

The Harvard Law School Record

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PRICE TEN CENTS

Drafting Finals Set On Statute Revision In Property Field

Drafting competition finals, pitting the Seavey-Wilson Club against Story-Powell-Webster, start tomorrow, when the facts will be issued at the Board Office.

The problem will be a statutory revision in the property field, the Board announced. Solutions are due Nov. 28 and results will be given out after the Christmas vacation.

The Board contacted law revision commissions in various states in an effort to obtain current problems that will be faced by State Legislatures in the near future.

Constructive Results

"We hope that constructive results will be achieved which, when submitted to these law revision commissions, will be of aid to the legislators in framing their statutes," the Board declared.

Third-year men competing for Seavey-Wilson are Bernard Bernstein and Edgar H. Booth, both of Brooklyn; Herrick A. Drake of Chatham, N. J.; Martin M. Friedman of West Orange, N. J.; Benjamin I. Kreitzberg, of Maplewood, N. J.; and Walter L. Landergan, Jr., of Lynn.

Competing for Story-Powell-Webster Club, all 3L, are Robert Coulson of New York City; Leland H. Cope of Canton, O.; Donald Conley of Cambridge; Robert F. Fuller of Scarsdale; Edwin P. Hayden, Jr., of Brookline; Cornelius J. Kiley of Peabody; and Joshua M. Twilley of Dover, Del.

The Board has not yet revealed what prize will be given to the winning team. They did say that they would reveal all such information in the very near future.

Research Mistakes Repeated In Books On Juvenile Delinquents, Glueck Says

The following are extracts from an address given by Professor Sheldon Glueck before the National League to Promote School Attendance, in Boston this morning. The title of the address is, "The Home, The School and Delinquency." The article will be presented in two installments.



Sheldon Glueck

This type of audience hardly needs to be reminded that thousands of articles have been written on the topic of, "The Home, The School, and Delinquency." Why then still more?

The reason is to be found in the imperfect status of the social sciences. If a scientist in the field of chemistry or physics were to publish the results of an experiment, he could be certain that his colleagues, using the same careful controls and technique that he employed, would repeat the experiment and either verify the finding or disprove it.

But when it comes to the study of delinquency and crime, there is an endless repetition of the same research mistakes, perhaps because the relevant disciplines are as yet greatly undeveloped and the subject-matter is very much more difficult.

Furthermore, in text-books on Crimi-

nology you are likely to find, cheek by jowl, a quotation from some minor piece of superficial so-called "research" by an inexperienced investigator, and one from a pioneering investigation by competent researchers; and both are given equal weight by the text-book writer.

To counteract such weaknesses in Criminology every investigator of the problem of delinquency, in publishing

(See GLUECK on page four)

Voluntary Defenders Meet Next Week To Start Second-Year Membership Drive

Henry J. Naruk, 3L of Middletown, Conn., president of the Harvard Voluntary Defenders, announced yesterday that a meeting for all second-year students interested in joining will be held next Wednesday. The meeting will be in Langdell South at 4 p. m. At that time the procedure for applying for membership will be explained and a summary of the activities of the organization will be given.

The Harvard Voluntary Defenders is an official Harvard Law School student organization formed in 1949 to aid in the work of the Boston Voluntary Defenders Committee, an organ of the Boston Community Chest.

The group has its offices in Gannett House and has a second headquarters at the Suffolk County Jail, where five days a week at least one member of the Defenders interviews new inmates who need legal counsel, but cannot afford to pay for it.

Chief Function

There are now 12 members—all third-year men—but new second-year members will be chosen shortly to assume some of the group's many projects and to prepare to take over the full operation next year.

The chief function of the Harvard Voluntary Defenders is to help the Boston Committee and its founder and director, Wilbur G. Hollingsworth, provide free legal assistance to the many persons in the city who are accused of committing a crime but cannot afford to hire counsel to protect their legal and constitu-

with that of Boston where 6,000 lawyers serve a population of 2,000,000.

One of the chief problems facing his country concerns the jurisdiction of the religious courts. There is a preponderance of feeling in Israel calling for the absorption of this jurisdiction into the civil courts. The first goal is to limit the jurisdiction of these religious courts to marriage and divorce.

Marriage A Social Contract

Dr. Cohen said, however, that even should marriage and divorce eventually be integrated into the civil law, he would be in favor of adopting the Rabbinical law in this field. Dissolution of marriage, it was urged, should be a matter of social contract. It is significant, he said, that only 5 per cent of the divorces in Israel have been litigated.

Dr. Cohen answered with a sharp denial an inquiry as to whether there was any legal basis to the assertion by some that Israeli Arabs were treated as second class citizens. All Israeli citizens receive equal treatment before the law, he said. The Moslem courts have proportionately the same jurisdiction as do the Rabbinical courts.

Referring to the recent nationality laws, Dr. Cohen said that these were measures designed to protect a nation

(See ISRAELI on page four)



Wilbur C. Hollingsworth

tional rights. The Commonwealth of Massachusetts will appoint state defense counsel only if the defendant is charged with first degree murder. In all other cases indigent prisoners would be forced to represent themselves if it were not for the Voluntary Defenders.

