

The Harvard Law School Record

VOL. 15 No. 6

CAMBRIDGE, MASS., THURSDAY, NOVEMBER 6, 1952

PRICE TEN CENTS

Legal Education Methods Compared

Loss, Parry Speakers At Special Forum

Under the arch title "W(h)ig or (S)tory" Professors Louis Loss and Clive Parry will delve into the differences between legal educational methods in the United States and United Kingdom at a Harvard Law School Forum legal program next Wednesday evening at 8 in Langdell North Middle.

Both men, when asked to comment on the material they would cover in their speeches, were reticent to disclose the nature of their remarks, but Martin Hertz, 3L of Brooklyn, who arranged the meeting, thought that the woosacks would fly.



Clive Parry

Mr. Parry, a member of the law faculty at Cambridge and a Visiting Professor at Harvard Law School for 1952-53, did say, "Such differences as will appear in the program will be due only to general differences in the educational system and in differences in the profession in the two countries."

Other Titles Suggested

Other titles suggested by the two professors when the program was being planned may throw some further light on the topic they will cover. Two of

(See METHOD on page four)

Dorm Council Scores Violations Of Rules

First reports from the Judicial Committee of the Dormitory Council point to an inordinate number of parietal rules violations by dormitory residents thus far this year. Students entertaining guests in their rooms are overlooking or ignoring the sign-in sheets placed in the dormitories by the Law School. Committee action on offenders has resulted in deprivation of guest privileges for periods ranging from five weeks.

The existence of the Judicial Committee permits direct student supervision of student activity and discipline. Standing agreements with the Law School allow enforcement of Committee decisions on violations of regulations without these violations having effect on permanent records of the students.

More Severe Restrictions

The Judicial Committee will increase its efforts to discourage offenders by the imposition of more severe restrictions. It is urged that such action, alone, will not guarantee a continuing benevolence from the administrative offices of the Law School regarding the demeanor of the residents. Sincere efforts of compliance must come from the students themselves as those most intimately concerned, the committee says.

ALUMNI SUBSCRIPTIONS

Alumni who have paid Harvard Law School Association dues for the current year are entitled to receive free copies of the Record as part of their membership privileges. To facilitate distribution, paid-up alumni are asked to give prompt notification of change of address to the Association, Cambridge, 38.

Norman Thomas Leads Forum On Decline Of Moral Values

"Men and Morals," an investigation of the purported decline in America's moral values, will be the fourth Harvard Law School Forum of the fall season, tomorrow at 8 p.m. in Rindge Tech High School auditorium. Norman Thomas, five-time Socialist Party candidate for President, and Professors Pitrim Sorokin and Henry D. Aiken of Harvard, will make up the panel. The Forum is still negotiating for a fourth speaker.

Built around the question, "Are we losing our moral values in our fight against communism?" the forum is intended to be an inquiry into the "disintegration" in American ethics, said to be manifested by scandals in government on the federal and local levels, in college athletics, in science, and in business.

Political Refugee

Condemned to death by the Soviet government and finally banished from Russia, Prof. Pitrim Sorokin has achieved prominence in American academic circles since his arrival here. He is the author of *Crisis of Our Age*, *Man and Society in Calamity*, and *Reconstruction of Humanity*, among other works. He is a Professor of Sociology at Harvard.

Norman Thomas, outstanding Socialist leader, is well-known for his criticisms of the two major political parties. A five-time candidate for the office of President, Mr. Thomas began public life as a minister of the Presbyterian Church, but soon shifted his interest to politics and journalism. He was editor of the *Nation* from 1921 to 1922 and is a frequent contributor to labor and socialist papers. Among his books are *We Have a Future*, *War—No Profit, No Glory, No Need*, and *Appeal to the Nations*.

Henry Aiken, Professor of Philosophy at Harvard, has written many articles on morals and values. One of his more re-

(See FORUM on page four)



Photo by Crystal

Left to right: Raymond Beckwith, Forrest Schaeffer, Professor Hardee, Dean Griswold, Donald Clarke, and Thomas Schwab.

Moot Court Appeal Argument Monday Has Magruder, Wollett, Samp On Bench

Judge Calvert Magruder of the United States Court of Appeals of the First Circuit will preside at Monday night's appellate review of the mock trial case, *Parr v. West*.

