Editor of the Law Review, a member of the Law School Committee of Phillips Brooks House, a member of Chancery Club, and, in 1950-51, one of the high scorers in the Law-Graduate Basketball League.

Bert Fields, U. C. L. A. '49, won what was in spite of the final figures, the closest election of the day. Although he topped J. B. Johnson, Montana, '49, by 154 to 124 votes at the final count, he, Johnson, and B. Jenkins Middleton, Princeton '49, were all within a five vote spread at the first counting. Fields, an Editor of the Law Review, is also a member of the Chancery Club.

Rountree, Alabama '49, whose plurality over Kendall E. Hobbs, Yale '49, was almost 20 votes, maintained that lead as other candidates were eliminated and prevailed by a margin of 148 votes to 124 for Hobbs. Rountree, an Ames semi-final oralist, is a member of Lincoln's Inn.

were distributed for each meal. This struck us as definitely swanky. The negro waiters became attached to particular groups whom they served, and readily did battle for the gastronomic interests of their respective tables.

I had the same waiter all three years—a tall man named John who saw to it that we were fed well and promptly. He had a balefully determined jaw and a frightening way of hissing like a snake when shouldering off the forays of other waiters. The basic board charge was about \$5.25 per week for dietary rudiments, including milk, eggs, and fish. For most meats and such fancy dishes as baked Alaskas you paid extra. The milk supply was said to be endowed, and certainly seemed unlimited—metal pitchers placed on the tables were refilled as fast as we emptied them.

High galleries overlooked the east and west ends of the Hall. From the western gallery the orchestra of the Pierian Sodality occasionally played at dinner, developing tremendous energy and spirit, and much thunderous rhythm. The eastern gallery was for visitors who wished to see the animals fed. Ladies appearing there faced critical inspection. A favorable verdict was indicated by furious ringing of knives against drinking glasses. Men entering the Hall walked down the central aisle toward their tables with the eastern gallery behind them. An outburst of glass ringing tended to cause these pedestrians to turn around for their own glimpse of the lady or ladies above.

This tendency was put to diabolic use at dinner on April Fool's Day. The glasses than rang in fitful, frequent bursts, and if you were so incautious as to twist about to look up, every diner in range threw something at you—e.g., a buttered roll or a napkin laden with (See Maguire on page four)

District Attorneys' Problems Is Last S B A Ethics Lecture

Robert Fiske Bradford, LL.B. '26, LL.D. (Hon.) '48, former Governor of the Commonwealth of Massachusetts, will speak on "The Ethics of Criminal Prosecutors" next Tuesday at 4:30 p. m. in Langdell South Middle.

Mr. Bradford will be the fifth and final speaker in a series of talks sponsored by the Student Bar Association on the topic of "Lawyers' Problems of Conscience."

New Musical Trends Friday Forum Topic

Modern music hath charms to soothe the savage beast—and law students, too—says the Harvard Law School Forum.

To prove this point, the Forum has scheduled a discussion of "Modern Trends In Music," tomorrow night at 8 in Sanders Theater, featuring a conductor, a composer, a performer and a professor.

The conductor will be Arthur Fiedler of the Boston Symphony "Pops" Orchestra; the composer will be Aaron Copland, now a professor of poetry at Harvard University. Boris Goldovsky will speak as an interpreter of musical compositions; and Karl Geiringer, Professor of Music History at Boston University will draw analogies with the Renaissance and Baroque periods. Mr. Martin Bookspan, Director of Classical Music of WCOP, will be the moderator.

Mr. Fiedler was born in Boston and educated at the Boston Latin School. He studied conducting at the Royal Academy in Berlin, making his concert debut in that city at the age of 17. He organized the Boston Sinfonietta, a chamber orchestra composed of members of the Boston Symphony, in 1924. He has toured the country and made recordings for RCA Victor with the Sinfonietta. Mr. Fiedler also organized, founded and has been conducting the Esplanade Concerts since 1929 and has served as Conductor of the Boston Pops Orchestra since 1930.

Born in New York City where he studied music privately, Aaron Copland has been a composer since 1920. Mr. Copland currently is teaching at Harvard University, where he is Charles Eliot Norton Professor of Poetry. He has been awarded the Pulitzer Prize for music and in 1945 received the New York Critics Circle Award for his "Appa" (See Forum on page four)

Dorm Council Discloses New Social Room Rules

A motion to modify the six-week rule for assignment of meeting rooms in the Graduate Center was passed at the last meeting of the Dormitory Council.

This new policy will require all organizations wishing to use the facilities in Harkness Commons and Holmes Hall to file a social schedule at the beginning of each semester. These calendars will then be used in making room assignments.

As a further provision, the reservation still must be confirmed within six weeks of the desired date. The Dormitory Office will serve as arbiter in case of a conflict. The purpose behind this change is to allow organizations with regularly scheduled functions to be able to plan on a certain location and date when preparing their calendars of activities.

