

The Harvard Law School Record

VOL. 14 No. 9

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PRICE TEN CENTS

Ray Falls Elected To Head Ten-Man Law Review Board

Raymond L. Falls of Youngstown, Ohio, will preside over the ten-man editorial board of the *Law Review* next year. His election was announced recently along with that of John B. Jones of Radnor, Pa., who was chosen treasurer to fill the only other elective office on the Board.

Falls was guided by the balloting in appointing second-year members to the other editorial positions.

Other new officers are Gerald Gunther and David Abrams, both of Brooklyn, note editors; Martin F. Richman of White Plains, N. Y., and Aram J. Kevorkian of Philadelphia, case editors; Wayne G. Barnett of Las Vegas, Nev. articles editor; Kenneth L. Karst of Cambridge, book review editor; William B. Matteson of Mount Vernon, N. Y., developments editor; and Charles F. Hawkins of Brighton, director of legal research.

The balloting, which lasted almost 23 hours last Tuesday and Wednesday, was

Philosophy Major

Falls was ranked third in the class of 1953 with an 80 average. He majored in philosophy at Wooster, where he graduated first in his class. His non-academic activities at college consisted primarily of intercollegiate debating. He is a member of the J. Smith Law Club, in addition to serving on the *Review*.

His father, a practicing attorney, is dean of the Youngstown University Law School. Falls plans to marry this summer and will become the sixth married member of the new editorial board.

Jones majored in government in his undergraduate days at Harvard College and also worked as a student administrator of the Salzburg seminar while at college. At the end of his freshman year, Jones left Harvard to spend two years in Germany and France, working with the American

(See REVIEW on page four)

NEW PRESIDENT



Raymond L. Falls

Williston, Casner Equity Vie In Ames Quarterfinal Round

Williston Club will argue against Casner Equity Club in the second round of the Ames Quarterfinals tonight at 8:00 in Longfellow Courtroom. The case before the Court is that of 500 Main Street, Inc., Petitioner-Appellant v. The City of Austin, Respondent-Appellee, and involves the validity of a zoning ordinance.

On the bench will be the Hon. Jesse W. Morton, LL.B. '05, a Justice of the Mass. Superior Court, as Chief Justice. Joining him as Associate Justices will be Frank L. Kozol, LL.B. 1927, and John R. Halley, both practicing attorneys in the Boston area.

Forbidden to construct a one-story building on his property by a city ordinance which permits the construction only of three-story buildings, petitioner,

Casner Equity Club which will argue that the ordinance is reasonable and in the best interests of the city.

Buckley, Gorman Oralists

Brian J. Buckley of Chicago, and Frank D. Gorman of Middletown, Conn., will be oralists for the Williston Club. Counsel for the brief are: Donald F. Clarke of Sykesville, Md.; Dale A. Derr of Millville, Pa.; Frederick Fagelson of New York City; John C. Kuniholm of Gardner, Mass.; William S. Lynch of Woodside, N. Y.; Thomas J. Schwab of New Orleans.

Arguing for the Casner Equity Club will be Oliver S. Oldman of Buffalo; and Julian H. Singman of Washington, D. C. Club members who participated in preparing the brief are: Donald T. Bryant of Sherman, Texas; John A. Curtiss of Garrett Park, Md.; Robert E. Mansfield of New London, Conn.; Robert C. Prem of Baltimore; James E. Ryder of Charleston, W. Va.

The third round of the Ames Quarterfinals will be held on Friday.

(See AMES on page three)

Prof's Wife Just Protects His Mind, Mrs. Kaplan States

"As soon as his appointment is completed, the faculty wife reaches an age between 50 and 60, and stays that way for the next 30 to 100 years," Mrs. Benjamin Kaplan told a Coffee Hour audience last Tuesday, in her lecture, "The Other Side of the Coin," an analysis of the trials and torments of a faculty wife.

Mrs. Kaplan, a free lance writer and the author of *Mink On Weekdays*, explained that with the husband's appointment the faculty wife changes "from a human being into a trustee."

Delineating this metamorphosis, Mrs. Kaplan proceeded to outline the duties attendant upon a faculty wife. This "new woman" becomes the trustee of a great mind. She must take care of the carpentry, the children, stoke the furnace, and be cook, maid, laundress, and many other things. "None of these things are the function of a professor at a university; he only has one function; confidentially, he thinks."

Other responsibilities impinge upon a new faculty wife's sense of an ordered society. As a newcomer, she is "wined, dined, and teated,—most especially, teated." She must also do a certain amount of entertainment, and be an active member of civic organizations.

