

Mr. Pulling

The Harvard Law School Record

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PRICE TEN CENTS

Moot Court To Hear Appeal In Assault And False Imprisonment Case Tonight

Julian West, local jeweler, faces charges of false imprisonment, assault and battery, and invasion of a right of privacy before Judge Peter Woodbury, First Circuit Court of Appeals, in Langdell Courtroom tonight at 7:30.

The plaintiff, Diane Parr, 23, of 21 Green St., who is represented by Prof. Arthur E. Sutherland, alleged in her complaint that West, who is represented by Prof. Richard H. Field, confined her in the office of his store, Julians', on April 26.

This action, Miss Parr alleged in her complaint, "was against her will [and] wrongfully and unlawfully, [she] . . . was confined by defendant's use of force."

She also stated in her complaint that West "committed a battery . . . in order to prevent her escape."

Thought She Was Thief

According to sources close to the defendant, the defense will be based upon



Defendant Diane Parr

assertions that Jeweler West was within his rights as a storeowner in detaining Miss Parr when he had reasonable suspicion that she might have substituted a cheap ring for a valuable one stolen from the store.

Mr. West associated Miss Parr with a young lady described by a Jeweler's Association circular as having committed a series of switch thefts in the city.

Claims Privacy Invaded

Also charged by Miss Parr was that West "against [her] will read and published the contents of a private letter belonging to [her] . . . which letter contained information that was greatly embarrassing to [her]."

A motion to strike the invasion of privacy charge from the complaint has been made by defendant's counsel, Field, on the grounds that the facts are insufficient to show a cause of action.

Harvard Law Wives Will Hear Speakers

Mrs. Myles Baker, advisor for the Harvard Wives, and Mrs. Lydia Weare, head of Cambridge School for Adult Education, will speak at the first meeting of the Harvard Law Wives next Wednesday at 8 p.m., in Harkness Commons.

The group invites all wives and woman students of the Law School to attend so that they may become better acquainted with the Harvard Law Wives and their activities. A bridge and canasta tournament will be held at the next meeting.

The officers for the current year are: President, Mrs. Joseph B. Carney; Program Chairman, Mrs. Sydnor I. Davis; Recording Secretary, Mrs. John W. Barnett; Corresponding Secretary, Mrs. Milo E. Shadle; Treasurer, Mrs. George Chimples; Social Chairman, Mrs. Donald W. Conley; Hospitality Co-chairmen, Mrs. Robert L. Frantz and Mrs. Theodore B. Roessel; and Public Relations Officer, Mrs. Robert A. Riegert.

Officers of the organization come from seven states: Mrs. Carney from Indiana, Mrs. Davis and Mrs. Frantz from Kentucky, from Mrs. Barnett from Connecticut, Mrs. Shadle from California, Mrs. Chimples and Mrs. Riegert from Ohio, Mrs. Conley from Illinois, Mrs. Roessel from New York.

Admission to the Courtroom will be limited to first year students and members of the faculty for tonight's trial, according to court officials.

Dorm Council Lists Coming Hop Dates

Dormitory Council activity cards are now on sale at \$1 and may be purchased from Council members.

Dances as listed are: Oct. 25, Dormitory Council, four piece orchestra; Nov. 1, Graduate Council, record dance; Nov. 8, Dormitory Council, four piece orchestra; Nov. 15, Graduate Council, record dance; Nov. 22, Law School Committee of Phillips Brooks House, formal, additional charge; Nov. 29, Dormitory Council, record dance; Dec. 6, Graduate Council, record dance; Dec. 13, Dormitory Council, semi-formal, big orchestra. These dances will be held in Harkness Commons. Activity cards will not be available at the door.

Law students of Perkins and Conant Halls, formerly without legislative recognition, will send their first representative to the Law School body. Membership in the Council, with the delegate from Perkins Hall, will total 22.

Committee chairman announced by President Harvey Krieger at the Oct. 7 meeting include: Don Mintz, Social; Harold Godlin, 3L, of Stamford, Conn.; Judicial; Winfield Craven, 1L, of Kenilworth, Ill.; Buildings and Grounds; Paul Mazza, 1L, of State College, Pa.; Publicity; Robert Jacobs, 2L, of Chicago; Dining Hall; Burton Resnic, 3L, of Holyoke, Ad Hoc.

Wellington, Bateson, Schwartz, Inker, Fleming, McCoid New Teaching Fellows

The mock trial to be held tonight (see story elsewhere on this page) was planned by the Teaching Fellows, as part of their program to help first year students through the mysteries of the law. Brief biographical sketches of all of the Fellows appear below:

RICHARD G. BATESON

Private comparative law is the main interest of this Harvard Law School graduate. Mr. Bateson graduated cum laude in 1951 and as a result was awarded a Fulbright Scholarship that fall to the University of Grenoble in France to study law. While there he took courses only in French civil law. It was the comparison of the French legal system based on a code as compared to the Anglo-Saxon common-law system that aroused his interest.

Mr. Bateson explains that law teaching in France was the lecture method with very little reference to cases. He encountered no case method of instruction while he was studying in France. He did notice that French professors and students are growing more interested in American law and instruction.

Economics Major

He is 28 years old, married, and has one son. He majored in economics in college and graduated in 1947 with an A.B. degree from Amherst where he was a member of Phi Kappa Psi social fraternity and Phi Beta Kappa. His college career was interrupted for three years when he joined the Ninth Air Force in 1943 and became attached to the Meteorology Department. He served in France, Belgium, and Germany.

Upon his return to civilian life he accepted a position in the economics department at Amherst. In 1948 he entered Harvard Law School and was admitted to the Massachusetts Bar in 1951 after graduation.