In other legislative moves a minor amendment to the Dormitory Association constitution was passed. The addition reads: "No representative of the Dormitory Council who has been removed because of unexcused absences shall be eligible for re-election to the Council during the remainder of the school year in question."

Changes in representation on the Council also have been made. Charles Harper, 1L, of Baltimore, was appointed to the Buildings and Grounds Committee, replacing William Watts, 2L, of Sankville, Wis., who resigned. Ralph Cameron, 3L, of Chestnut Hill, Mass., succeeds Watts as the representative for the second floor of Story.

Mr. Bradford, presently a partner in the Boston law firm of Palmer Dodge Gardner Bickford and Bradford, culminated a long public career with service as Governor from 1947 to 1949. He entered the executive mansion after serving as Lieutenant Governor from 1944 to 1947.

Born in 1902 and a descendant of William Bradford, Governor of the Plymouth Colony, Mr. Bradford received his Bachelor of Arts degree from Harvard College in 1923 and was graduated from the Law School in 1926. He was awarded an honorary LL.D. in 1948.

Mr. Bradford began his political career as Executive Secretary to the Governor, which post he held from 1931 to 1935. In 1939, he was elected District Attorney of Middlesex County and served until 1943, when he accepted the nomination for Lieutenant Governor.

LAW REVIEW

Raymond L. Falls, Youngstown, Ohio was elected President of the Harvard Law Review Wednesday morning. Read full details in the next issue of the RECORD.

Mr. Bradford will draw from his varied experiences as District Attorney the subject matter for his lecture. In his first "big" case as District Attorney, he handled the prosecution of Raymond Patriarca, Rhode Island Public Enemy No. One. He also prosecuted Harry Sagan-sky and other then leading figures in the numbers racket.

He also was in charge of the prosecution of Mayor Lyons of Cambridge and (See SBA on page four)

Hack Heads Board With Foner, Biener In Record Election

Samuel L. Hack, 2L, of Detroit, was chosen President of the Harvard Law School RECORD at elections held last week.

Joining him as the officers for the last four issues of volume 14 and the first eight issues of volume 15 next fall, will be Mathew Foner, 2L, of Brooklyn, Editorial Manager, and Alvin N. Biener, 2L, of Brooklyn, Business Manager.

Hack, formerly Copy Editor, replaces Arnold M. Liebowitz, 3L, of Brooklyn; Foner replaces Joseph B. Manello, 2L, of Wilkes-Barre, Pa.; and Biener succeeds Murray E. Weinstein, 3L, of Brooklyn.

Donald W. Conley, 2L, of Oak Park, Ill., heads the Editorial Board as Associate Editor, replacing Alan B. Ives, 2L, of New Haven.

Booth, Marshall News Editors
Edgar H. Booth, 2L, of Brooklyn, and Ruth I. Marshall, 2L, of Quincy, replace Foner as News Editors. Raymond H. Suttle, 2L, of Hilton Village, Va., was chosen Advertising Manager to succeed William A. Scheurich, Jr., 3L, of Imperial, Nebraska.

Other department heads taking office are John J. Sexton, 2L, of Arlington, as Features Editor, replacing Daniel M. Sklar, 3L, of New York City. Arthur Sherman, 2L, of Mattapan, is the new Current Case Editor, succeeding Norman Schoenfeld, 3L, of New York City. Arne Siegel, 2L, of New York City, becomes Treasurer, taking over from Biener.

Jonathan Lubell, 1L, of New York City, will prepare the Gallery column, replacing Conley. David Sanderson, 2L, of Littleton, succeeds Sexton as Alumni Editor, and David Lubell, 1L, of New York City, succeeds Miss Marshall as Articles Editor.

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The Order Changeth

With this issue of the RECORD the present Editorial Board turns over its offices to a new group. Those of us who have had the pleasure of attempting to bring to the student body and the alumni the news of the Law School from week to week well realize our many shortcomings. Yet at the same time we look back with some pride upon our work.

The new group of officers and editors who soon will take up the task, we feel, are more than able to continue the present policies and services of the RECORD. It is with much pride and pleasure that we give into their hands the responsibility of serving our readers.

PBH

Little heralded and not too well known, there is in the Law School one organization whose sole motto is service to the student body of the School—the Law School Committee of the Phillips Brooks House.

The Committee's varied activities often fail to impress upon those whom it benefits that this one organization is able to achieve so many objectives. In the past year this group with only thirty members conducted the Charities Drive, which set a new high for the amount of money raised; the Blood Drive as a result of which the University retained its position as one of the largest per capita donors of blood; the Book Exchange, which has been of invaluable help to many students in providing case-books which otherwise they could not have afforded; the drafting of a statute for the Commonwealth of Massachusetts; social functions and general information services.

As is the case of anyone who does his good work silently, people tend to take PBH for granted and rarely give it its due. Under the fine leadership of this year's officers the organization has expanded far beyond the hopes of those who originated it.

At this juncture, therefore, we wish to take the opportunity to express to those hard working members of PBH the thanks of the entire student body, and compliment them upon a job well done.