(See HVD on page four)

MINISTER OF JUSTICE WELCOMED



Haim Cohen, Minister of Justice of the State of Israel, is welcomed to the School by Vice Dean Livingston Hall. To the right of Mr. Hall are Dr. Uri Yadin, Deputy Attorney General of the Israeli Ministry of Justice, and Prof. Harold Berman.

Dr. Cohen, Justice Minister, Visits Here, Confers On Israeli Research Project

Dr. Haim Cohen, Minister of Justice of the State of Israel, recently visited the Law School to acquire first hand information as to the operation of an American law school and to personally meet and confer with those in charge of the program of Israel Cooperative Research for Israel's Legal Development, completing its first eight months of work.

Dr. Cohen expressed satisfaction with the progress of the program and expressed awareness of the hurdles yet to be encountered before any material changes can be adopted into Israeli law. He also expressed his confidence in Prof. Harold E. Berman, Mr. Joseph Laufer and all others connected with the project.

Impressed by the size of the student body here, Dr. Cohen pointed out that in his entire country there were but 600 students enrolled in the study of law. He intimated that Israel was in dire need of practicing lawyers and compared the situation in Israel, where 1,200 lawyers served a population of 1,600,000,

Defending Unpopular Clients Professional Duty, Dean Says

Dean Erwin N. Griswold declared that a lawyer, "if he is to measure up to high standards," must have the courage to accept proponents of unpopular causes as clients.

Speaking in Halifax, Nova Scotia, at the opening of new buildings of the Law School of Dalhousie University last Saturday, Dean Griswold stressed the friendly relations between the two schools. Dalhousie's Law School opened in 1883, with one address on that occasion paying tribute to the Harvard Law School's contribution to legal education, Dean Griswold noted in his speech. Since that time, many Dalhousie law students have come to the Harvard Law School for graduate work, including five in the past four years.

The Dean of the Dalhousie Law School received two graduate degrees here, (LL.M. 1924, S.J.D. 1934) and several other alumni of the two schools are prominent in Canadian affairs. The President of the University of Toronto, Sidney E. Smith, the President of the University of British Columbia, Norman A. P. Mackenzie (LL.M. 1924), are on that list, as well as the Premier of Nova Scotia, Hon. Angus L. MacDonald (S.J.D. 1929), and the leader of the opposition in Nova Scotia, Robert L. Stanfield (LL.B. 1939.) Many other political



Erwin N. Griswold

leaders have been to the School.

"A lawyer will not meet the full responsibilities of his public profession if he accepts only the 'best' clients. This, I know, presents many problems. It is not always easy to undertake every case that comes to the office door. It is unrealistic to expect that a man who must earn a living for himself and his family should spend all or a large part of his time in the protection of those who are unpopular or in trouble. But there is a middle ground which can be found if one does not blind himself to the needs.

"I have been distressed to see sharp

(See GRISWOLD on page three)

Comics Furnish Lots Of Laughs But Little Wisdom At Forum

Al Capp, Max Shulman and Ira Wallach had a quick answer to the Forum's question "What's Funny Today?" They were.

The humorists had other comments ranging from author Wallach's honest attempt to discuss the topic to cartoonist Capp's statement that "Senator Nixon's



Al Capp

speeches are the funniest thing today," but the large audience at Rindge Technical High School Auditorium Friday night was too busy laughing to take much of the discussion seriously.

Great humor, Mr. Wallach said, "bridges the gap between pretense and reality." He stated that not much of it exists today because fear and censorship are preventing us from forming our individual concepts of reality. He blamed this rigidity on the investigating committees who in the words of Mark Twain "act with the calm confidence of a Christian holding four aces."

Humor Everywhere

Author Shulman found humor in the homey things of life like love and marriage. He said today's humor, based largely on this folksiness, is better than the "cynicism and destruction of the twenties and thirties. The Fourposter is better than Brother Rat; Cheaper by the Dozen is better than Mr. Dooley, and Father's Little Dividend is better than Animal Crackers."

"Humor is everywhere today," according to Mr. Capp. "It's just that they don't call it humor. Sometimes it's called Republican Rally or news comments by Fulton Lewis, Jr." Other sources of great humor Mr. Capp said, turning serious, are the dancing of Ray Bolger and the cartoons of Walt (Pogo) Kelly and Frank Dahl of the Boston Herald.

But Mr. Wallach insisted that though

(See FORUM on page three)

Hall Grants Nov. 4 Late Hours Request

Extension of guest privileges, requested by the Dormitory Council for Election Night, Nov. 4, has been granted by Vice Dean Hall. Matching the late evening activities scheduled for Harkness Commons, dormitory residents may entertain guests in their rooms until 12:30 a.m. under the ordinary rule for Friday and Saturday evenings.

Continuing military needs for whole blood will bring the Red Cross Bloodmobiles to Harvard from Dec. 8 to Dec. 16. Council representatives will solicit pledges from residents of the Law School dormitories during the week beginning Oct. 27. Students under 21 will be provided with releases to be signed by their parents.