With Judge Magruder on the bench will be Professor Donald Wollett of the Law School faculty and Edward J. Samp, Jr., of the Boston Bar. The hearing will be held at 8 p.m. in the Langdell Courtroom.

Dean Erwin N. Griswold will argue for the plaintiff and Prof. W. Covington Hardee will appear for the defendant.

Student Assistants

Assisting Dean Griswold are Donald Clarke, 3L, of Sykesville, Md., and Thomas Schwab, 3L, of New Orleans, both members of the Williston Club.

Prof. Hardee's assistants are Raymond Beckwith, 3L, of Trumbull, Conn., and Forrest Schaeffer, 3L, of Nacungie, Pa., both of the J. Smith Club.

Representatives of the J. Smith and Williston Clubs were chosen to assist

counsel in the case, because those clubs were among those in the quarter-finals in the Ames competition.

Both Sides Appeal

Both sides are appealing from the judgment of the trial court. A jury found a general verdict for Miss Parr and awarded damages of \$2,000.

The plaintiff claims that the trial court

(See APPEAL on page three)

'Legal Drafting' Is Useful Casebook For Both Students, Practising Lawyers

Legal Drafting by Robert N. Cook, Professor of Law at Western Reserve University, with an introduction by Karl N. Llewellyn. Brooklyn: Foundation Press. 867 pp.

Recently the Board of Student Advisers added a competition in legal drafting to the Ames competition. Last spring, a lecture on drafting was presented by Kurt F. Pantzer, '17, an Indiana lawyer. There has been a good deal of discussion of the possibility of going further and presenting a full-dress course in drafting. Under these circumstances, a discussion of a casebook in the field will be helpful.

Use In Practice

In the foreword, the author states that the book is intended not merely for law school use but for use by practising lawyers. Throughout the book there are check lists of points to remember in drafting, and sample forms, both of which features practising lawyers should find helpful.

The book begins with a chapter on the liability of the draftsman for making mistakes, a way of emphasizing the practical value of the subject.

General principles of legal composition are taken up next: semantics, punctuation, definitions and the like.

Most of the rest of the book consists of the application of the general con-

cepts to particular drafting situations: contracts for sale and purchase, deeds, leases, credit instruments, labor agreements, partnership agreements, corporate instruments, and non-commercial instruments (wills, trusts, and gifts).

The final chapter takes up an interesting problem: the drafting of legal instruments in the practice of law. The cases tend to involve real estate companies.

(See DRAFTING on page four)

Conflict Of Laws Expert

Prof. Ernst Rabel, world famous jurist, has come to the Law School to complete the research on his treatise, *The Conflict of Laws: A Comparative Study*. This work is made possible by a grant from the James Foundation of New York.

Dr. Rabel, a former judge of the World Court, intends to devote all his time here to this project. The grant will enable him to write the fourth volume of his study.

The first three volumes were written at the University of Michigan, where he did much of his research.

Prof. Rabel describes his work as "a presentation in a systematic form of various systems, laws, court decisions, drafts and literary currents to get a general picture of the conflict of laws in the world as a preparation for a possible unification."

American conflicts of laws is the center of his study which contains criticism and suggested improvements.

The first volume, *Introduction and Family Laws*, completed in 1945, and the second volume, *Corporations, Torts, Contracts in General*, completed in 1947, were awarded the Ames Prize in 1950.

The Ames Prize is awarded by the faculty of the Law School at intervals of about four years for the most meritorious law book or legal essay written in the English language within five years of the award.

Prof. Rabel completed the third volume on *Special Obligations* in 1950. Conflicts of laws has interested him for many years. He has written frequent criticisms of the uncertainty in the law which has driven international commerce "into a sea of confusion and lawless arbitration."

He has referred to the present state of private international law as "an orchestra with every instrument tuned to a different key."