LETTERS to the EDITOR

To the Editor of the RECORD:

No doubt many who are closer to your office than I already have called to your attention that the RECORD of March 13 quotes Fred Rodell as saying of Mr. Justice Burton that he is "a decedent, plodding guy who just hasn't got it." However, I wonder whether it has occurred to any of your correspondents that possibly this statement is not an error of either the reporter or the typesetter. May it not be Fred's way of charging that the learned justice is "dead on his feet?"

MAURICE H. MERRILL, S.J.D. '25

P. S. I hope it will be unnecessary for me to say that I agree with Arthur Sutherland and disagree with Fred Rodell.

Strictly Typographical.—Ed.

Gallery

RAYMOND S. WILKINS

Associate Justice Supreme Judicial Court of Massachusetts



Photo by Bachrach

In his 25th Year "Class Report," Raymond S. Wilkins said, "I feel that one should participate to the fullest extent he is able in government and public affairs, at least if he cares to preserve an independent right of criticism. One who has not done all he can himself is not in a strong position to speak out on the standards of public achievement of the men who are attempting public service." In keeping with these precepts, Mr. Justice Wilkins has, throughout his long career as a lawyer and jurist, devoted a great deal of his time to civic and political affairs.

After preparing for college at Salem High School, Raymond Wilkins entered Harvard in 1908 at the age of 17. By the time he was graduated four years later he had won his key from Phi Beta Kappa and was awarded a detur for ranking in the First Group of Scholars. He entered Law School in 1912 and the following year became an editor of the *Harvard Law Review*.

Legal Aid

In addition to spending two years as a member of the *Review*, Ray Wilkins also served a year on the Harvard Legal Aid Bureau. This was the first year of its existence, and one of the main problems at that time was to acquaint those in need of legal aid with the fact that help was now available. The faith he had in Legal Aid in those early ways remained with him, and he now serves as Vice-President and Director of the Boston Legal Aid Society.

Upon graduation and admission to the bar in 1915 Judge Wilkins entered the firm of Storey, Thorndike, Palmer & Dodge. Except for one brief hiatus he remained with this firm for twenty-eight years. The absence began in 1917 when he joined the U. S. Army. He rose to the rank of a Captain in the 301st Field Artillery in the A. E. F. before returning to legal practice in 1919. Until his appointment to the bench of the Supreme Judicial Court in 1944 he engaged in general practice, with the emphasis on trial

work. At the time of his appointment the firm name was Palmer, Dodge, Wilkins & Davis.

During these years his versatility was revealed in a wide variety of civic and cultural endeavors. During World War II he played in a serviceman's orchestra, playing both the piano and the xylophone at veterans' hospitals, camps and Buddy Clubs. In 1937 he had the thrill of conducting the Boston Symphony Orchestra playing an arrangement from a score of some music he composed for the 25th reunion of his college class. His interests, moreover, were not confined to music. As a collector of books he managed to gather a noteworthy collection of Lincolniana and Confederate imprints, a large part of which is now in the Boston Athenaeum.

Many Duties

A number of civic and cultural organizations laid claim to his services in addition to his work for the Boston Legal Aid Society. He served as Chairman of the Metropolitan Division of the Community Fund in 1938. He became trustee of the Boston Athenaeum, the Boston Symphony Orchestra, the New England Conservatory of Music, the Peabody Museum of Salem, and the Soldiers' Home in Massachusetts, director of the Boston Tuberculosis Association, and Secretary of the Winchester Hospital.

His devotion to his University also was much in evidence. He is Secretary of his College Class and at present is busily engaged in preparing the Class Report for the 40th year after graduation. He is a former Vice-President and Director of the Harvard Alumni Association and also a former Director of the Harvard Law School Association. He also serves on the following committees of the Harvard Overseers: Law School, History, Slavic Languages and Literatures. In 1950 he became the first President of the Harvard Law School Association of Massachusetts. Cornell chose him in 1947 to deliver the Irvine Lecture. His address, entitled "The Argument of an Appeal," was published in 33 *Cornell Law Quarterly* 40, and in 34 *Massachusetts Law Quarterly*, No. 3, p. 13, as well as in pamphlet form.

Political Activities

His political proclivities led him to serve as a Selectman in Winchester, and as Chairman of the Board of Selectmen in 1937. He was Town Moderator of Winchester from 1940 until 1943, and a member of the Governor's Council from 1941 until 1943. During the war years he was a frequent visitor to Washington as an informal advisor to the late Robert P. Patterson, LL.B. '15, Under-Secretary and later Secretary of War, who was President of the *Harvard Law Review* in 1915. The March issue of the American Bar Association Journal carries an article by Mr. Justice Wilkins on the life of Robert Patterson, who recently was killed in an airplane crash at Elizabeth, New Jersey. A longer article on the same subject will appear in the *Harvard Law School Bulletin* for April.

Recently Suffolk University honored Mr. Justice Wilkins by conferring upon him an honorary S. J. D. In the light of his long record of public service and achievement, there can be no doubt but that the award was richly deserved.