Other Activities

Ad Hoc Committee Chairman Burton Resnic, 3L of Holyoke, announced that the phonograph located in the Wheeler Room of Holmes Hall will be operated officially by a student of the Law School. Concerts open to students are tentatively scheduled for Monday and Thursday evenings, and three afternoons each week.

Robert Jacobs, 2L of Chicago, Chairman of the Dining Hall Committee, indicated that suggested price changes for the Grill Room are being considered. In addition, the Committee has requested that students be permitted to purchase five breakfasts a week at the price of \$3.

PBH PARTY

Major officers of all law school organizations have been invited to a party to be given by the Law School Committee of Phillips Brooks House, tomorrow. Committee members see this as an opportunity for campus leaders to become acquainted with one another, and as a convenient means of discussing common problems. The party will be held in the Wheeler Room.

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Wise Words

This weekend two voices were raised to defend our established system of criminal justice against the forces which, in an overzealous attempt to root out subversion, are making inroads on our concepts of "fundamental fairness."

Judge Learned Hand, '96, in an address at the eighty-sixth convocation of the Board of Regents of the University of the State of New York last Friday was highly critical of a community "where nonconformity with the accepted creed, political as well as religious, is a mark of disaffection; where denunciation, without specification or backing, takes the place of evidence; where orthodoxy chokes freedom of dissent; where faith in the eventual supremacy of reason has been so timid that we dare not enter our convictions in the open lists to win or lose."

In a speech at Dalhousie University (See p. 1), Dean Griswold spoke of the lawyer's responsibility to represent the unpopular defendant. He attacked those who criticize the lawyer who accepts this responsibility and noted: "Our whole system, and to a large extent, our individual liberties, depend upon such service."

These statements, made by men of unquestionable loyalty and devotion to the profession, should not go unheeded. It is time for the profession to re-examine its position; take stock of our liberties, and reaffirm the principles embodied in the Constitution and the Canons of Ethics.

Letters to the Editor

To the Editor:

The anonymous and, I presume, non-lawyer, or, at most, law student, editorialist who in your October 16 issue passes judgment on Nixon's remarks on the Hiss deposition, with the profound observation that it "is a disgraceful statement for a lawyer to make," reveals a want of the balanced judgment necessary in a good lawyer, to say nothing of a hopeless unfamiliarity with the way criminal trials are conducted.

Governor Stevenson voluntarily gave character testimony to favor Hiss. Defense counsel never would have permitted, much less encouraged, such testimony unless it would be helpful.

It might as easily be said of Governor Stevenson that it was disgraceful for him, trained and experienced in the law, to give a deposition intended to promote the innocence of Hiss in the face of over-whelming evidence of Hiss' guilt.

Stevenson's performance was the equivalent of Dean Griswold's voluntarily testifying to the good character of a rapist caught in the act.

Carl L. Shipley, '48

General Counsel, Young

Republican National Federation

[We have not put the rape hypothetical to Dean Griswold, but at the Law School Forum he called Nixon's remarks "poor law."—Ed.]

To the Editor:

Your comment on the Nixon speech draws this comment:

1. You overlook the "FACT" the jury did find the HLS man Alger Hiss guilty. Adali's (sic)

Gallery

RAYNOR M. GARDINER

General Counsel

Boston Legal Aid Society



"Every man is entitled to equality before the law, regardless of the contents of his pocketbook. To safeguard that right our organization has dedicated itself to the rendering of assistance in legal matters to any person who cannot afford to employ private counsel." So speaks Raynor M. Gardiner, who as General Counsel of the Boston Legal Aid Society for the past 28 years, has recognized, and in most instances has helped to satisfy, the legal requirements of the impoverished.

A graduate of Harvard College, Mr. Gardiner entered the Law School in 1910. Between his second and third years he worked in a law office in his home state of Colorado. The invaluable experience he gained in that position was instrumental in his becoming one of those rare individuals to pass the Bar Examination during his third year in school.

"The class of 1913 has its share of distinguished personalities," says Mr. Gardiner. "Among my classmates were Professor Zechariah Chafee, Jr., United States Senators Taft, Brewster, and Kem, and Robert Stevens, Dean of the Cornell Law School.

"As for the curriculum forty years ago, it was essentially the same as it is today, except that, then, Sales was treated individually. I enjoyed that course more than any other one in the School," he continues, "chiefly because Professor Williston taught it. He was an extremely pleasant man who never embarrassed anyone. When a student's answer was incorrect, he'd coyly ask him to reconsider it, helping him, leading him, if necessary, to the proper solution.

"Directly opposite to Williston's method of teaching was that of Professor 'Bull' Warren. He'd frighten the student, and freeze his thinking apparatus. In his class we were afraid to take our own seats. I remember one day, however, when a student, in reply to one of his questions, stood up and said, 'If you think I'm afraid

action is to be judged as of now.