(See RABEL on page four)

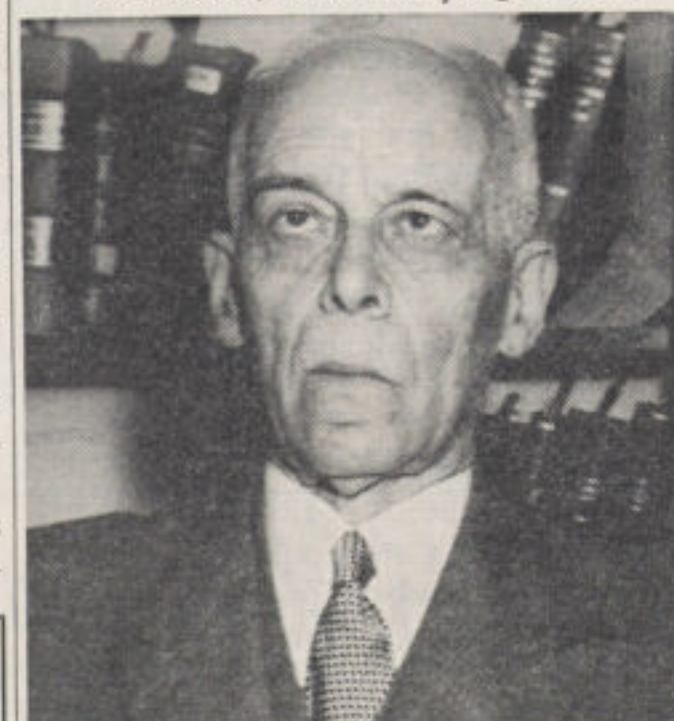


Photo by Riegert

Ernst Rabel



Warren Seavey

in the second article. Certain phases of government procurement provide the subject for the third article, by Ralph Wienshienk and Franklin Feldman.

Another feature of the new *Review* is a comment by Prof. Warren A. Seavey on a recent New Jersey decision holding a water company was not liable for harm caused by the failure to maintain adequate pressure in the water mains. In the comment he cites his "Principles of Torts" to criticize the result. He also disagrees with the court's heavy reliance on stare decisis in reaching its decision.

Supreme Court Analysis

A foreword by Prof. Paul Freund of the Law School will precede the *Review's* fourth successive analysis of the work of the United States Supreme

Review Features Civil Liberties Article, Seavey Comment, High Court Survey

Civil liberties leads off the first issue of the present volume of the *Law Review*, as it did the initial issue of last year's *Review*. John Lord O'Brian, formerly a high official in the Justice Department, has written the lead article entitled "New Encroachments on Individual Freedom."

Dean Emeritus Roscoe Pound discusses the problem of procedural reform

Court in the preceding term.

Dean Pound's contribution is another installment in a long history of work by him on judicial administration. His work in this field began with a paper delivered to the American Bar Association in 1906. This address, long considered a landmark in the field, was the first of 18 books, articles and addresses.

(See REVIEW on page three)

S B A Plans Lectures On Practice Of Law

A series of lectures on different types of law practice is being formulated for presentation to the student body under the sponsorship of the Student Bar Association.

The program is one of a number of varied activities planned by the SBA, according to Stephen K. West, 3L of Pittsfield, president of the group.

The series, which will be given by practicing attorneys on their own specialized fields, is expected to include talks on New York corporation practice, the lawyer in government, law in the armed services, small community practice, admiralty, and patent law.

Last year SBA presented a similar series on ethical problems in various phases of the legal profession.

Tours of federal and state courts in the area will be conducted by the group throughout the year. Members of SBA who are interested in the less formal aspects of legal writing can help in the composition of a column to appear every other day in the *Boston Traveler*. The regular feature, entitled *This is the Law*, is written in cooperation with the State Bar Association and is designed to acquaint laymen with various phases of the law.

The organization is one of 92 student branches of the American Bar Association. Persons interested in joining should contact West at UNiversity 4-3409.

BLAZE IN HASTINGS

A fire which caused an estimated \$2,500 damage in Room 10, Hastings Hall, occupied by Saul Katz, 3L of New York City, and Fred Kilbride, 3L of Hollywood, was quickly extinguished Saturday afternoon by Cambridge firemen. The fire, of unknown cause, was believed to have started in a sofa and spread to the rest of the living room of the three-room suite, consuming several pieces of furniture and a rug. University workmen have begun redecoration.