D. C.

Sub Judice

Norman died in 1948 leaving a large part of his estate in trust for the support of his minor son Robert. As executors and trustees he designated his brother, sister and a local bank, and directed that none of them should be required to give bond or other security. In spite of this the county court required the named executors each to file a \$40,000 bond with sureties. The bank and Norman's sister withdrew, and the court appointed Hugo J. Hakala in a proceeding without hearing or notice or even petition being filed therefore. Hakala filed his bond the next day and took over the administration of the estate. When Martin, Norman's brother filed bond, the court rejected it on the ground that he had previously renounced administration.

Hakala's administration of the estate was nothing if not inept. Contrary to the terms of the will he never established a trust of the two firms of which Norman had been the majority shareholder. Instead he voted the stock himself and elected himself, his wife and his business partner the directors of one of those companies. When the trustee under the will protested these actions and the failure to inventory the largest assets of the estates, the county court lent an unfriendly ear, dismissed his petition on the theory that he was not a party in interest and required the posting of a \$40,000 appeal bond. Martin, the trustee, failed to appeal because he could not post the bond.

Hakala proceeded to administer the estate and caused no little loss of assets by failure to file Illinois inheritance tax or United States Income tax returns for the years 1947 and 1948.

Hakala then received permission from the county court to sell the assets of a corporation of which decedent was the majority shareholder, at private sale. Hakala found a bidder, through his business partner, who was acting as a commission broker on the transaction. The county court approved the sale without referring to any of the other bids, in spite of the fact that the price set on the assets of the firm was one-sixth that which Hakala had estimated when he had taken his commissions for administration.

Martin now brings this action to restrain the vendee of Hakala from reselling the proceeds of the transaction involving the assets of the firm and to recover the assets. The lower court dismissed the complaint on one of the grounds presented without even considering any of the other grounds.

Held: Reversed and remanded

The appellate court found that on the above facts Hakala should be dismissed as administrator, that the administration should be put in the hands of the circuit court, and that a new and capable administrator should be appointed. This appointment, the upper court pointed out, should be followed with an administration complying with the terms of the will. *Redmer v. Hakala*, 99 N. E. 2d 831 (Ill. 1951).

AT THE AMES FINALS



"I don't care if you gentlemen did get here first—these seats are taken!"

GREAT SCOTT

Professor Scott: "An article in the *Law Review* deplores a different aspect of this problem: a. That the text writers have not discussed it. b. That there are no cases to discuss."

GO NO MORE A'ROVING

After a long dissertation by a student in Administrative Law, Professor Field remarked: "I would prefer that you came out with a definite answer that was wrong rather than spending thirty seconds on the affirmative, thirty seconds on the negative and then a short rebuttal."

Off the Record

MOTION DENIED

Justice sometimes moves in strange and mysterious ways. An argument in court that succeeds once may fall flat on its face the next time.

Atty. Robert P. Butler of Hartford illustrated this point in Federal Court recently with a story:

"A lawyer made a motion before Federal Judge Carroll C. Hincks in New Haven but it was denied. 'You've got to grant my motion,' said the lawyer, 'I made the same motion last year and you approved it.'"

Judge Hincks stood fast, 'Are you trying to imply, sir, that I have learned nothing in a year? Motion denied!'

Hartford Times, February 14, 1952.

PURE HEART AND EMPTY HEAD

Interviewing a candidate for a position with the firm, the senior partner inquired about the young lawyer's employment background.

"I worked for the State Department, but I want you to understand I was fired for incompetency," replied the job seeker.

SEMPER PARATUS

Prof. McCurdy (in Contracts class): "*Griswold v. Haven* is the next case . . . Mr. Peters? (Long silence). Mr. Peters here . . . ? (Semble)."

Law Reviewer: "Sir, we missed *Mabley & Carew v. Borden*."

Prof. McCurdy: "Oh yes, so we did. (Looking over spectacles) Mr. Peters . . . , you here now?"

To the Editor of the RECORD:

I do not believe that the RECORD should allow its limited space to be used for expounding individual political beliefs. I read the RECORD to learn of the state of the Law School, not what someone thinks of the state of the union. But if the RECORD is to become a political arena it should do so openly and not in the guise of a book review.

The "review" of "The Welfare State and the National Welfare" (March 13) fails both as a book review and as a political argument. The book is described in such glittering generalities as "a manifesto of liberty, honesty, and integrity." The names of most of the contributors are omitted, but we are told that they are "good men, thoughtful men, honest men, progressive men." The political argument begins with a description of the demon, the Welfare State. Into the fray comes Eisenhower the Saviour (referred to affectionately throughout as Ike). The high (or low) point is reached in the gospel-like statement, "In truth, Ike's pronouncements breathe with the spirit of what is really that much maligned term, liberalism."

Writing such as this has its place in the *Chicago Tribune* or the *Daily Worker*, not the Harvard Law School RECORD.