The faculty wife, Mrs. Kaplan continued, feels the duty "to take one or more courses to improve her mind," and as a mother, she must be outstanding in certain tasks. The children of a faculty member are under instructions as soon as they can lisp out their first words,— "Daddy muth not be dithturbed!"

She warned that law students must not conclude that faculty wives have any knowledge of the law because of their intimate association with the great minds. The Rule in Shelley's Case is "to the best of their (faculty wives') knowledge, a yardstick found in the poet's coffin." Several first year students then loudly averred that it was so to the best of their knowledge.

Student Dream Of High Court Hearing Ends In Nightmare Of Fiendish Judges

The other night, in a fit of nocturnal neurosis, we were swept up in a phantasmagorical nightmare depicting in detail, what purported to be our future legal career. At one high point, we found ourselves entering the Taj Mahal, in India, and hurrying into a cavernous chamber just as a booming voice said: "The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States . . ." Before we could ponder on this curious turn of events, we found ourselves thrust forward to the speaker's stand, and the Chief Justice was saying, "Proceed, counsel."

In a flash, we seemed to know the case under consideration, and we launched into our argument. Suddenly, the faces of the famous nine justices blurred and when we could see again, lo, there were the faces of nine Harvard Law School professors, all grinning at us, and preparing devastating questions. Well, when we finally awakened from this dream, in a bath of perspiration,

we remembered some of the questions and answers, but we could not remember which of the professors had been on the court. Perhaps, some readers can help us out by recognizing the professor from his questions and demeanor. We would really like to know.

Burden of Proof

As we remember, the case presented a burning issue of the day, to wit: Who has the burden of proof in a criminal prosecution, when the defense of insanity is raised? The questioning proceeded as follows:

(See DREAM on page four)

Inroads Into Fair Trial Procedures Deplored In Recent Chafee Speech

The strongest argument for free speech is that it gives us a better country to live in, with fewer suppressions, animosities, informers, heresy trials and more scope for initiative.

With these words University Professor Zechariah Chafee, Jr., summed up his review of 35 years with freedom of speech recently in the second annual Roger N. Baldwin Foundation address at Columbia University's McMillan Theater.

"The question which ought to be asked all over the country in 1952 is 'Why do people join the Communist Party of America and what can we do to make them want to get out of it and lead law abiding lives?' Professor Chafee said.

Comparing present events with the period of struggle and criminal prosecutions, running from the outbreak of World War I to 1920, he pointed out that "the danger of bad acts is greater."

Communism Stronger

"Communism is no longer the political philosophy of an embryonic government beset on all sides by civil war, but is backed by one of the most powerful

nations on earth," he declared.

As far as "internal bad acts" are concerned, Professor Chafee said, "the techniques of espionage have improved" greatly during 30 years and "opportunities for spying and stealing secrets are vastly greater because there are more secrets to steal.

"Yet these new objective perils do not ipso facto call for suppression of ideas," he declared. "Foreign attack is a mat-

(See CHAFEE on page four)

Last Clear Chance

Two orchestras and outdoor dancing will highlight this year's Last Clear Chance at Harkness Commons, April 26, 8 p. m. to midnight. Dress is semi-formal; admission by Dorm Activities card only.

Entertainment will be provided by a Barber Shop and Novelty Group singing contest. Groups wishing to compete should contact Harvey Krieger, 2L, 302 Story Hall, or Allen Newmark, 1L, 201 Holmes Hall, by next Thursday. Prizes will be awarded

Forum Panel Finds Today's Music Good

For the final program of its spring series the Harvard Law School Forum presented a conductor, a composer, a critic and a professor in a discussion of "Modern Trends In Music" in Sanders Theatre last Friday evening.

The controversial aspects of contemporary music were analyzed by a panel which included Arthur Fiedler, conductor of the Boston Symphony "Pops" Orchestra; Walter Piston, Professor of Music at Harvard University; Professor Jules Wolfers, music critic for the *Christian Science Monitor*; and Professor Karl Geiringer of the Boston University School of Music.

Martin Bookspan, director of classic music at WCOP served as moderator. Professor Piston and Prof. Wolfers spoke in place of Aaron Copland and Boris Goldovsky, who were unable to attend as originally scheduled.

Historical Perspective

Professor Geiringer described modern trends in music in the light of their proper historical perspective. Under the title "Renaissance and Gothic Analogies in Modern Music," Professor Geiringer, who is an expert on Brahms and Haydn, represented the "new" in contemporary music as a revival of features which can be traced back to the late Renaissance.