The Harvard Law School Record

Published weekly on Thursdays for twelve weeks of each term by *The Harvard Law School Record Corporation*, 23 Everett St., Cambridge 38, Massachusetts. Subscription price: \$2.00 per term mailed, \$4.00 per year (24 issues); student subscription \$1.50 per term mailed, \$1.00 per term distributed at the Law School. Individual copies \$.10 each at the Law School; \$.20 each mailed. Business and Editorial Offices, 23 Everett St., Cambridge 38, Massachusetts. Telephone Kirkland 7-7600, extension 447.

OFFICERS

SAMUEL L. HACK President
MATHEW FONER Editorial Manager
ALVIN N. BIENER Business Manager

EDITORIAL BOARD

DONALD W. CONLEY Associate Editor
EDGAR H. BOOTH Copy Editor
HERBERT C. KLEIN News Editor
RAYMOND H. SUTTLE Advertising Manager

DEPARTMENT EDITORS

John J. Sexton Jonathan Lubell
Features Gallery
Arthur Sherman David Sanderson
Current Case Alumni
Arne Siegel David Lubell
Treasurer Articles

EDITORIAL ADVISORY BOARD

Alan B. Ives, Joseph B. Manello

STAFF

John Bernstein, Leon Birnbaum, Hugh Bradshaw, Melvin Cohen, Phillip Costello, Milton J. Crystal, Allan Curhan, Frederick Fagelson, Burton T. Gans, Jeremy E. Goldstein, Ronald Golub, Richard S. Kaplan, Robert Levine, Herbert D. Lewis, Paul Mazza, Peter Mosher, Donald Schwartz, Norman Stone, Charles H. W. Talbot, Johanan Vigoda, Herbert Wasserman, William Westling.

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

CHANGES OF ADDRESS should be sent to the RECORD office, 23 Everett St., Cambridge 38, Massachusetts, at least three weeks in advance to insure prompt delivery.

Copyright 1952, Harvard Law School Record, Inc.

Who's The Winner?

As this week's issue of the RECORD goes to press the campaign will be over and the ballots cast but the victor will not be known. It is, we feel, the best possible time to comment on the events of the past fourteen weeks.

Without knowing the outcome we none the less have the impression that the election was a success. Not for a particular candidate or party, but in a very real sense, a victory for all Americans. To our friends and enemies alike—indeed, even to some of the doubters in our midst—this example of democracy in action must have given pause. That a great nation in a time of peril could take time out for critical self-examination of every phase of its foreign and domestic policy is creditable. That it should conduct this self-examination on so high a plane with so many of its citizens participating is remarkable.

The educational value of some political campaigns has been open to serious doubt. All of us may rejoice in the fact that this one has been an exception.

Letters to the Editor

To the Editor:

I see little value in publicly prolonging the Nixon-Stevenson controversy over the latter's deposition in the Alger Hiss case; but the issues should be clear to those of us whose standards of professional conduct are being formed. In your last issue (30 Oct. 1952) Mr. Carl L. Shipley parades before us his law degree and his official connection with the Young Republican National Federation but does not, I suggest, do them honor. He fails to do them honor, not because he and I may always disagree on what Governor Stevenson should have done, but because he artfully disguises the implications of his proposal.

Governor Stevenson has said that he simply told the truth when questioned about Hiss' reputation. No one has denied that Stevenson did tell the truth—certainly it would be embarrassing for Republicans (other than Senators Nixon and McCarthy) to do so. But Mr. Shipley urges that Governor Stevenson should have refused Hiss so much of the truth as he knew because Hiss had been indicted and it looked bad for him. In other words, Stevenson should have assumed that Hiss was guilty and then quietly stolen away. Such a prejudgment of guilt would have been based upon "out-of-court" evidence before Hiss had had a chance to make his defense and would have been a presumption by Stevenson of the authority which our judicial system confers on the jury. I maintain that such conduct would have been incompatible with our conception of the fair administration of justice.

At any rate, this last assertion is the heart of the controversy between Mr. Shipley and me. I, incidentally, did not write your earlier letter, but I welcome Mr. Shipley's reply to this one. I admit lacking his professional education and experience, but I suggest less than that is sufficient to see through his logic.