HERBERT SEMMEL, 2L

To the Editor of the RECORD:

I would like to suggest that the RECORD devote a portion of its space, between now and election day, to student expression of political views. This would obviate the future use of "impartial" book reviews for that purpose.

MILO SHADLE, 2L

AMES QUARTERFINALISTS



From left to right: Robert J. H. Hammerman and Murray Drabkin of Casner Law Club; Rodolphe Hamel and Alan Finberg of Root Equity Club.

PBH—(Continued)

for students interested in coming to the Law School.

To improve faculty-student relations, he suggested teas for new professors, farewell affairs for professors who are retiring, and a dinner for the first year class. He indicated Assistant Dean Russell Peck's interest in having the Committee work with him in improving the Entering Student's Handbook.

Because of frequent conflicts between activities sponsored by different groups, he suggested that the Committee serve as a clearing house to schedule dates so as to avoid needless competition. At present Miss Conlan of the Dean's Office handles the scheduling of Law School activities, while activities planned for the Graduate Center are cleared through Dean Wesley Bevin's office.

Social Activities

In the area of social activities, the Law School Committee continued its popular Tiger Trot after the Harvard-Princeton football game, and recently held an informal Form 1040 dance. At both affairs "intermission" entertainment was provided by singing groups from women's colleges. In each semester the Committee also sponsored an acquaintance mixer. George Meyer, 3L, of Detroit, supervised these functions.

A new attempt to improve faculty-student relationships and promote extracurricular activities led to the PBH bulletin boards in Harkness Commons and Langdell South. Besides featuring information about forthcoming lectures and socials, the boards also carry a past Gallery from the Record of a law school professor, a monthly calendar of events, and news of activities in the Cambridge and Boston communities.

Intramural sports likewise received the attention of the Committee. Competitions in football, handball, and ping-pong were held, and the graduate schools' basketball league still is active. Next year these tournaments will be continued, and the Committee hopes to arrange with the administration for athletic

facilities for the 50 women students who are expected to be enrolled in the Law School by next fall.

February 13-15 a Book Bazaar was held by the Library Committee to dispose of casebooks no longer used in classroom work. Sale to students was decided upon because bookstores in the area offered small sums and it was felt that these books of specialized interest should be sold to students at the same prices. Some 250 books were sold, with net proceeds of \$80. Most of this money will go to buy texts for financially needy students who use the loan library.

This year the Law School Directory appeared on October 28, one and a half months ahead of previous publication dates. The pamphlet had a larger number of ads than in prior years and for the first time free advertising space was given to campus organizations to assist them in publicizing their offerings. Nearly 1700 copies were distributed to students and faculty without charge.

Every second week community leaders in various fields, ranging from the social worker to the head of the Chamber of Commerce, spoke at Committee luncheons as part of another new program. A special effort was made to have foreign students attend at these times. Emphasis in the talks was on what the student can do when he returns to his community as a lawyer.

As another part of the program for developing community interest in the law student, five members of the Committee worked with the South End Planning Council on a bill for public health legislation. Their work consisted of research and contacting Boston officials in connection with the measure.

To continue this activity, a plan has been proposed to the Committee whereby a special sub-group would be set up to continue efforts on this measure and projects of a similar nature. It is hoped that there eventually will be set up an independent student group, similar to the Voluntary Defenders, to serve the community in this way.

Alumni Notes

LL.B. '33—Walter A. Maggiolo has been appointed General Counsel for the Federal Mediation and Conciliation Service. Prior to this appointment, Mr. Maggiolo served as Commissioner of Conciliation in New York City.

LL.B. '43 ('46)—William P. Reiss recently joined the firm of Pitney, Hardin and Ward, of Newark. He is also a member of the Board of Editors of the New Jersey Law Journal.

JAG ASSIGNMENTS

Captain Irwin M. Kent, '43 ('47), First Lieutenant Bernard A. Feuerstein, '49, and First Lieutenant Martin Blackman, '50, recently were assigned to the Government Appellate Division of the Army Judge Advocate General's Office in the Pentagon.

They represent the Government before the Boards of Review and the United States Court of Military Appeals.

Captain Kent previously served as a J.A.G. officer in Germany. Lieutenant Feuerstein is on military leave of absence from his position as assistant district attorney for New York County.

LL.B. '49—Captain Prospero DeBona, Jr., has been named assistant judge advocate of the X Corps in Korea. He has been in the Far East since December.

LL.B. '51—Moses A. Berman has been commissioned an Ensign in the Naval Reserve, following graduation from the Officer's Candidate School, Newport, R. I. Joseph A. Blunder reported for active duty on March 10 as Ensign, Supply Corps, U.S.N.R. He will be stationed at the U. S. Naval Supply Depot, Bayonne, N. J.

NEWS IN BRIEF

COFFEE HOUR

Mrs. Felicia L. Kaplan will speak on "The Other Side of the Coin," at next Tuesday's Coffee Hour in Harkness Commons. The author of "Mink on Week Days," before her marriage to Professor Benjamin Kaplan Mrs. Kaplan worked as a reporter for the New York Journal and as a script writer with Metro-Goldwyn-Mayer. She is now a free-lance contributor to several magazines.