This past summer he was associated with the law firm of Mintz, Levin, and Cohn in Boston. Mr. Bateson was engaged in a general practice.

Six Professors To Take Political Positions In Discussing Topic 'How The Faculty Votes'

Six members of the faculty will put aside classroom impartiality when they meet to reveal "How the Faculty Votes"—a special program presented by the Harvard Law School Forum tomorrow at 8 p.m. in the Courtroom. Heading the list of speakers—but on opposite sides of the political fence—will be Dean Erwin N. Griswold and Associate Dean David F. Cavers. A similar program was given just before the 1948 elections.

Lining up with Dean Griswold in support of the Republican candidate for the Presidency will be Professors W.



David F. Cavers



Erwin N. Griswold

Barton Leach and Robert Braucher. Joining with Dean Cavers in advocacy of the candidacy of Gov. Adlai Stevenson are Professors Mark DeWolfe Howe and Donald H. Wollett.

Program To Be Free

Professor Arthur E. Sutherland will serve as moderator in the debate on the men and issues. The coordinator for this program was Mathew Foner, 3L of Brooklyn. It has been decided to make this a free program. Students who have already purchased tickets at 35c have the option of contributing the money to the Forum to support the series of Legal Programs or they may receive refunds from the Forum office at 23 Everett St.

Dean Griswold's support of Eisenhower was first made public nationally when his picture appeared in a *Life* article as one of many educators backing the General. Professor Braucher has been active in the campaign as a leader in Belmont, Mass., Young Republican organization.

Professor Leach has chosen to deal with our defense policy, inflation, and the Korean stalemate. Professor Braucher will concentrate his attack on the need for a change and the quality of candidates on the state level, centering his attention on Massachusetts.

Professor Howe, who was one of four professors debating national election

(See FORUM on page four)

Berger's 'Equality By Statute' Reveals What Law Can Do About Racial Bars

(Columbia University Press, \$3.25)

Frequently, it is said that, "You cannot legislate morality." Or, to use the more magisterial language of Justice Brown in *Plessy v. Ferguson*, "Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences." This book by Dr. Berger is a scholarly and penetrating refutation of this philosophy.

The object of this interesting and well-written book is to answer the question: "What can or cannot be done by law and what should or should not be

attempted to be done by law in the field of racial and religious discrimination?" And, in a review of the changing role of the Supreme Court, the operation of the New York Law Against Discrimination, and evidence from sociology, social psychology, and psychoanalysis, Dr. Berger cogently argues that, "Law can help establish those fundamental conditions of social life which encourage free association of all groups on a level of equality and which discourage prejudicial attitudes."

"Mirror" Philosophy Attacked

Dr. Berger attacks the soundness of the so-called "mirror" philosophy of law. This is the philosophy that contends that law is nothing but a crystallization of the mores and beliefs of the society. The weakness of this school of philosophy is that it overlooks the educational effect that law has.

The theory that people will obey laws they like and disobey those they dislike, Berger claims, is too simple "under the

(See DISCRIMINATION on page three)

INTERNATIONAL RESEARCH

Foreign Legal Scholars Visit Law School

With increasing interest shown in International and Foreign Law, Harvard invites and attracts legal scholars from all over the world, according to William S. Barnes, LL.B. '42 ('47), Director of Foreign Law Research.

This year five prominent foreigners will spend extended periods of time at the University, in addition to the many visitors who stay for only a few days. These visits are a result of the Law School's endeavor to attract students and teachers from other countries.

Shridhar G. Chitale, Principal and Professor of Jurisprudence at the Government Law College, Bombay, India, will spend 10 months in the United States. Under the auspices of the Ford Foundation, he will, while he visits six American law schools, use Harvard as his headquarters. Prof. Chitale will study the method and organization of American legal education. As a representative from the National University Students of Bombay, he will also study campus life.

Finds Sports De-emphasized

Prof. Chitale is impressed with the serious attitude of American students but is surprised at their lack of participation in sports. In India sports play a vital part in education, he said.

Ross W. Parsons, Senior Lecturer in Law at the University of Western Australia, Nedlands, Perth, who is here on a Carnegie Grant, will be at Harvard until October 19. He was Legal Adviser and Military Magistrate in British Borneo, 1945-46, and is now co-editor of *The Western Australian Annual Law Review*.

Though here to do research in jurisprudence, torts, and comparative law, Mr. Parsons has attended a dozen different law classes. He is impressed with the case method, despite the fact that he approached it with skepticism. Lectures in Australian law schools are something like sermons. Mr. Parsons will go to Yale after his visit here is over.

Author of ROK Constitution

Chin O. Yu, President of Korea University and Professor of Constitutional Law, will be here for a semester on a Corporation Appointment in International and Regional Studies from the Littauer Center. Prof. Yu drafted the Constitution of the Republic of Korea and served on the delegation to the Japanese-Korean peace treaty meetings. He will study International Law at Harvard.

Prof. Yu is on his first visit to the United States and he is surprised to find that Harvard encompasses so large a part of a city the size of Cambridge. He is also impressed with the serious attitude of the American student.

Carlo A. Funaioli, Professor of Private Law at the University of Ferrara, Italy, is at Harvard through a Fulbright grant to study American teaching methods. He

also will do research in the field of Comparative Studies in Family Law.

Professor Funaioli is a member of the Board of Editors of the legal journal *La Giustizia Civile* and a committee member of the "Institute for the Unification of Private Law in Rome."

(See SCHOLARS on page three)



William S. Barnes

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The Nixon Speech

Last Monday evening in a television and radio address the Republican Vice-Presidential candidate, a California lawyer, declared that Governor Stevenson had disqualified himself for the office of President because of a deposition he gave at the first Hiss perjury trial in 1949.