DONALD R. ANDERSON, II

Gallery

CHARLES MONROE HAAR
Assistant Professor of Law



Charles M. Haar, Assistant Professor of Law, has come to Harvard Law School after an unusually broad experience in the field of property. Although he graduated from Harvard Law School in 1948, he is already a well-known figure in the land planning field. This year Professor Haar is teaching a first-year class in Property and a third-year seminar in land use planning.

Prior to entering Law School in 1946, Prof. Haar received his B.A. from New York University in 1940, and an M.A. in economics from the University of Wisconsin in 1941, where he held the President Adams Teaching Fellowship.

Prof. Haar then entered the Navy, where he served for four years, attaining the grade of Lieutenant. While in service he was trained as a Japanese language specialist in which capacity he was attached to General MacArthur's headquarters in Australia. Subsequently he participated in the invasions of New Guinea and the Philippines.

Law Review Two Years

After his release from the Navy Prof. Haar entered the Law School where he was on the *Review* during his second and third years. It was in the course of his work on the *Review* that he first acquired his interest in land planning.

After graduation in January, 1948, Prof. Haar received a Sheldon Travelling Fellowship. He spent the year in England where he studied city planning, and worked at the Ministry of Town and Country Planning and at the London County Council. The English Town and Country Planning Act had just been passed, and he studied the operations of the act and its relevance to land planning problems in the U. S. Prof. Haar's study resulted in a book, *Land Planning Law*, which has been published in both the United States and England by the Harvard and Oxford University Presses. It is the first of the "Harvard Legal Studies" series.

General Practice

Upon his return in November, 1948, Prof. Haar became associated with a small New York law firm and engaged in the general practice of law. In 1949, when one of the partners became general counsel and vice-president of Sheraton Corporation, Prof. Haar became associated with him on the legal staff of the Company. This work consisted mainly of real estate contracts, conveyancing, mortgages, reorganization and "federal, state and local taxes, of

course." Prof. Haar found his work both with the firm and the corporation a most satisfactory experience. "The variety of matters that I dealt with was large because there was no departmentalization. I was able to follow problems from the client's interview to the very end."

While in New York, Prof. Haar taught at the New York University Graduate School of Public Service. He taught courses on housing, and government regulation. The students in these classes were unlike the ones at the Law School, he found. "They were mainly professional people actively engaged in the field—from law offices, housing authorities, and the like. This was an advantage. On the other hand, the classes were at night, and the students were occupied primarily with other matters, so it was impractical to ask them to do much outside work."

Land Planning Work Continued

Prof. Haar is continuing his study and activities in the field of land planning. His seminar at the Law School deals with the application of everyday problems of the real estate lawyer—zoning, subdivision, building codes, covenants, Federal Housing Administration financial assistance, as well as some of the broad aspects of conservation of resources.

He is also participating in a seminar at the Littauer School of Public Administration, with men from other fields of the University—economics, government and agriculture. This seminar represents an effort by these men to integrate their varying approaches in the formulation and realization of basic policies of land use.

Prof. Haar noted, "One of our first problems has been the simple one of communication between the different groups. Each has its own terminology or special use of language which others have difficulty in comprehending."

Prof. Haar has found that the non-lawyers working in the land-planning field tend to regard the law of property as a severe obstacle. "There was a meeting of the American Society of Planning Officials in Boston two weeks ago. Often in the speeches there cropped up the view that insofar as modern city development is concerned, the law of property has not advanced since 1066."

"Perhaps their misunderstanding has been due to the fact that many of their plans have been frustrated by lawyers overconcerned with technical doctrines. This situation will be eased only as lawyers participate more and more with other interested groups in dealing with the problem of land use, as well as its ownership. The legal profession can and does make a real contribution to the orderly solution of problems such as the redevelopment of overcrowded or blighted urban areas."

This is one of the challenging areas open to the law today, he said. It calls for a reexamination of the traditional methods of controlling land use. "For instance, the planning, building and administration of Stuyvesant Town in New York raises many more problems of social relationships than the conventional single apartment building; it involves a new type of landlord-tenant tenure, corporate arrangements, financing, municipal regulation, and a possible assumption by the owner of community planning and activities."

Prof. Haar is married to the former Natalie Zinn, of Galveston, Texas, a graduate of the University of Texas. She received her M.A. in psychology from Yale in 1946. The Haars have two children, Jemmy, age four, and Susan, seven months old.