2. FDR's laugh at the warning Hiss was a communist is of record, too.

3. Thought in USA has changed from the times Frankfurter was sending FDR regular notes on how to push us into socialism.

4. You say "Non-partisan action of 22 lawyers." How many of those lawyers defended the 11 convicted communists?

5. Many in this country are smarter on socialism and its twin Communism than they were 20 years ago.

6. Some reading for you is enclosed. One sheet is the "Standard Washington News Letter, Whaley Eaton." It says "A million politicians do not equal one Edison."

Edwin F. Myers, '07

Same time FDR was flunking his law examinations at Columbia.

To the Editor:

I wish to commend you for your intelligent stand concerning Nixon's specious attack on Stevenson's deposition in the Hiss case.

It ought to be emphasized that Stevenson testified to a fact which he believed to be true, that Hiss' reputation was good. No one has seriously questioned the truth of this statement. Both Eisenhower and Dulles had the same opinion of Hiss at that time.

Reputation in the community is a fact, quite distinct from the question of the guilt or innocence of the accused. The critics of Stevenson fail to make this elementary distinction.

Any citizen, and especially a lawyer, has a duty to testify to facts he knows to be true and which the court considers relevant in a criminal trial. For Stevenson to have refused to do so would have been both cowardly and unlawyerlike.

EDWIN DWIGHT LEDBETTER, 3L

of you Professor, you're very much mistaken. In retrospect, though, Warren beat a lot of knowledge of Real Property into us."

Upon completion of his studies, Mr. Gardiner became interested in Legal Aid, then in its infancy. In 1914 he accepted a position with the Boston Legal Aid Society, working alongside Reginald Heber Smith, American Bar Association Gold Medal Winner and author of *Justice and the Poor*.

With the beginning of World War I, he left the society to take a position in Washington with the Bureau of War Trade Intelligence. "Our job," says Mr. Gardiner, "was to license exports and imports of materials necessary to the war effort. This involved a great deal of individual and detailed investigation to decide whether a firm in a foreign country was 'friendly' to the United States or to Germany. At the outset confusion reigned, but before long we had a closely knit, efficient organization consisting of about 450 persons, half of them lawyers."

After the war he came back to Boston and went into manufacturing. This venture was completely unsuccessful, however, so in 1923 he returned to the law as Secretary of the Grievance Committee of the Massachusetts Bar Association. "The work there was very interesting, and I was sorry to leave it," he says, "but in 1924 the job as General Counsel of the Boston Legal Aid Society was offered me, and I accepted it. I have held this position ever since."

Mr. Gardiner is enthusiastic about the work that the organization has done and is doing. "At present we are probably not known to all the people who have need of us," he says, "and we doubt if this will ever come to pass. We do know that we are much better known than we were 25 years ago. In all, during the first 50 years of the 20th century we had a grand total of 317,548 clients."

"For many years we specialized in workmen's compensation cases and in fact we were pioneers in that field. Since this field is now adequately covered, there is no reason for a legal aid society to handle this type of case, and we have accordingly entirely withdrawn from the practice of them. Today 35% of the cases we handle are domestic relations controversies."

Mr. Gardiner speaks highly of the courts in and around Boston which have always given the society the greatest possible cooperation. The majority of its court cases are in the Probate Courts. "We are proud of the fact that we have always had a higher percentage of court cases than any other Legal Aid Society in the country," he says. "If a client has a case that clearly requires court action, we are very willing and able to conduct whatever litigation the client's case involves."

In parallel fields, Mr. Gardiner has also distinguished himself. He is an advisor to those writing the Legal Aid section of the twenty volume, *Survey of Legal Professions*, a student text soon to be completed. He is Vice President of the National Legal Aid Society, having been President in 1950; trustee of The William Underwood Co.; and President of Franklin Co., a small holding company in Maine. He is a past president of the Massachusetts Golf Association, and for many years was Secretary of the New England Golf Association.

As to the future Mr. Gardiner has high hopes. "In the present uncertain state of the world, it is impossible to make other than very general predictions." He concludes, "The continuation of the present high level of employment may decrease our case load slightly, but a large increase in the numbers of the Armed Services will go a long way toward taking up the slack. Whatever happens we are sure to be very busy for years to come."

H. D. L.



"WELL, IT'S A NOVEL WAY OF TRYING TO MAKE THE REVIEW!"

Sub Judice

PUTTING YOUR FOOT IN IT

The petition filed by C. C. Deal and three other persons alleged among other things that: "Hopewell Missionary Baptist Church was organized seventy years ago as an ecclesiastical organization, and has since been operated under a congregational form of government, is independent in nature and is not a subordinate part of any religious organization. . . ."

The petition alleged further that the church operated under certain "Rules of Decorum" which provided a procedure for expelling members and generally governing the group. There was no appeal from any group decisions made by a majority. The petition then alleged that one Ballew and his associates had conspired to expel the petitioners in violation of the above-mentioned rules. From the averments it appeared that Ballew and Deal had divergent views regarding some church practices and that Ballew as acting pastor had instigated the ouster of Deal and some of his followers charging them with purported violations of the church rules.