"That (deposition of) good character," the Senator added, "was given after all the facts were in." This is a disgraceful statement for a lawyer to make. Surely a lawyer and Senator cannot have forgotten the Constitution and the principles of American justice he is sworn to uphold.

The most elementary principle of criminal procedure is that a man is presumed innocent until he is proven guilty. It follows from this that no proper statement of a man's guilt can be made not only until all the facts are in, but also until after the jury has spoken. Accusations are not facts; neither are charges; and the truth of a "fact" is established when the jury has found it to be so.

As many a lawyer has discovered to his sorrow, the average layman appears to know very little about the basic principles of his judicial system, and what he does know is frequently confused or incorrect. It seems unfortunate that Senator Nixon has seen fit to add to this confusion. It is conduct unworthy of a lawyer.

We commend the non-partisan action taken by a group of 22 lawyers—nine of them graduates of our school—in defending Stevenson for testifying by deposition. In part they say, "In our view as lawyers, the Governor acted properly in this matter and did what any good citizen should have done under the circumstances." We wish to echo this statement and to add that we hope these words are remembered after the harangues are forgotten.

* * * * *

Letters to the Editor

To the Editor:

May I add a few words of explanation and correction to your news story last week concerning current enrollment in International Legal Studies?

The story referred to a "graduate program" in this field with a "class" of 25 graduate students enrolled. Actually there is no "program" in which to enroll, simply 15 courses and seminars from which second and third year men as well as graduate students may make elections.

The 25 graduate students mentioned in the story are those who are taking most of their work in this field, an option not, as a practical matter, open to third year students.

The RECORD's figure of 150 students taking courses in "international law" was approximately the number of students (LL.B. candidates, not graduates) taking one or more courses in the entire field last year. However, the field itself can be called "international law" only in the sense that all the courses and seminars in it deal with problems involving International Law, World Organization or the laws of foreign nations.

William S. Barnes

Gallery

DONALD H. WOLLETT
Visiting Professor of Law



As Visiting Professor of Law, Donald H. Wollett finds the faculty "hardworking" and the students "aggressive and candid." He made these observations after a month of teaching Labor Law and Labor Law Seminar. He has replaced Professor Archibald Cox, who is on temporary leave to serve as chairman of the Wage Stabilization Board.

Professor Wollett was born in Muscatine, Iowa, and spent his youth in Peoria, Ill. He attended Bradley University "where I did not play basketball," the University of Chicago where he received his A.B., and Indiana Law School where he received his LL.B. in 1942.

The following three and a half years were spent in the Navy. He served as a deck officer in the "dirty-shirt navy"—small craft subchasers.

Professor Wollett returned to the Indiana campus where he taught at the Business School for a term. In September, 1946 he accepted an appointment in the Economics and Business School at the University of Washington, Seattle, Wash. The following year he moved over to the Law School, and has been a member of the Washington Law School faculty ever since, although he has been on leave since September, 1951.

Attorney for WSB

Most of last year Professor Wollett spent as Chief Ruling Attorney of the Wage Stabilization Board ("at least that's what we called it") for the Northwest Region.

Regarding this work Professor Wollett remarks, "It was an interesting assignment, although I am afraid that before I completed it I became a kind of administrative schizophrenic—torn between conflicting loyalties and convictions. This is not the place for a discussion of whether or not the program is worth what it costs, but I will say that if you have any notion about wage controls being a panacea for the problem of rising wage levels in an inflationary context, they will be quickly dispelled if you work in a wage-control program.

"And if you are positive that direct controls over private wage decisions are a necessary evil in the defense economy of 1952, you will be less positive after experience with the problem. I do not mean to say that the Wage Stabilization Board should not be maintained. I think it should be. But I do mean to caution against quick and doctrinaire judgments on the matter."

Size Impressed Him

Upon arrival at Harvard, Professor Wollett

was immediately impressed by the extraordinary size of the Law School—the large faculty, the many students, and the extensive library. He finds the large size of the classes something of an obstacle in establishing rapport. "Too many faceless names and nameless faces. To some extent this is offset, of course, by contacts established elsewhere and after class." At Washington most of Professor Wollett's labor classes ran from 10 to 30 students.

The Visiting Professor from Washington Law School finds "a high degree of institutional loyalty among the faculty and the students. Students have a pride in the Harvard Law School which is most appealing. They are aggressive, which is very stimulating. And they are candid which is sometimes a little startling. Recently one of my students announced in class that he was confused. I indicated my sympathy and told him that if he were reading the cases carefully and trying to refine a doctrine, he should expect to be confused. 'But,' he said, 'It isn't the cases that are confusing me.'"

Tough-Minded Students

He finds, "On the whole, students here are a little more responsive, more aggressive, perhaps a little less prone to accept everything the teacher says as gospel. This is good for the teacher and good for the students. It's the kind of class I enjoy—students sufficiently tough-minded to challenge statements, who take some delight in getting the professor in the corner. My students at Washington may leave my class thinking that I talked nonsense. Here they tell me so."

Commenting on the intensity of study at Harvard, Professor Wollett declares, "I don't know whether the students work any harder than those at Washington. My students here are mostly third year men. My general impression is that by this time they're pretty much tired of the whole business in respect to the formalized study. My own experience has found this particularly true with the case method. But, what's true of one school may not be true of another."

He finds the interest in Labor Law here somewhat greater than at Washington. "This might be due to the fact that the course was an elective, lost in a largely prescribed curriculum until a recent revision of the Washington Law School course," notes Professor Wollett. "While at Harvard, as I understand it, it has been for some time well accepted as a 'legitimate' subject for law study."