Off the Record

LAW PROFESSOR AT HOME

It is said that many years ago Professor Scott discovered his two sons, ages five and seven respectively, in the process of "raiding the cookie jar." He first scolded the younger one, saying, "You're old enough to know better than to do that." Turning to the seven-year-old son he continued, "And A FORTIORI you should know better."

BOOLA BOOLA

North Carolina is not in the Ivy League, which may explain the following story appearing in *The Daily Tarheel*, student publication of the University of North Carolina, last Oct. 23:

Eli Law Prof Will Deliver Weil Lectures

Dr. Zechariah Chafee, Jr., distinguished professor in the Harvard University Law School, will deliver the . . .

IT'S THE PRINCIPLE OF THE THING

Prof. Sacks: "You mean you favor recording at cost rather than at selling price because you only know how to record the transaction at cost?"

Student: "That's right, sir."
Prof. Sacks (to class): "That is the principle of accounting known as ignorance."

Sub Judice

TWO ON THE NOSE

Larum was charged with violating Section 337a, Subdivision 3, of the Penal Code which makes it an offense to "receive, hold, or forward money," etc., bet on the result of a horse race, or a purported horse race.

At the trial before the Court sitting without a jury, testimony was given that one Burns, a detective of the District Attorney's office, encountered Mr. Larum in a cocktail bar at Long Beach, and played shuffle board with him. Suspecting that he was what is commonly referred to as a "bookie," Burns asked him to place a bet on "Gold Note" running in the seventh race at Santa Anita. Larum asked, "to win?" Burns replied, "Yes," and handed him two one-dollar bills.

Two days later, on February 16, Burns entered the bar again and saw Larum playing shuffle board. Burns asked him to place "two to win on 'Sir Butch' in the fifth at Santa Anita" and handed him two one-dollar bills saying: "this is on the nose." This time Burns, and a colleague Bowers, had copied the numbers from the bills.

Larum was arrested and the two bills were found on his person. Bowers testified that he had found on examining the newspapers that a horse named *Sir Butch* was in the fifth race at Santa Anita on Feb. 16.

Larum contended that there was no evidence that *Gold Note* and *Sir Butch* were race horses, or that there were any horse races run at Santa Anita.

He was found guilty and sentenced to imprisonment in county jail. This is an appeal from an order denying a motion for a new trial. The ground of the appeal is that the evidence is insufficient to support the judgment.

Held: Judgment affirmed. Appeal dismissed.

"It is of common knowledge in this locality that horse races are run at Santa Anita. The bets that were made 'to win' sufficiently proved that there were contests of some sort between beasts and whether they were purported race horses or beasts of some other sort is immaterial." The court was of the opinion that there was sufficient evidence to prove that there were purported races between purported race horses.

"The wagers on horse races were made in the vernacular," continued the Court, "which language was employed by the witness Burns and by the defendant in making and accepting the bets in question. The conversation and the passing of money would be commonly understood as wagers on horse racing. In the absence of any explanation by the defendant that the transaction had a different meaning or purpose, the Court can scarcely fail to find that they were wagers." *People v. Larum*, 425 P. 2d 323 (Calif. June, 1952).

UNION SCALE

Ruth Miller decided one day that her incompetent sister's affairs were not being properly controlled. Her sister, Mary, had earlier been committed to the State Hospital and one Harvey Z. Miller appointed her guardian. Ruth engaged attorney Burkhardt in October and by Dec. 1, C. C. Ketrow was appointed Mary's guardian after showing cause why Harvey Miller should be removed. In toto the sum involved was valued at \$16,000. The court computed the amount due attorney Burkhardt for his services and awarded him \$200.

Counsel appeals, claiming that his services were grossly underrated by the lower court.

"The record further disclosed that the appellant spent one hundred eight hours (italics added) in getting one guardian removed and having a successor appointed; that he made 12 round trips from Dayton to Greenville, a distance of some 900 miles and consuming an additional 24 hours; that the cost of transportation in his automobile was worth ten cents per mile."

Held: Judgment reversed; cause ordered re-warded for further consideration. *In Re Miller's Guardianship*, 107 N. E. 2d 627 (Ohio, March 1952).