In the overall development, he saw a "magic tie which joins the old and the new. While we think we progress, we never change. Time and again we reach a point where centuries ago our forebears stood."

Modern Music's Challenge

Walter H. Piston, Walter W. Naumburg Professor of Music, spoke as "a much-performed contemporary" on the challenge of modern music. He alluded to the extreme case of those persons "who throw their concert tickets away if the orchestra is performing the work of a composer not yet dead," but added that it was "unreasonable to assume that everyone should be interested in

(See FORUM on page four)

TONIGHT'S AMES ORALISTS



From left to right: Brian J. Buckley and Frank D. Gorman of the Williston Club; Oliver S. Oldman and Julian H. Singman of Casner Equity.

A political cartoon by Johnny. It depicts a man in a suit and tie, holding a handgun high in his right hand, standing over a man and a woman. The man in the suit has a name tag that says 'GARDNER'. The man in the foreground is holding a sign that says 'Recorder'. The woman is sitting next to him, looking distressed. The cartoon is signed 'Johnny' in the bottom left corner.

COUNSEL IN THIRD ARGUMENT



From left to right: Richard J. Graving and Marcus Aaron, II, of the Cardozo Club; Jerome Shelby and Allen E. Kline of the Kaplan Club, who argue next Tuesday.

AMES—(Continued)

finals will be argued on next Monday at 8:00 p. m. in the Courtroom with the Cardozo Club competing against the Kaplan Club. *Randolph Peterson, Petitioner-Appellant, v. Public Utilities Commission of Ames, Respondent-Appellee*, is the case the court will be called upon to decide.

Justice Halpern Presides

Presiding as Chief Justice will be the Hon. Philip Halpern of the Eighth Judicial District of the Supreme Court of New York. The two Associate Justices on the bench will be Rueben L. Lurie, LL.B. '26, and Benjamin A. Trustman, LL.B. '25.

Petitioner, represented by the Cardozo Club, maintains that the order of the Commission, defended by the Kaplan Club, which permits the use by a bus company of radios in street cars and buses, is a violation of the Fourteenth Amendment since it deprives riders of liberty and property without due process of law. In addition, the petitioner claims that the order of the Public Utilities Commission is inconsistent

with the public convenience, comfort and safety because it imposes forced listening on passengers. The reply of the Commissioner contends that the radio receivers are not contrary to the public welfare and safety and have been accepted by a majority of the riding public, as indicated by an opinion poll.

Oralists for the Cardozo Club are Marcus Aaron II of Pittsburgh; and Richard J. Graving of Duluth, Minn. The brief was prepared by W. Louise Florencourt of Arlington; Theodore M. Gemberling of Marseille, Ill.; Nathan Hershey of Bronx, N. Y.; Ronald Marsching of New York City; Hugo J. Melvoin of Highland Park, Ill.; George S. Parlin, Jr. of Glen Ridge, N. Y.

The case for the Kaplan Club will be argued by Allen E. Kline of Atlanta, and Jerome Shelby of Bronx, N. Y. Counsel who assisted in writing the brief are: H. Robert Feinberg of New York City; James Noonan of Brookline; John P. Olin of Minneapolis, Minn.; John Reinartz of Middletown, Ohio; Richard A. Wiley of Springfield; Dominique A. Wyant of Atlanta.

NEWS IN BRIEF

LECTURE ON FEPC

The Law School Southern Club will meet tonight at 7:30 in the Meeting Room of Harkness Commons. Elwood S. McKinney of the Massachusetts Fair Employment Practice Commission, a nationally known lecturer in this field, will be the principal speaker.

YOUNG DEMOCRATS

The Democratic Club will hold a general membership meeting for the election of officers next Tuesday at 2:30 p. m. in the Wheeler Room.

1L STUDY GROUPS

As section assignments for students entering the second year next September will be made within a few weeks, stu-

YEARBOOK AIDES WANTED

All first year students interested in working next year on the Harvard Law School Yearbook (a paying proposition) are asked to come to the Yearbook Office in Hastings Hall today between 12 noon and 1 p. m. to speak to Alan Ives, 2L. If unable to attend at this hour, please leave your name with the Yearbook secretary, and you will be contacted.

LAW WIVES PARTY

The Harvard Law Wives will give a bridge and canasta party on April 9 at 8:00 p. m. in the Wheeler Room, Holmes Hall. All members are urged to attend so that nominations for next year's officers may be made.

BAR EXAMS

Candidates for degrees in June who plan to take bar examinations in the spring or summer should write now to their respective State Boards of Law Examiners, requesting the necessary application blanks.