Wife Is Attorney, Too

Professor Wollett's wife is also an attorney. She practiced law in Tacoma, Wash., for several years and was, most recently, Deputy Prosecuting Attorney of King County, Washington (Seattle). The professor declares, "It's very handy to have a practicing lawyer as a wife. I usually try my stuff out on her before I peddle it elsewhere, and I am sure she has saved me many times from talking nonsense."

Professor Wollett has maintained interests beyond the field of law. A great admirer of jazz music, he sorely regrets that he was unable to bring his phonograph here. He and his wife spent a "refreshing" day at a Harvard football game recently. Although an active football fan at Washington, he describes this as "the first amateur football game I've seen in years."

On the whole, Professor Wollett is finding his stay a most enjoyable one. "Most important, I'm favorably impressed by the students. I'm not very critical of them anyhow. Perhaps that is my greatest weakness." He continues, "So far, I have had only one big disappointment since I have been here—the failure of the Brooklyn Dodgers."

Sub Judice

SAGA OF THE MAILS

Mrs. Perry was at home when the postman delivered the morning mail. Besides the usual assortment of mail was a postcard for her husband. Mrs. Perry read: "PLEASE CALL WABASH 1492 AND ASK FOR CAROLYN."

Not every housewife can boast of such an occurrence and so it was natural for her to become quite upset. Mr. Perry was unable to make a satisfactory explanation when he arrived home that evening. He even went so far as to call the number in his wife's presence but there was no answer. Because of this inability to explain "Carolyn" Mrs. Perry left Mr. Perry.

It was not long afterwards that the unhappy husband found out that "Carolyn" was an employee of a retail clothing store operating in Louisville. To Mr. Perry's chagrin he discovered that the postcard which he had received was part of an advertising stunt used to promote a sale and that the store had mailed many such cards to prospective customers.

Mr. Perry brought this suit in an effort to recover damages for an invasion of his right to privacy. He claimed that as a result of the postcard's being sent to him his home had been wrecked. A demurrer to the declaration was sustained. Mr. Perry appealed.

Held: Demurrer sustained.

After explaining that the right to privacy is one which exists in Kentucky, the court pointed out that there was no case directly in point. Perry's counsel relied on *Kerby v. Hal Roach Studios*, 53 Cal.App.2d 207, 127 P.2d 577. In that case a motion picture studio sent out 1,000 letters bearing the signature of Marion Kerby. The letters were sent to men in the Los Angeles area for the purpose of advertising a new production. The letters were written in feminine handwriting on pink stationery and read as follows:

"Dearest:

"Don't breathe it to a soul, but I'm back in Los Angeles and more curious than ever to see you. Remember how I cut up about a year ago? Well, I'm raring to go again, and believe me I'm in the mood for fun.

"Let's renew our acquaintanceship and I promise you an evening you won't forget. Meet me in front of Warner's Downtown Theatre at Seventh and Hill on Thursday. Just look for a girl with a gleam in her eye, a smile on her lips and mischief on her mind.

"Fondly,

"Your ectoplasmic playmate,
"Marion Kerby"

The appellate court distinguished the Kerby case by noting that the name of the feminine character in the motion picture happened to coincide with the name of a well-known concert singer living in Los Angeles. The singer was harassed by calls from all sorts of men which the court believed could rightly be termed an invasion of the right to privacy.

"... the words appearing on the postcard do not carry the same impact as those of the letter. Although in bad taste, the contents of the card cannot reasonably be construed to have a salacious meaning. It is difficult to believe that a contented wife would have left her husband without any provocation other than the receipt by him of this postcard. It is more difficult to believe that she would remain away for this reason alone, after learning that 'Carolyn' was not in fact her husband's paramour. . . . Modern day advertising techniques have come to be accepted and are in effect a limitation on the individual's right to privacy. Such methods are not actionable so long as they are not unreasonable." *Perry v. Moskines Stores, Inc.*, 249 S.W.2d 812 (Ky., June 1952).

Off the Record

CONFLICTS IN A NUTSHELL

Student: "That's the holding of the next case."
Freund: "Which next case? The rule seems to be: when in doubt, always say the next case, or *rencoi*."

* * * * *

CONFLICTING TESTIMONY

Prosecuting attorney: "Do you mean to say that you had 16 beers and didn't leave the table once the night of the murder?"