HE WAS BLIND, ANYWAY

Heard in Restitution:

Prof. Seavey: "Supposing that I buy a suit from Jordan Marsh and when I come home my wife shouts: 'Horrors! Why did you buy a yellow suit?' When I bought it, I thought it was perfectly all right. Can I get recission?"

Student: "No sir. That was a unilateral mistake of fact. The store can't help it if you were color-blind."

Prof. Seavey: "But I wasn't color-blind. I was stewed!"

EQUI-NIMITY

Professor Chafee's advice to the lawyer who loses a case:

"Don't mope or fret about it. Be like a doctor whose patient has died."

CLASSROOM PERSONALITIES



THE C.P.A. IN ACCOUNTING CLASS

Prof. Glueck Reveals Major Findings Of Research On Juvenile Delinquency

The following article is the final installment of an address (somewhat shortened), given by Prof. Sheldon Glueck last Thursday before the National League to Promote School Attendance. The title of the address was "The Home, the School and Delinquency."

It is within the family emotional climate that the most deep-rooted and persistent character and personality traits and distortions of the growing child are developed; and here again the delinquents come off much worse than the other boys.

I should like to emphasize, however, that we cannot attribute the end product of delinquency exclusively to any one set of factors derived from the various levels of our exploration.

The summation of the major dissimilarities between the two groups of boys indicates, rather, that the separate finding, independently gathered and compared, tend to integrate into an organic dynamic pattern of causation neither exclusively biologic nor exclusively socio-cultural, but evidently deriving from an interplay of somatic, temperamental, intellectual, and sociocultural conditions.

Interplay of Factors

If, we take into account the dynamic interplay of the differentiating factors from all these various levels and channels of influence, a rough causal explanation takes shape which tends to accommodate these puzzling divergencies, at least so far as the great mass of the delinquents is concerned. As a group, our delinquents (residents in underprivileged urban areas) are distinguishable from the non-delinquents by the following chief traits and characteristics:

Physically, in being essentially mesomorphic in constitution (i.e., solid, closely knit, muscular); temperamentally, in being restlessly energetic, impulsive, extroverted, aggressive, destructive (often sadistic)—traits which may be more or less related to both their bodily structure and their erratic growth pattern with its physiologic correlates or consequences; in attitude, in being hostile, defiant, resentful, suspicious, stubborn, socially assertive, adventurous, unconventional, nonsubmissive (or ambivalent to authority); intellectually, in tending to direct and concrete rather than symbolic, abstract intellectual expression and in being less methodical than the control group in their approach to problems; socioculturally, in having been reared to a far greater extent than the non-delinquents in homes of little understanding, affection, stability, or moral fiber, by parents usually unfit to be effective guides and protectors or desirable symbols for emulation; and under conditions unfavorable to the building of a well-balanced and socially adequate character and conscience (superego).

Kicking Over Traces

It is particularly in the exciting, stimulating, but little controlled, and culturally inconsistent environment of

urban underprivileged areas that such boys readily tend to give expression to their untamed impulses and their self-centered desires by "kicking over the traces" of conventionally dictated behavior. These tendencies are apparently anchored deeply in body and mind and essentially derive from malformations of personality and character during the first few years of life.

It will be seen that all the conditions enumerated are of a kind that in all probability preceded the evolution of delinquent careers; and in the sense of sequence of events in time may legitimately be regarded as causally connected.

It should be borne in mind that the synthesis of causal influences derives from a general comparison of persistent delinquents with non-delinquents. There are doubtless small groups of offenders who would show fundamental variations from this general pattern.

Operation of Factors

Meanwhile, we can say with assurance that the high probability of delinquency is dependent upon the operation of the factors noted in the above summary from all or most of the areas thus far explored. Taken in the mass, if boys in underprivileged urban areas have in their make-up and early background a substantial number of the factors we have found markedly to differentiate delinquents from non-delinquents, they are very likely to turn out to be delinquent. In this general sense, then, a causal relationship has been established. Various subpatterns of factors, each sufficient to be causal of persistent delinquency, remain to be analyzed out of this general complex of factors.