One of the things about which the two men were in disagreement was the rule of the church pertaining to the practice of foot washing. The petition alleged that for over fifty years this group and its property had been dedicated to the principles, faith and practice which do not include foot-washing. "Recently [the defendants] as pastor and deacons participated in the practice of foot-washing. . . . But the action . . . they have departed from the doctrines represented and practiced by the church for over fifty years . . . and have diverted the church property from the trust to which it has been devoted and from the purpose to which the petitioners and the other purported ousted members contributed their funds and work. . . ."

Inasmuch as there was no body to which an appeal could be made Deal brought this petition for an injunction praying that Ballew and his cohorts be enjoined from interfering with their use of the church property and that their rights as members be restored. Ballew demurred only to be overruled and he appealed.

Held: Judgment reversed. Demurrer sustained.

The court held that no cause of action was stated in the light of the fact that there was no allegation that the action taken was not by the majority. *Ballew et al v. Deal et al*, 70 S. E. 2d 767 (Georgia, May 1952).

PHONE CALL FROM A STRANGER

Isabelle was having quite a time convincing the party on the other end of the wire that she could not possibly date him. When it became obvious that a rendezvous could not be arranged, the caller shocked Isabelle by proclaiming that he was calling from a tavern and "there is some of the most terrible writing over here on the wall of the men's toilet about you; that is where I got your telephone number and your name."

When Isabelle's husband heard of this he was naturally outraged but managed to keep level-headed about the whole thing. Off he went to the bar to induce the bartender to remove that writing which assailed his wife's moral character. The enraged husband demanded that this be done within a period of 30 minutes. The bartender replied that he was much too busy and would make the necessary erasures when he got a free moment.

After some delay Isabelle's husband, together with a constable and several others, including the villainous bartender, headed straight for the tavern toilet. On the wall the group could easily make out writing indicating that Isabelle was an "unchaste woman who indulged in illicit amatory ventures."

In the appellate court the validity of the libel was shown and it was conceded to be defamatory in its nature. It was further found that the writing was meant to refer to the "Isabelle" in question. To summarize the situation as found by an astonished court: ". . . it was shocking."

This case came on appeal by Isabelle from judgment entered upon a motion of non-suit. Held: Judgment reversed.

"By knowingly permitting such matter to remain after reasonable opportunity to remove the same, the owner of the wall or his lessee is guilty of republication of the libel."

The appellate court was of the opinion that the bartender upon hearing of the nature of the writing from the outraged husband, was put on inquiry and should have been charged with the task of removing it. The knowledge of the bartender, while acting within the scope of his employ, was held to be imputed to his principals, the proprietors of the tavern. *Hellar v. Bianco et ux.*, 244 P.2d 757 (Calif. May, 1952).

NEWS IN BRIEF

BULL & BEAR MEETING

Paul Dibble of Merrill Lynch, Pierce, Fenner and Beane will address a luncheon meeting of the Bull & Bear Club tomorrow at 1 p. m. in the Mallory Smith Room of Harkness Commons. His topic: "The Young Investor's Portfolio."

AMES COMPETITION

Assignments in the Ames Competition, Rounds 3 through 8, are as follows: Rounds 3 and 4, brief conferences next Wednesday and Thursday; Rounds 5 and 6, facts issued today, facts conference Monday; Rounds 7 and 8, docket posted Monday, facts issued Wednesday.

HARVARD LAW WIVES

Mrs. Margaret B. Southworth of Shreve, Crump & Low will give a lecture and demonstration on "Setting Your Table" at the next meeting, Wednesday, Nov. 5 at 8 P. M. in the Wheeler Room. She will show settings appropriate for Early American, Georgian, and Modern Interiors.

YOUNG REPUBLICANS

An election night rally will be held in the ball room of the Hotel Continental according to Richard Harburg, 2L of Philadelphia, chairman of the Rally Committee of the Harvard Young Republican Club. TV sets, dancing, and other entertainment will be provided. Arrangements have been made to broadcast directly from the hall over a local radio station, and direct wire service will keep members and guests up to the minute on latest election results.

YOUNG DEMOCRATS

Club activity reaches its climax next Tuesday when the organization participates in its first presidential election. The Club will man the ten polling places of Wards Seven and Eight in Cambridge in a supreme effort to convert this stronghold of Republicanism to the cause of Democracy. Counter-Crusaders may enlist by calling TR 6-8689. No sinecures or trust funds are promised as a reward but a satisfying day is guaranteed.

After the polls close the Club will adjourn to Harkness Commons to assay the fruits of our labor via the P.B.H. TV sets.

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FOR STEVENSON

The Democratic party is talking sense to the American people.

Take Korea, as a case in point. Both candidates started out talking sensibly. The General, seeing his victory slipping away, has long since stopped talking sense. He talks about bringing our boys home when he must know that is impossible without destroying our foreign policy. He talks of using South Koreans to replace our troops when he must know that we are doing all we can in that regard. He creates the impression that he knows how to end the war when he obviously does not. Ike is playing politics with an issue which should be above this kind of unfair political partisanship.