* * * * *

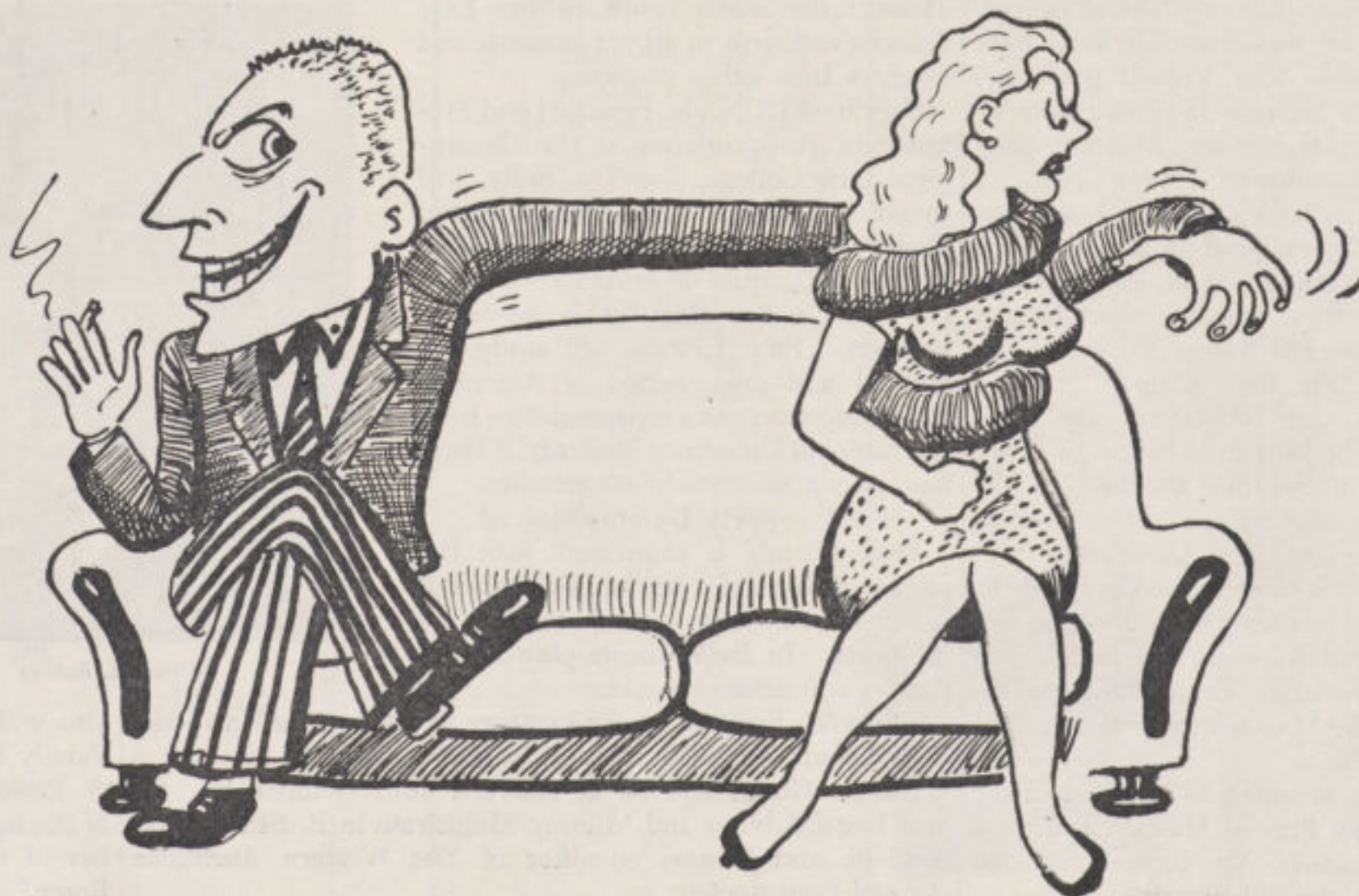
HOW'S THAT AGAIN?

It was in Professor Chafee's course on Equitable Remedies that the following exchange of telegrams came to light:

Triumphant Lawyer to Home Office: "Justice has prevailed."

Home Office to Triumphant Lawyer: "Appeal at once!"

THE LONG ARM OF THE LAW



NEWS IN BRIEF

CIVIL LIBERTIES GROUP

An organizational meeting to form a Harvard Civil Liberties Union will be held at 8 tonight in Apt. B-2, 19 Everett St. Those interested in civil liberties who would like to do research or write briefs are invited to attend. The group will be affiliated with the Civil Liberties Union of Massachusetts.

BOSTON FILM SOCIETY

Battleship Potemkin, voted "the greatest picture ever made" at the Brussels Film Festival of 1952, will be shown tonight in the Fogg Art Museum at 7:30 and 9:30. The Boston Film Society is presenting the film, and at the same time will show *Lysis*, a sequel to *Psyche*, which the Society showed last year.

AMES JUDGES NEEDED

All second and third year men are eligible to judge first year arguments. Those who wish to judge may sign up for arguments or dates of their choosing at the Board office.

First year—Rounds 1 and 2: facts issued tomorrow. Facts Conference, next Monday. Correction: arguments for Round 1 will be held on Wednesday, Nov. 12 instead of Monday, Nov. 10 as originally shown on the First Year Schedule.

Rounds 3 and 4: Docket posted next Tuesday. Facts issued, next Thursday.



DEMOCRATIC CLUB

Stevenson supporters are requested to vote early in the Presidential poll now underway (see story on page one). Polling ends at 7 Friday night.

The Club needs volunteers for chauffeuring voters to the polls, calling on

late voters, poll-watching, and other related election-day duties. Please call TR 6-8689 and leave your name, phone number, and the time you have available, if you are interested.

The Executive Council will meet Friday, Oct. 17 at 4 p.m. in 1 Hastings Hall to complete election-day plans.

VOLUNTEERS FOR STEVENSON

The Harvard Law-Graduate Division of Volunteers for Stevenson, in conjunction with groups from Brandeis, Lesley, Radcliffe, and Simmons, will hold a party this Sunday from 3 to 7 at their headquarters, 19 Everett St., Apt. B2.

All members and friends are invited. It is hoped that the gathering will integrate the members of the various groups socially as well as raise some funds for further campaigning.

Canvassers Wanted

Canvassing in Wards 7 and 8 has been going on all this week and will continue into next week. Literature is available at headquarters for any canvassers who run short. Additional canvassers are still needed, it was learned.

The sound truck which went back into operation this week will run steadily up to election. Its main function will be to advertise Governor Stevenson's speeches. He speaks regularly over nationwide TV and radio every Tuesday and Thursday at 10:30 p.m. When the Governor comes to Boston on Oct. 25 the truck will be used to advertise where and when he will speak.