Upon receipt of application form and other papers, each applicant should leave his name and any form requiring law school certification with the Receptionist in Langdell. Specific information about the New York procedure is available at the Receptionist's desk.

CHANCERY CLUB OFFICERS

At the annual Chancery Club banquet, officers for the coming year were named. John P. Reinartz, 2L of Middletown, Ohio, is the new Chancellor, replacing Robert H. Hamlin, 3L of Co-2L of Boston, who succeeds G. Edward Brooking, 3L of Lexington, Ky.

Treasurer will be Robert Van P. Waterman, 2L of Bettendorf, Iowa, succeeding William J. Hartwig, 3L of Oconomowoc, Wisc., while Thomas E. Leggat, 2L of Lowell, will take over the Secretary's job from Eugene S. Leggett, 3L of Washington, D. C.

New Alumni Secretary is Jack M. Stark, 2L of Green Farms, Ct., replacing Daniel A. Austin, Jr., 3L of Hartford.

New members at large of the Board of Governors are Richard R. Fernald, 2L of West Newton, and John M. Bixler, 1L of Washington, successors to Reinartz and Brockman Adams, 3L of Seattle, Wash.

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**Comic Book Censorship
Turned Down By House**

Three bills dealing with censorship of publications recently were reported out unfavorably by a legislative committee of the Massachusetts House of Representatives.

The first proposed law, House Bill 1095, provided for a commission to supervise censorship, and also required that "no person shall sell or offer for sale any book or magazine without obtaining from the commission a license." Criminal penalties were set out for operating without a license.

A second bill, House Bill 237, would set up a censorship board and a licensing arrangement for anyone engaged in the business of "selling, lending, or distributing any books, magazines, pamphlets, or comic books." The duty of the board would be to examine and ban, on the complaint of 10 or more parents, any printed matter deemed to be "lewd, obscene, indecent, or impure, and would tend to corrupt the morals of any adult or child."

The third piece of proposed legislation, House Bill 1898, would create a three-man board in the Department of Public Safety "to supervise and censor the sale and distribution of all comic books."

In New York Governor Dewey has before him for signing a law recently passed by the state legislature calling for regulation of "crime comics." The measure was under heavy attack by some civic groups when it was being considered.

Measures to control the sale of comic books because of their allegedly deleterious effect on children's minds also were being considered by the legislatures of other states. Should these statutes be passed and litigation as to their application later arise, it is likely that state counsel would have to overcome the prohibition of the First Amendment, as well as *Winters v. New York*, 333 U. S. 507, 92 L. Ed. 840 (1948).

BOARD—(Continued)

both first and second years on a well-defined program, but the ultimate success of such a program depends on the clubs themselves," the announcement stated.

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FORUM—(Continued)

modern music." It is like mountain climbing: "Art is not intended for those



Arthur Fiedler

who don't want it," he said.

The challenge, maintained Professor Piston, comes when the listener has made an effort to understand and appreciate. "No work is completely barren," he said, and it is the listener's job to find out what the new work has to communicate.

He deplored the ever increasing absorption of the individual by the masses

CHAFEE—(Continued)

ter for generals and spies can be handled, like other regular criminals, by trained federal and state police."

He said the spiritual health of the nation is far better than in 1919 "and it has much greater immunity to revolutionary radicalism."

Professor Chafee decried the present day inroads on the traditions of fair trial and warned that there is a growing inclination to turn spies into heroes.

"One of the earliest lessons learned by children is that tale-bearing on one's comrades is a dirty business," he said.

"The worst spy of all is the renegade," he revealed. "He already has double-crossed the community by engaging in

and urged his listeners not to catalog and pigeon-hole new composers, and then forget them.

"The Responsibility of the Music Critic" was the topic of Mr. Wolfers, professor of music at Boston University. "Ideally, the responsibility of the critic is heavy," he said, "for it presupposes that he knows enough about the past to appreciate the present."

'Unconscious Educator'

The critic is an "unconscious educator" who, in serving as an historian while at the same time expressing an opinion on contemporary music, is a vital "link between the new and the old."

Mr. Fiedler stressed the responsibility of the conductor to "keep up with the times." A mass of unsolicited material pours in daily and yet it is difficult to find new music which will appeal to an audience, he revealed.

Mr. Fiedler described his method for scheduling new works, stressing the importance of pleasing, not shocking, those listeners who come for "sheer entertainment" as well as good music. He felt that the reaction of the audience to the performance of new works is on the whole "rather good." A conductor always regards "a first performance as a feather in his cap," he added.