Meaningless Platitudes

The General as a candidate mumbles meaningless platitudes, endorses the worst elements in the Congress, including acknowledged slanderers, and worst of all, plays politics with our historic effort in Korea. Can we entrust the presidency to a chameleon candidate who talks like an isolationist in the Midwest but like an internationalist in the East, who dares not mention civil rights while in the South, but suddenly realizes it is an issue when he gets to Harlem?

In particular, can he do this when his opponent is such a healthy contrast? Governor Stevenson has, as he promised, talked sense to the American people. His views have not changed with his audience. He sets forth his opinion and asks those who agree to follow him; he does not modify his views for fear of losing the election.

Stevenson offers us no easy answers to Korea, or to any of the other hard problems which we must face in a tough world. He insists on telling the truth as he sees it, no matter what the consequences.

The times are perilous. Under these circumstances we must prefer the leader to the follower, the statesman to the vote-grubber, the candidate of Wayne Morse to the candidate of Jenner and McCarthy. We need Stevenson's judgment, courage and integrity.

JOHN SEXTON, 3L

Chairman, Volunteers for Stevenson

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FOR EISENHOWER

So much has been said this fall on the subject of who should be President for the next four years, that all the issues cannot even be indicated without the opposition jumping to quibble with generalizations which cannot here be spelled out. Moreover, it is probably futile to elaborate beyond, "the mess in Washington" compels us to believe "it's time for a change," because minds weary of listening to platitudes and vituperations become immune even to the more persuasive arguments.

1. It is claimed Ike has shed his principals like he might step out of a suit of clothes. No one suspected in the spring that Ike would persecute government employees like McCarthy, but that suddenly becomes the likelihood when Ike shakes hands with the Senator. The argument is so unsubstantial one wonders how it could be believed. Its proponents, if earnest, must simply not have thought out the problem and seen that there are three categories: those who overlook the extent of the internal danger from Communism ("Red Herring" Truman); those who see the danger and, in meeting its threat, themselves threaten some of our institutions (McCarthy); and those who see both the Communist threat and the better means of meeting it (Eisenhower—see speech at Al Smith Memorial Dinner.)

Alliances Defended

Since some "intellectuals" think Ike has to marry either Harry or Joe, a *fortiori* millions of friends of McCarthy who spend less time "thinking", would be afraid Ike had joined Harry if he strongly repudiated Joe, and they would stay home on Nov. 4, insuring the return to Washington of the candidate of the party which is now the majority party. Ike has taken the middle road; it is fortunate for the country there is that road and a candidate taking it.

2. Ike's great advantage is his experience and training which peculiarly equip him to command our defenses and lead the free countries in the cold war for the next four (probably eight) years. In World War II and NATO he did not compromise, but directed, led, spurred the other nations until the job was done. It is life-time experience, not a half-hour's briefing, which trains a man to be great. Whether it is crushing the three-fold autonomy and waste in the Pentagon or planning to cope with the Russians, Eisenhower clearly leads the field.

MAX BELL, 2L

Chairman, Law School Committee
Harvard Young Republican Club

DALTON-ELCOCK BAR REVIEW

This review, preparing candidates for the Massachusetts Bar Examination, is given twice a year; November and December, evenings; and in June, days.

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GRISWOLD — (Continued)

criticism of lawyers, sometimes even from lawyers' associations, because they represented communists accused of crimes under various statutes applicable to subversive activities. I would suppose, and would assert, that one of the highest functions of a lawyer is to represent and defend anyone accused of crime.

"Our whole system, and to a large extent, our individual liberties, depend upon such service. Of course, I do not mean to condone improper action of a lawyer in court or out of court. I merely say that no lawyer should be subject to criticism for defending anyone, and any lawyer should be willing to resist such a criticism if it comes.

Counsel Unobtainable

"It has gone so far in the United States that some communist defendants have been unable to obtain counsel. I am glad to say that, at this point, several bar associations have come forward and have offered to assign qualified members of their associations to act where the defendant cannot otherwise obtain legal assistance."

He recalled that William H. Seward, later Lincoln's Secretary of State, defended a Negro for a brutal family murder in Auburn, New York, in 1846. Explaining his position, Seward said: "There is a busy war around me, to drive me from defending and securing a fair trial for the negro Freeman. . . . He is deaf, deserted, ignorant, and his conduct is unexplainable on any principle of sanity. It is natural that he should turn to me to defend him. If he does, I shall do so. This will raise a storm of prejudice and passion, which will try the fortitude of my friends. But I shall do my duty. I care not whether I am to be ever forgiven for it or not."

Dean Griswold commented:

"We need more of that today, and our law schools might do more to produce it by making their students more familiar with the great examples of courage and devotion to duty in the past."