BULL & BEAR CLUB

A group of law students interested in the operations of the stock market and the financial world have formed The Bull and Bear Club of the Harvard Law School. The club meets at luncheon every other Friday at 1 p.m. in the Mallory Smith Room in Harkness Commons. The first meeting of the year will be held tomorrow. The guest speaker will be Professor Louis K. Loss, club faculty adviser. All interested students are invited to attend the luncheon.

sustain discrimination, as it does throughout the South and in some states in the North, or it can sustain equal rights, as it has been doing more and more in the last decade or so.

"Many opponents of laws against discrimination argue that such behavior, based upon private attitudes and tastes, cannot be altered by law. Yet they themselves usually support laws which require discrimination. To accept their position . . . would be to say that where a law is backed by the community it is unnecessary, and where a law is opposed by the community it is futile. . . . The opponents of group equality know the influence of law: they use it to defend their own values and would deny its power to defend opposite values."

Of special interest to law students is Dr. Berger's astute analysis of most of the Supreme Court cases dealing with discrimination. The excellent biography compiled by the author also will be useful. But perhaps the most important recommendation is that Dr. Berger has presented an interesting, well-reasoned analysis of a problem that is of grave contemporary importance.

Fred Fagelson

CONSTITUTIONAL LAW INQUIRY

(Commentaries On The Constitution, by Elizabeth Kelley Bauer Columbia University Press, 1952) 400 pp., \$4.75.

Elizabeth Kelley Bauer has given us an astute and scholarly analysis of the writings of the Commentators who in those early, disquieting days after the founding of the Republic, gave their talents to the discussion, interpretation and amplification of the Constitution. She has compiled her material to read with an ease and clarity that belies the time and effort necessarily spent in research.

We have here an abundance of information of the lives and thoughts of these twilight men of history who did so much to shape the ideas of their time. William Alexander Duer, Nathan Dane and John Taylor of Caroline are names perhaps which do not bring any rapid response to the average student of American History and yet it was through the work of men such as these that the battle lines of Constitutional controversy were synthesized. The theoretical conflicts that found culmination in the Civil War were spilled over the pages of the Commentaries long before the first shots were fired on Fort Sumpter.

Living Products

The States Rights School of the South, The New England Nationalists and the Middle States Moderates are all well represented in the brief but illuminating biographical sketches. In order to better understand the commentators Miss Bauer portrays them as the living products of their time. She tells us not merely who they were and what they thought, but more significantly why they wrote. Her insight into the drives behind Kent and Story are particularly illuminating.

All the commentators were much concerned about how their ideas would seep down and be received by their public. It was through their students in the law schools that they were best able to spread the gospel.

"At Harvard, where the building of the law library was a constant care of

Ames Arguments, Drafting Comp Set

When Ames competition begins this fall, 66 law clubs will participate in first year arguments, with 35 clubs participating in the qualifying rounds for the second year arguments.

Semi-final arguments have been scheduled for Tuesday, Dec. 9, and Thursday, Dec. 11. On Dec. 9, the Cardozo Club will argue against the Casner Law Club in a case involving the detention and exclusion of an alien long resident in this country, on the ground that he constitutes a threat to the security of the United States.

On Dec. 11, the Casner Equity Club will argue against the Scott Club in a case involving the legality of the federal tax on wagering and the registration provisions thereof.

New Cases Added

First year cases will present legal questions raised in first year courses. New cases involving up-to-date fact situations have been added in the fields of criminal law, procedure, and specific performance of contracts, while many old cases have been thoroughly revised.

Most of the second year cases will deal with problems in Trusts, Property, Corporations, and Equity. In addition there will be four cases in Taxation and two cases in Commercial Law. No case will be argued more than once in the qualifying round.

The Drafting Finals will begin in the last week of October when the problem is issued. Seavey-Wilson and Story-Powell-Webster Clubs will compete.

Story and his associates, we find some of the commentaries included in the course bibliographies. In the report of 1832-33, Kent's *Commentaries* were listed with Blackstone as the two basic works which must be read, even if the student took just the accelerated two year course.

"In the 'Parallel Course,' designed chiefly for private reading, Hoffman's *Legal Outlines* found a place. Select titles in Dane's *Abridgment* are given for the collateral readings in various courses. Under 'Constitutional Law,' the required texts were the American Constitutions and Story's *Commentaries on the Constitution*. Along with the *Federalist* and select cases and speeches, Rawle on the Constitution was listed in the parallel course."

The work is well documented throughout and much use is made of the juiciest of all source material, the private letters of the commentators themselves. To those who have a propensity for historical-legal readings Miss Bauer's book will serve as an interesting introduction to a fascinating period.

Jerome Feinberg

Alumni Notes

LL.B. '14—Charles H. Paul and Thomas Todd, LL.B. '33 have participated in the merger of the firms of Hellsell, Paul & Fetterman and Todd, Hanks & White, now to be known as Hellsell, Paul, Fetterman, Todd & Hanks, practicing in Seattle.

LL.B. '20—Joseph D. Peeler and John M. Robinson, LL.B. '35 are members of a new firm, Wright, Peeler & Barrett, formed by members of the former firms of Wright & Garrett and Chevalier, Peeler & Wilson, of Los Angeles.

LL.B. '29—John E. Connelley, Jr. and Richard E. Olwine are partners in the recently-formed firm Olwine, Connelley & Chase, successors to the firms of Kelley & Connelley and Olwine & Chase, of New York.

LL.B. '30—Robert F. Carney has become chairman of the Board of Directors of Foote, Cone & Belding, and has withdrawn from the firm Carney, Crowell & Liebman, of Chicago. The firm will now be known as Crowell & Liebman. D. B. Williams, LL.B. '36, Russell O. Bennett, LL.B. '39 and Russell M. Baird, LL.B. '41 have become members of the firm.