DRAFTING MATERIALS

The Board of Student Advisers has received additional copies of the drafting materials which were distributed at the Kurt Pantzer lecture last December. Students who attended that lecture and whose names appear on the Board list of persons who did not receive copies, can pick up the materials between 3 and 4:30 p.m. at the first floor office of the Board in Austin Hall. The supply is limited and materials will be distributed on a first-come-first-served basis.

LAW WIVES

A Pot-Luck Supper will be given by the Harvard Law Wives this Saturday evening in Harkness Commons, to entertain their husbands. Members should sign up with Mrs. Oliver Oldman, at Kirkland 7-2293.

On Wednesday, April 2, Mrs. Mark DeWolfe Howe will speak to members on present trends in the theater and also will conduct a discussion on the problems of community theater projects. The meeting will be in the Wheeler Room of Holmes Hall.

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Ploscowe Criticizes Inadequacy Of Law In Dealing With Society's Sex Problem

Sex and the Law, by Morris Ploscowe. (N.Y., 1951) Prentice-Hall. 310 pp. \$3.95.

Combining as it does the two of the more interesting subjects known to man (and in proper order), this book compels the attention of the legal profession for many reasons.

First, it again emphasizes what many thinking lawyers and laymen already know—that the law is nowhere more inadequate and archaic, than when it deals with sexual matters. The evidence on this point is depressingly overwhelming. Judge Ploscowe, whose experience as a New York City Magistrate, and scholarly integrity well qualify him to speak, does not confine his explorations to the more patent examples of sex law; in addition to devoting space to such crimes as rape, sodomy, homosexuality, prostitution, fornication and the like, the author investigates the legal aspects of family relations, marriage, annulment, divorce, and illegitimacy.

Thus, for example, he finds that "Sex . . . makes a considerable difference in judicial attitudes toward annulments. . . . It is far easier to annul a marriage which has not been consummated by sexual intercourse than one which has." And this, of course, presumably even though the defects in the marriage status are as valid in the one instance as in the other. The only difference is that sex has reared its head, and this is the occasion for judicial blundering.

Again, consider the doctrine of "clean hands," as applied to divorce actions: here, it is a defense to a complaint based on sexual impropriety (adultery) that the complainant has been guilty of similar conduct; the court waxes indignant, the divorce is denied, and the happy marriage continues.

The reference to the court's attitude just made was intentional; for a second significant point, well made by Judge Ploscowe, is that one of the biggest handicaps to judicial reform in this area is the prissy, unthinking, emotional, socio-religio-approach of the judges in cases involving sex, especially in its "abnormal" aspects. Sometimes, they find it necessary to apologize for doing their job: "We regret," said one Virginia court, "that the importance of this question [whether *fellatio* is a crime against nature] renders it necessary to soil the pages of our reports with a discussion of a subject so loathsome and disgust-

ing as the one confronting us." Would anyone care to guess how the court decided the issue?

A third source of trouble is seen to be the indifference and incompetence of legislatures (mostly, we regret to say, composed of lawyers) in enacting sex statutes. The time and energy required for proper legislation, as Roscoe Pound points out in an introduction, "brings no political advantage to the legislator." Such matters, unhappily, do not command the close attention of either the public or press.

One further point—among the many excellently raised—which deserves notice in this brief review, is the utter and completely fantastic divorcement of law from reality wherever sex is concerned. To illustrate, consider that in Missouri, a man may be convicted of statutory rape—a crime presumably designed to protect the young and innocent—even though the girl involved is a married prostitute! Consider how the Mann Act with its stiff penalties, designed to wipe out the vicious White Slave Traffic in commercialized vice, has been applied, with judicial approval, to cases of rather simple marital philandering across state lines. Consider that in Tennessee, a girl may marry at 16, but cannot otherwise consent to sexual relations until she is 21, or that a child of 12 can, at common law, enter into a marital relation, but is not deemed to be mature enough to be a party to a simple contract!

Example after example might be adduced, and Judge Ploscowe supplies us with many. His cases are well chosen and presented, and his analysis is thorough; there is a considerable amount of law to be learned in these pages.

Whether Judge Ploscowe intended it or not, he has written what may be considered a monument to judicial, legislative, and social ignorance. Happily, he also points out the path to reform in most instances; his suggestions are acute and practical, although they are not all novel. But even if the author's remedies are not ultimately to be the ones adopted, he has ably and thoughtfully presented the need for them.

In the words of Dean Pound, "If the book does no more than make the public and in particular lawyers, social workers, and criminologists, wholeheartedly conscious of these . . . urgent needs, it will have justified itself fully." To which it should be added that the lawyer who is unaware of the patterns set forth in this work, is not being fair to himself, his profession, or his community which looks to him for enlightened leadership.