Imagination Needed

In addition to courage, Dean Griswold said, lawyers should have imagination and insight. He explained:

"The phrase, 'the legal mind', is often used to express a concept of rigid formalism inflexibly and blindly seeking to apply some rule of the past to a new situation. Lawyers tend to be conservative, sometimes ultra-conservative. Conser-

vatism is a fine thing, but it can be overdone. The legal mind, without the aid of imaginative insight, can be a powerful barrier against much needed progress. Some lawyers seem to feel that the major objective of their public life should be to resist change. I would like to see the time come when lawyers will have a more flexible and dynamic view of the law than many of them have now, when lawyers consistently will be leaders in the formulation and development of sound changes in the law."

He urged that law schools "lead their students to look ahead and not merely backwards in their approach to the handling of public problems."

"The function of a law school should not be primarily to teach rules but to open minds. A capacity to face new problems successfully, an ability to find solutions to questions never dreamed of when he was in law school is almost sure to be one of the most important qualifications of a lawyer."

Dean Griswold's address on "Educating the Lawyer for New Responsibilities" was part of a day-long symposium on the role of the lawyer in the community. Other speakers included Mr. Justice J. E. Read of the International Court of Justice and Hon. Angus L. MacDonald, who, as noted above, is a graduate of the Harvard Law School.

The degree of LL.D. was conferred on the dean by Dalhousie University.

FORUM — (Continued)

these things were laughed at they were not great humor. "This only comes from social criticism," he claimed.

Mr. Shulman then strayed from his original contention that humor is contained in hominess and folksiness to say that basically it's "anything that makes people laugh. Millions of people laugh at comic strips so they must be funny."

"What's funny to whom" is the important thing, Mr. Wallach pressed. "Is it your ideal to make Senator Nixon laugh?"

"I'd like to make him die laughing" Mr. Shulman quipped.

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GLUECK —(Continued)

his results, ought to be duty bound to render full account of the details of his method of designing the research, gathering, supplementing and verifying the raw materials, defining the terms, statistical techniques and other data necessary for judging the soundness of the work and for permitting of a like research with a view to determining if the results will be similar.

Some two years ago, Mrs. Glueck and I published a book called *Unraveling Juvenile Delinquency* in which we tried our best to do just that.

No 'Control' Group

Another reason why the vast majority of researches in this field are not reliable is that they do not include a "control" group of non-delinquent cases with which the delinquents are systematically compared in respect to the various traits and conditions under study.

There is a final caution to be observed: even criminologists, not to speak of legislators and laymen, have not clearly indicated what they mean by "cause" in speaking of this or that being the "cause" of delinquency. In recent years they have made a bow to phrases about the "complexity of causation" and the "multiplicity of causes," but beyond this their conceptions are not too clear.

In the research on which Mrs. Glueck and I reported in *Unraveling Juvenile Delinquency* and in a more popular version, published a few months ago, *Delinquents in the Making*, we compared 500 persistent delinquents with 500 truly non-delinquents in respect to more than 400 factors investigated at various levels: the physique or bodily constitution as determined by anthropologic measurements; the health, by means of medical and neurologic examinations; certain special aspects of intelligence, as determined by the Wechsler-Bellevue Test and performance tests; the temperamental and emotional traits and dynamics, through psychiatric interviews; the personality and character structure, by means of the well known Rorschach Test; the home conditions, school reports and street behavior, through widespread and intensive social investigations.

Cause and Effect

Before presenting some of the major findings, I want to get back to the crucial problem of cause and effect in the social sciences, with particular reference to delinquency.

First, I am sure you would all agree that cause-and-effect requires as a basic

condition, that there be *sequence in time* of the factors presumably related.

Another point about cause-and-effect: "Cause" requires a *totality* of conditions just necessary to the result; it is a matter of forces within the individual which tend or press toward instinctual and antisocial behavior overbalancing inhibitions within him which tend to draw him back into socially acceptable conduct. Moreover, this required total result may be made up of constituents some of which are also found often among non-delinquents.

Constituents Different

Furthermore, the *constituents of that totality of forces may well be different* among various classes of delinquents; the summation of them sufficient to make a boy not only once but persistently step across the line of law-abidingness may be realistically regarded as the causal influence. Persistent delinquency can be the result not only of one *specific* combination or pattern of factors that markedly differentiate delinquents from non-delinquents, but of each of several *different* patterns. The concept of *plurality of causal combinations* immediately throws light on a host of puzzling problems in the study of crime causation.

High Probability

The final point to make about the concept of causation in this field is that we can conceive of cause-and-effect most realistically and with some chance of managing the problem of delinquency if we speak of it in the sense of *high probability* of persistent delinquency.

The "ultimate" cause (of delinquency) is something like a mirage. The more you approach it, the farther it seems to recede. It may be that some day variations in the way people behave will be explainable in the more ultimate terms of differences in endocrine gland structure and function, or of microscopic or sub-microscopic physico-chemical or electronic phenomena.

Just the "What"

But even then the researchers will not have the ultimate answer to the "why"; they will only be able to describe more accurately the "what." In the meantime, however, we can reasonably speak of cause-and-effect when we disentangle even the cruder forces at play in inclining persons to one typical course of behavior or another. . . .

(The concluding installment of Prof. Glueck's address will appear in the RECORD next week.)