Coordinators for the forum were Arthur Ecker, 3L, and Martin Hertz, 2L, both of New York City.

wrong-doing and then double-crossed his associates by deserting and helping to punish them.

"After such experience, truth telling does not come naturally," Professor Chafee declared.

Risk of Perjury

"This is not to say spies in political trials will not tell the truth," he added, but warned there is much greater risk of false testimony from spies than from ordinary men, "since the very nature of the spy's work requires lying."

He pointed out the great advantages offered by open discussion, adding that "honest differences of opinion today are treated like moral differences."

DREAM—(Continued)

Justice A.: Isn't everyone presumed to be sane? A. Well, not necessarily. Q. Ah, then we're all insane? Congenital insanity? A. My clients have a background of— Q. You were going to say these birds are crazy but the rest of us are all right? I suppose, a fortiori, this court is sane.

Justice B.: Sanity is an affirmative defense, what? A. It depends, your Honor. Q. What, what?

Justice C.: (Chuckling with a disarming twinkle in his eyes). Take this case, counsel. Suppose D has just been released from an insane asylum, and committed a shocking crime. This happened on Chinese New Year's Eve, and in the meantime, D's doctor discovers that he meant to release X, instead of D, so he looks for D and, thinking Z is D, locks up Z by mistake, thus allowing D to be free to murder V. What are the rights of the parties? A. Huh? Er... who's X? Q. Oh, X is

REVIEW—(Continued)

Friends Service. Upon graduation he plans a career in international law.

Treasurer Duties Changed

As treasurer his duties include acting as a roving editor in addition to



John B. Jones

handling all business matters for the publication. Formerly the treasurer's non-business activities were as assistant case editor.

The modification of the treasurer's duties was made possible by enlarging the editorial board to include a second case editor.

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D's twin brother, of course. Just got back from Trinidad, as a matter of fact. A. Er... well, I think D's madness seems well established, in this case.

Justice D.: Q. (Raising an eyebrow). Would you say, counsel, that "If this be madness, yet there's method in 't?" Hmm?

Dirty Business

Justice E.: Q. It certainly sounds like dirty business to me. Not according to Hoyle, at all.

Justice F.: Q. I agree. This D had the ball, but he fumbled it, and X is out in rightfield without getting his chance at bat. A. But your Honor, it seems we are straying from the issue. Q. I don't know about that. I'm for picking up our marbles and going home, now.

Justice G.: I don't think it's so all-fired easy as that. This is a real crack-jack twister, and I'm staggered, yes sir. By Golly, I'll have to think about this one.

Justice H.: (Tugs at his right sleeve, tugs his left sleeve, straightens his tie, coughs once and begins). The law is as follows: The Federal courts and this court have settled the question; the rule is that insanity is an affirmative defense, and the defendant has the burden of raising a reasonable doubt as to his sanity. I see no reason for re-opening the issue. A. I am sorry to dis—

Chief Justice: Q. What's that you say, speak up! Let me hear ev-er-y syll-a-ble. Make the words BOUNCE OFF THE WALL! A. Well, sir— Q. What's that? "Sir"? That's not the word. Won't have it, I tell you. Won't have it in the room!

It was at this point, that we awoke, trembling and cold. Oh, Lord, please, please, don't let it ever happen again! D. M. SKLAR

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Alumni Notes

LL.B. '38—Philip Bergson recently participated in the formation of a partnership, Lyon, Wilner and Bergson, for the general practice of law as well as practice before the Federal Communications Commission and other government agencies in Washington, D. C.

LL.B. '47—Charles O'Gara, until recently on the staff of the United States Attorney at San Francisco, has resumed private practice with the firm of O'Gara and O'Gara, also of San Francisco. During his two-year term with the U. S. Attorney, O'Gara played a part in the investigation of the local office of the Bureau of Internal Revenue.

LL.B. '51—William S. Hack, presently Faculty Assistant in charge of the Ames Competition at Harvard Law School, will join the New York firm of Cadwalader, Wickersham and Taft on July 7.

Ex—'52 First Lt. Andrew L. Clark has graduated from XVI Corps Leaders' School at Camp Matsushima, Japan. Lt. Clark, a member of 1st Cavalry's 8th Cavalry Regiment, was chosen for the four-week course in character guidance, instructor, training, arms training and unit exercises, after almost a year's service, since his recall to duty last April.

MUNICIPAL APPOINTMENTS

The City of Philadelphia has appointed as Assistant City Solicitors, Matthew W. Bullock, LL.B. '47, Richard D. Solo, LL.B. '48, and Richard H. Markowitz, LL.B. '49.

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