D. S.

AMES—(Continued)

p. m. Arguing the case will be the Wiliston Club, petitioner against the Casner Equity Club. On April 7 the third round will be held. The Cardozo and Kaplan clubs will argue. The final and fourth argument is scheduled for April 10, when the Scott Club will oppose the Jeremiah Smith Club.

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MAGUIRE—(Continued)

powdered sugar. I did not see, but often heard about, the tremendous occasion when a skirted visitor gracefully rested one foot on the gallery rail, removed an old-fashioned encircling garter, and cast it down into the roaring mob. Alas, this was leg-pulling in more senses than one. "She" was a man in disguise. It is readily understandable that for disciplinary reasons the eastern gallery had now and then to be closed to visitors.

Randall Hall Commons

The other main Harvard commons was in Randall Hall, which now houses the University Printing Office. Here the waiters were students, and meals, instead of coming as units, were ordered item by item. The itemized prices were low, running often into odd cents, and a man who needed to save money could keep body and soul together on very little—say \$3.50 a week. The customer, sitting at a long table, wrote out his order slip and waved it high above his head. Sooner or later one of the student servants charged through between the rows of chair backs, seized the slip, and bore it away. In time he returned with the food, usually landing it on the table but sometimes boggling the job and dumping at least part down somebody's collar. I did not like Randall so well as I liked Memorial.

In extra-curricular matters there was very little organized Law School activity. Moot courts operated enthusiastically but without much system or supervision. According to my recollection, there were no interclub arguments and no arguments at all by students in their second and third years. Upperclassmen of course gave varying amounts and quantities of advice and criticism to the floundering greenhorns, and members of the faculty sat on cases quite frequently.

Our class toward the end of its third year held a smoker, enlivened by an extremely funny student take-off of a faculty meeting and some melody including rendition of "Lazarus and Dives" by Professor Pound. It will be remembered that this song refers frequently to the nether regions. When it had been duly applauded, our classmate Eruben Hutchcraft of Kentucky was called upon to vocalize. "Hutch" had a quick wit, and we hoped he would be equal to the occasion. He was. Perfectly dead pan, he announced: "Mr. Chao (a classmate) has sung you a song of China. Professor

Pound has sung you a song of Hellum. I will now sing you a song of my native country."

Two other extra-curricular organizations, one ephemeral, the other enduring, deserve mention. In 1910 the Law School fielded a surprisingly strong football team. I saw them play an informal scoreless tie with the Harvard varsity, then coached by Haughton, and nobody's cream puff. Later the Law School beat the Carlisle Indians, a recognized grid-iron power, and engaged during Christmas recess in a game or two with Southern collegiate opposition. There were no huddles then, the quarterback barking out offensive signals in code. The Law School signal for a kick was: "Cooley on Torts!" It was said that our team tried—unsuccessfully—to introduce into the game a doctrine of non-prejudicial error for rule infractions. A few years later, by the way, a Harvard Law School student named Davis pitched a major league no-hitter.

Origins of Lincoln's Inn

During 1910-11 I became aware of what was either Lincoln's Inn or its legitimate ancestor. This dining club occupied an attractive old house at the northeast corner of Church and Brattle Streets, where nowadays one sees only an unimpressive block of low stores. The house overlooked a front lawn used by club members for game of mumbledy-peg, at the close of which losers were compelled to dig out with their teeth pegs driven deep into the ground. One such loser emerged begrimed and nauseated, quickly fleeing the scene of his defeat. He had missed the peg and bisected a worm.

Holmes Field, east of Langdell Hall, had in 1908 nothing like its present arboreal adornment. We sometimes batted up flies on this area, but the practice was discouraged and discontinued after we broke a window in a nondescript laboratory building, later a children's museum, which stood near where the Computation Laboratory now is. Our legitimate muscle-stretching place was the old Hemenway Gymnasium, pulled down not so long ago to make space for Littauer Centre. Here were outdoor handball and squash courts, a large number of dreary exercising machines, miscellaneous gymnastic apparatus, a fairly large exercise floor, and—above this—an oblong wooden running track, not fit for racing but perfectly good for jogging a mile or two if one felt so inclined.

We Coloradoans were accustomed to walking and climbing in the wide open spaces. Now and then we broke loose from Cambridge on long walks. One Saturday between Thanksgiving and Christmas of our first year we gathered unto ourselves a Nebraskan named King, started west after lunch, and tramped clear to the Wayside Inn. Having dined well at this hostelry, we turned out into what I remember as a very black night and foot-slogged our way into the Framingham, where we sat wearily on the edge of the sidewalk in front of the Town Hall until a Boston & Worcester trolley came along.

Again in the early autumn of 1909, when School adjourned for the inauguration of President Lowell, we went to Concord, thoroughly inspected on foot every matter of historic or literary interest, including burying grounds, and then walked to Walden Pond. It was a hot day and the Pond was quite deserted, so we peeled off our clothes and swam. How we got back to Cambridge I do not know—maybe by shanks' mare. If so, we needed another bath.