Slichter States Five Top Economic Issues

According to Sumner Slichter, Professor of Economics at Harvard Business School and Littauer Center, economic issues are not of the greatest importance in the 1952 political campaign. Mr. Slichter spoke at last Tuesday's Coffee Hour on "Economics and the Election."

Mr. Slichter named the five major economic issues before the candidates as inflation, farm policy, the problem of a better labor relations act, how to stop a recession, and the economics of our foreign policy. He stated that he was undecided as to whom he would vote for.

Prof. Slichter felt that the "depression" issue is of the greatest importance. "Neither party," he said, "will take steps in a period of boom to moderate the boom. Such steps would have no political value."

Farm Problem Avoided

Turning to the farm issue, he charged that "each party is completely irresponsible and ignorant of the problem." He said Congress had been very generous in helping farmers and that current plans need revision. But he noted, "Neither party wishes to call attention to the problem."

In two areas Prof. Slichter stated that the Democratic candidate has a better understanding of the issues.

In the area of labor relations, he said, "Stevenson would scrap a larger part of the Taft-Hartley Act than would the Republicans," and though both candidates have able advisers, "Stevenson has an infinitely better grasp of the problem than Eisenhower."

Prof. Slichter also felt that in the matter of eliminating Western Europe's dollar shortage, in order to create a community of strong non-communist nations, "Eisenhower does not appreciate the need as much as Stevenson."

New Civil Liberties Club Plans Censorship Study

On the theory that law school training should not only provide a student with the basic professional skills necessary to enable him to enter the legal profession, but also should afford him the opportunity to use these skills in the public interest, a group of students have organized The Harvard Law Civil Liberties Union.

At the initial meeting it was revealed that this organization will serve a dual purpose. First, it will offer those students who are interested in civil liberties the opportunity to do legal work in this field. Second, it will provide lawyers in the Boston area, who are working for the Civil Liberties Union of Massachusetts, with a source of much-needed help in the research and writing of briefs.

It was reported that the members of the C.L.U.M. welcome the prospect of obtaining student assistance. As a first assignment they have asked the H.L.C.L.U. to undertake a complete survey of the censorship laws in Massachusetts. This project will be directed by Gerald M. Oscar, 3L of New York City. Any students who are interested in joining this group are advised to contact Fred Fagelson at 19 Everett Street, Apt. B-2, telephone: EL 4-3993.

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BETWEEN MEETINGS AT CLASS OF '27 REUNION

Class Secretary Livingston Hall talks over bygone days at the twenty-fifth reunion of the 1927 class. Johana Morrison, LL.B. '27, of Larchmont, N. Y. was the photographer.

HVD —(Continued)

Such a prisoner is usually untrained in the law, frequently does not know or understand the specific charges against him, does not know what witnesses would be helpful, and, because he is generally incarcerated for lack of bail, could not locate, interview, or obtain any witnesses even if he knew them.

Faced with these handicaps and with the extensive power and resources of the state, indigent prisoners have little chance in most jurisdictions to prove their innocence or, if guilty, to secure an equitable disposition from a court fully informed of all extenuating circumstances.

Organized In 1935

To help fill this serious gap in the administration of justice, Mr. Hollingsworth, with the aid of other citizens, organized the Boston Voluntary Defenders Committee in 1935. Three lawyers work full-time (and more than full-time) on the 700 or 800 new cases that come into that office each year. In the fall of 1949 the HVD was established to help the Boston office, by doing much of the necessary legal work.

Six major activities are conducted by the Defenders: (1) interviewing at the jail all prisoners who request help, obtaining their story and making a full written report; (2) wherever necessary for the defense, investigating the prisoner's story to check its accuracy and to obtain corroborating witnesses; (3) appearing in district court (the magistrates' courts) to represent the defendant there, learn the nature of the charges against him, and if possible have him discharged as innocent; (4) where a full jury trial is necessary in Superior Court, aiding the

Boston office in the conduct of the trial and in last-minute investigations; (5) answering correspondence from inmates of state institutions in many eastern states who desire legal information of varying kinds; and (6) writing research memoranda for these and other purposes.

286 Cases Last Year

Last year the Harvard Voluntary Defenders received 286 new cases. Fifty letters of inquiry from inmates in correctional institutions were received and answered. Twenty research projects were undertaken and completed. Fifty-one district court appearances were made. Of that number of cases the district court accepted full jurisdiction in 41. In only nine of those 41 cases were jail sentences imposed. In six of the remaining cases a not-guilty verdict was found and in the rest the disposition was probation, suspended sentence, fine, or filed charge.

Each number in the above tabulation was a flesh-and-blood human being who might have fared differently had it not been for the help these law students gave them.

ISRAELI —(Continued)

whose neighbors were still technically in a state of war with it and were not intended to impugn the rights of any of its inhabitants.

Dr. Cohen is expected to continue his tour of this country before returning to Israel. He already has visited Washington, where he met the Justices of the Supreme Court and attended some of their sessions. He was visibly impressed and hopeful that 150 years of legal development would be as fruitful and rewarding to Israel as they have been to the United States.

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