LL.B. '49—Melvin J. Kessell has become associated with the new firm of Dolle, O'Donnell, Cash, Fee & Hahn, of Cincinnati.

LL.B. '50—Anthony P. Nugent, Jr. is a partner in the new Kansas City, Missouri firm of Nugent & Nugent.

Walter S. C. Rogers has become a member of the Miami firm, Hall, Hedrick & Dekle.

LL.B. '51—Hertz N. Henkoff has completed a year as law clerk of Judge Ronan of the Supreme Judicial Court of Massachusetts, and is now associated with the Boston firm of Goulston & Storrs.

SCHOLARS—(Continued)

Thøger Nielsen, Professor of Law at the University of Aarhus, Aarhus, Denmark, will be at Harvard on a Fulbright Grant until Christmas. He will study Harvard's educational methods while doing research on the special law of contracts.

After leaving here Nielsen will go to Chicago to appear on the "Comparative Law Round Table" and will discuss Scandinavian Experimental Legislation in the Conflict of Laws. He will then proceed to the University of California at Berkeley.

DISCRIMINATION—(Cont.)

conditions of the urban industrial society of today." In some matters, he adds, the welfare of society requires that law make habits instead of waiting for them to grow. In essence, the law can be a "leading-string" as well as a "mirror."

An important point made by Dr. Berger is that the law is attempting to affect acts and not beliefs. As Professor MacIvers points out in the foreword, "The distinction is elementary. In a de-

mocracy we do not punish a man because he is opposed to income taxes, or to free school education, or to vaccination, or to minimum wages, but the laws of a democracy insist that he obey the laws that make provisions for these things."

It is apparent that a great inconsistency in the argument of those who say that you cannot legislate equality, is the fact that they are willing to legislate inequality. As Dr. Berger points out, "Law . . . can work both ways. It can

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FELLOWS—(Continued)

of foreign graduate students in an effort to orient them to American law. This special group program appears to be progressing quite well under his able guidance.

ROBERT B. FLEMING

Although he is a newcomer to Harvard Law School, Robert B. Fleming is no stranger to many of the members of the Harvard Law School faculty. Buffalo Law School, it seems, is something of a "farm club," and many Harvard professors have taught there at one time or another.

Mr. Fleming is 30 years old, married, and has two sons. He attended the University of Minnesota from 1939 to 1943 and graduated with a B.M.E. He was a member of Beta Theta Pi social fraternity.

From 1943 to 1945 he served as First Lieutenant, Flight Engineer with the 20th Air Force. While attached to a B-29 outfit on Saipan Island, he flew 30 missions over Japan.

Return to New York

After the war he returned to New York City and was employed as a sales engineer until 1948 when he entered the University of Buffalo Law School, Dean of which was Prof. Louis Jaffe. He obtained his LL.B. there in 1951. He was first Editor-in-Chief of the Buffalo Law Review, president of the Law Student Council, and graduated magna cum laude.

Mr. Fleming was admitted to the New York Bar in 1951. From 1951 to 1952 he was a research assistant at the University of Wisconsin Law School. He studied patent uses in light of anti-trust problems related to the cheese industry.

He intends eventually to teach in the field of government regulation of business and is studying that subject now.

MONROE INKER

Although Monroe Inker was born in Boston 27 years ago, he migrated to Brooklyn where he received his A.B. degree in 1948 from Brooklyn College. There he majored in education. His career at school was interrupted by the U. S. Army Air Corps from 1943 to 1946. Unlike his steady geographical position, which was mainly in California, his positions in the Air Force varied from a ball turret gunner to a physical education instructor.

Air Force Changes Mind

It turned out that when he was finally assigned to a plane as a ball turret gunner, the Air Force had either decided to abandon these gun locations or there had become a surplus of men for this job; as a result he was placed in the physical education department because of his college training. He remained in that position until he was discharged.

Upon completion of his work at Brooklyn College, Mr. Inker taught history for a short time in the New York Public School system. He entered the Harvard Law School in 1948 and obtained his LL.B. in 1951. While at the Law School he was Research Assistant to Professor McCurdy.

He was admitted to the New York Bar in 1951 and for the past year has been associated with Arthur Richenthal of New York in a general corporate practice.

Tax and labor law interest him the most at present. He has been doing some studying and writing on these topics. However, later in the year he

hopes to do more extensive research.

ALLAN M. MCCOID

Allan H. McCoid comes from three generations of Harvard lawyers. His father, Paul McCoid, Harvard LL.B. '22, is a State District Judge in Iowa. Allan, however, has done well as any Harvard Law family could expect. He graduated from Harvard Law School, in 1952, magna cum laude and was an editor of the *Law Review*.

He was born in Iowa City, Iowa, 26 years ago and shortly after moved to Mt. Pleasant, Iowa, where he still lives. He is unmarried.

In 1944 he joined the Navy and saw the world as a radio and radar technician might. His world travels with the Navy ceased in 1946 when he entered Northwestern University. In 1949 he graduated there as a Phi Beta Kappa with a B.S. degree in political science.

Tours British Isles

This past summer he spent touring England and Scotland via bicycle. He attended law lectures at Cambridge where the method of teaching was straight lecture with slight references to cases. He observed that students were not permitted to ask questions during lectures. They would ask questions in their smaller study groups.

He also visited courts in both England and Scotland and noticed that their substantive law seemed to be the same, but Scottish procedural law differed from that of England. Counsel still wore wigs and gowns and bowed to the Judge. Although that ritual was present, these courts appeared to be no more formal than American courts.

Mr. McCoid is presently interested in property law and especially that division dealing with estate planning. The teaching of law holds an interest for him and he hopes to enter the field eventually.