There was about the school in 1908 an atmosphere of tremendous self-confidence. If you won through to your degree, you were ready to tackle anything, and learn how to do it, to look every man in the eye and tell him where to go. The physical plant, although then regarded proudly, gave not even a forecast of what we have now. Austin Hall, mellowed and grimy, was in full and active use. Langdell Hall, only recently built and confessedly incomplete, looked an odd stub of a building, the southerly three-sevenths of its present long colonnaded member. For dormitories we had the use of Walter Hastings and part of Perkins. A sweep of tennis courts covered all the ground now filled by the Graduate Housing.

Nor was the faculty impressive by number. Every member, though, was learned, versatile, and determined. Of the leaders, only the incomparable Professor Williston remains visibly with us, but Ames, "the good Dean," and Gray, Beale, and "Bull" Warren are unforgettable, and I shall always be grateful to the highly practical Judge Smith for teaching how to tear the vitals out of a case and get them down as a written abstract. Professor Wambaugh, a man of infinite erudite precision and elvish inner mirth, puzzled the students not a little; he moved them deeply, however, by his beautiful eulogy of Ames, delivered in class a day or so after the Dean's death.

Running through old School reports, I find that "Bull" Warren was one of the two chief workhorses. In 1908-09 he taught and examined 680 students, members of all three classes in a total student body of 690. In 1909-10 he handled 754 of a total of 765. In 1908-09 Dean Ames had in his courses the staggering number of 864, teaching many men twice and simultaneously carrying the load of administration. This was calculated to kill, and it did. The Dean died January 8, 1910.

The Dean's death brought home to his students a dire sense of personal loss. We went together to the funeral service in old Appleton Chapel, first having stood outside bareheaded in two long lines, between which the hearse drove on its way from the Yard gate to the Chapel entrance. It was a chill winter day, with patches of ice on the ground, and I can remember seeing men slip and fall as we waited in those lines.

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Change was afoot, as in Harvard it always has been, and the passing of Dean Ames hastened the coming of new men and projects. When the Dean fell ill a hurry call went out to young Austin W. Scott, then in his very first year of practice with a New York City firm. Considering what Ames had been to the School, Scott was a brave man to take over as his replacement. Do it he did, and in full measure; he taught 546 students his very first year, meanwhile shuttling back and forth between New York and Cambridge—and getting, it may be remarked, pretty penny-pinching compensation at both ends of the shuttle. Some of my classmates tried a bit of disrespect on the young teacher, but he took care of them properly. Before my third year ended in 1911, Scotty was solidly established.

Ezra Ripley Thayer, son of the great James Bradley Thayer, succeeded as Dean, and what a helpful, companionable human being he was! Highly intelligent, ripened by long successful experience at the bar, he had impulsive friendly interest in the individual students and a driving desire to do his job well. Like Ames, he burned himself out in the service of the School, dying shortly before the opening of the academic year 1915-16. During Thayer's very first year, there went into effect two innovations which have broadened down to the present day.

Six members of the third year class were appointed student advisers, and with that appointment the elaborate Ames Competition began to take form. Also provision was made for one year of graduate study leading to the doctor's degree in law—an enlargement of educational aims which has greatly influenced law teaching in every corner of the United States, and had no mean consequences the world over. At the same time, as successor of Judge Smith, to the School came Professor Roscoe Pound, who from the moment of his arrival played a leading part in the scheme of graduate legal study, and followed Thayer to serve as Dean for more than two decades.

Much of the old ended, and an even greater part of the new began, during my three student years. It was a time of healthy transitional growth. Always the more the School changes, the more she remains her true self.

FORUM—(Continued)

lachian Spring." Mr. Copland last appeared at Sanders Theater to speak on the subject of "Music and the Imaginative Mind" for this year's Charles Eliot Norton lecture series.

Known for his opera commentaries as master of ceremonies on the Metropolitan Opera News of the Air, Mr. Goldovsky has had a varied musical career. Born in Moscow, he studied at the conservatory there, in Berlin with Schnabel and Kreutzer, at the Budapest Conservatory, and at the Sorbonne in Paris. He made his professional debut with the Berlin Philharmonic at the age of 13, and toured extensively throughout Europe and the United States, where he has appeared as guest soloist with leading orchestras.

In 1947 Mr. Goldovsky won the Musical America Special Award for the best musical script of the year in connection with his Met broadcasts. He staged and conducted the first television production of Bizet's *Carmen* for the Columbia Broadcasting System in 1950.

Professor Geiringer is Chairman of the Department of Music History and Musicology at Boston University. He received his Ph.D. from the University of Vienna and served as curator for the archives and instrumental collections of the *Gesellschaft der Musikfreunde* in Vienna from 1930 to 1938.

SBA—(Continued)

the mayors of Marlboro and Lowell, on charges of bribery. Subsequent agitation after these trials led to the adoption of Plan E in Cambridge.

Other notable prosecutions handled by Mr. Bradford include that of Raymond Woodward, 15 year old Woburn sex murderer, and the trial of Giacomazzi and Wickerson for murders in the course of an armed robbery.

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