CHARLES P. SCHWARTZ, JR.

Charles P. Schwartz, who is 25 years old and unmarried, graduated from the University of Chicago in 1945 with an A.B. in philosophy. While at Chicago he was publicity director of the National Student Association, Chairman of the Orientation Board, and the campus reporter for the *Chicago Sun Times*.

Upon graduation he entered the Merchant Marine and for a year and a half served as a Cadet Midshipman. In this position he went to England, France, and South America and then studied for a short time at King's Point. In 1946 he was released and he returned to Chicago, where he did some accounting while doing further work in philosophy.

Entered Here In 1947

He entered Harvard Law School in 1947 and was graduated in 1950. He observes that the law students today seem very alert and somewhat more interested in their work as compared to students attending during his years at Harvard.

After he passed the Bar in 1950, he

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joined the law firm of Szold and Brandeven. There he engaged in a general practice.

Although Mr. Schwartz has not selected any definite field of study he is interested in the problem of the lawyer as a counselor and the extent to which a Law School can help one become a better psychological therapist. He is presently concerned with the difficult problem of the transferring certain elements of the psychological field into the law field.

HARRY H. WELLINGTON

Mr. Wellington graduated from Harvard Law School in 1952, cum laude. In his second year here he was a member of the Legal Aid Bureau and the Board of Student Advisors. In his third year he became a member of the *Law Review*. He feels that the *Law Review* is a very valuable experience to a law student since it enables him to be disciplined to intensive legal research and thereby tie together all law study.

He is 25 years old, married, and comes from New Haven, Conn. He obtained an A.B. in economics in 1947 at Pennsylvania.

From 1947 to 1948 he gathered experience through traveling, working at various jobs and studying. In 1948 he returned to school at U. C. L. A. where he did graduate work in economics and industrial relations. After one year he came back East and entered the Harvard Law School.

Teaching holds his interest and he plans to go in this field after further graduate work. He would also like to practice as a specialist in labor law.

Mr. Wellington feels the group program is a fine innovation and contains many advantages for the law student that yield a better legal education and a more practical viewpoint.

FORUM—(Continued)

prospects in a 1948 forum, was one of the few men in the country to predict a Truman victory. Together with Professors Arthur Schlesinger, Sr. and Archibald MacLeish, Mr. Howe is leading a "1952 Civil Liberties Appeal" to defeat Senators McCarthy and Jenner.

Last Week's Forum

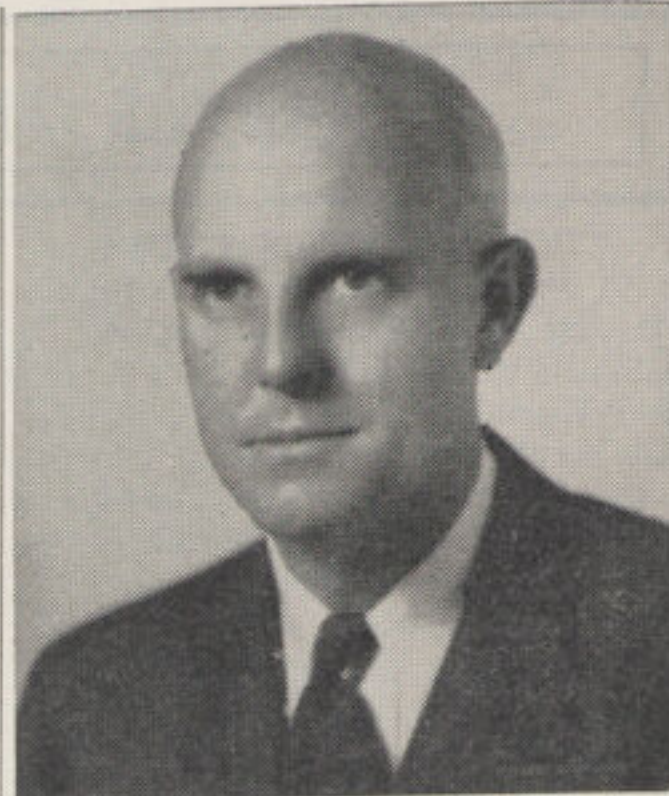
In last Friday's Forum, at Rindge Tech Auditorium the panel split sharply on the controversial question, "Can Israel Survive?"

Bartley Crum and Rev. Carl Baehr proclaimed emphatically that Israel would survive and the only real question was how well that nation would fare. Columnist Dorothy Thompson and Faris Malouf declined to make any predictions, but indicated that they would rather Israel did not survive.

Mr. Malouf, Boston Attorney and leader in Arab-American affairs, and Miss Thompson discussed the past history of Palestine and showed how European Jews had moved in on Arab lands and enlarged their settlements at the expense of Arabs who had lived in the area for hundreds of years. Mr. Malouf



Mark DeWolfe Howe



W. Barton Leach

charged that Israel does not come into the Arab-Zionist controversy "with clean hands."

Rev. Baehr and Mr. Crum, a New York attorney, vigorously denied these historical arguments, the latter stating that the Jews bought and paid for all the land on which they settled, in most cases it was Arab landlords who sold the land to the Jews.

In answer to a query why the Arab nations had not come to the aid of Arab refugees from Israel, Miss Thompson said, "It's not their baby."

Rev. Baehr charged that these refugees are trapped in a no man's land between Israel and Egypt because Iran, Egypt and other neighboring Arab countries refuse them admittance.

Attorney Crum, a former member of the United Nations Commission on Palestine, stated that survival of Israel was of great importance to the free world, because it is the only strong center of Democracy in the Near East. He claimed the tiny republic had the strongest army of any nation in the Near East except Turkey.

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