While among the delinquents various forms of school misbehavior first occurred at an average age of 9.5 years (a third of the delinquents having been but eight-years-old or less) it showed up that early among less than a tenth of the very few non-delinquents who had misbehaved in school, their average age at first school misconduct having been 12.5 years. When, to the tender age of school misconduct there is added the early age of first delinquent behavior (almost half the delinquents were but eight-years-old at their first delinquencies), it becomes crystal clear that the signals of persistent delinquency flash their warning before puberty. This means that the elementary schools are in a strategic position to discover potential delinquents before the trends of maladapted behavior become too fixed.

Strategic Position

The schools, then, are in a strategic position to note such marked deviations and difficulties of adaptation at an age when the child is first faced with the test of conforming his natural impulses to Society's first code outside the home. Character prophylaxis—the testing of children early and periodically to detect beginnings of malformation of emotional de-

Alumni Notes

S.J.D. '33—*Frederick E. Hines* has been elected vice-president of Douglas Aircraft Company. Hines became associated with the company in 1939, as head of its legal division, after teaching law at the Universities of Utah and of Southern California, and at Loyola of Los Angeles. He still teaches a graduate course at Southern California.

Hines has been active as a member of the Legal Committee, Aircraft Industries Association, and as Associate Editor of *U. S. Aviation*; at the same time he has continued to participate on the Los Angeles Committee on Foreign Relations. His principal concern in his new position will be the planning and execution of the company's financial policy.

LL.B. '41—*Albert J. Rosenthal*, ex-president of the *Harvard Law Review*, has been named General Counsel of the Small Defense Plants Administration, after serving as Acting General Counsel since last July. Rosenthal was law clerk to Judge Calvert Magruder, U. S. Court of Appeals for the First Circuit, in 1941 and 1942, and then served in the Army Air Corps until 1946. After clerking for Justice Frankfurter and working with the OPA, the International Bank for Reconstruction and Development, and the Department of Justice, he joined the SDPA in January, 1952.

LL.B. '50—*Marshall J. Seidman* is now a field attorney attached to the Sixth Regional Office of the National Labor Relations Board, in Pittsburgh, Pa. Previously he served on the staff of the General Counsel of the NLRB, in Washington.

LL.B. '51—*Robert Ehrenbard* is now clerking for Hon. Edward J. Dimock of the U. S. District Court of the Southern District of New York.

velopment and habit formation at a stage when the twig can still be bent—is as necessary as are early and periodic medical or dental examinations. A crying need of the times is a preventive medicine of personality and character. Youngsters, who, unaided, face a career of storm and stress should be discovered as early as possible and given adequate therapy long before the law's label of juvenile delinquency is affixed to them or before they develop serious mental illnesses. In an enlightened educational system the school could function as the litmus paper of personality and character maladaptation.

Problem Intricate

The intricacies of the problem of early recognition and treatment of personality and character ills, and a chief reason why so little has been accomplished toward its solution, are illuminated by the simple yet striking fact that when a child first begins to display signs of maladaptation it is very difficult to say whether these are true danger signals of persistent delinquency in the offing or merely transient evidences of the youngster's trying of his wings. Bits of maladapted and even antisocial behavior at the age of five or six are not necessarily prognostic of future delinquency. It therefore becomes of prime importance to devise a method of distinguishing, very early in life, those children who, unaided, are probably headed for delinquent careers, in order that therapeutic intervention may be timely and effective.

Such a device we believe we have developed in three predictive tables presented in *Unraveling Juvenile Delinquency*, one derived from the data of the family background of the two sets of boys, a second from their differences in temperament and personality as revealed by the Rorschach Test, a third from their differences as indicated by the psychiatric interviews of the boys. . . .

Experiments of this type should aid considerably in a reexamination of Society's methods for the early detection and effective treatment of a problem that underlies almost all other social problems—how to lessen the total amount of delinquency, crime, and other antisocial aggressions, with their attendant grief and ever mounting cost to all of us.

APPEAL —(Continued)

erroneously dismissed the count for violation of the right of privacy.

The defendant appeals on the following points: (1) the trial court, on all the evidence, ought to have directed a verdict of not guilty on the battery count, (2) the trial court erred in its instructions about the shopkeeper's privilege to



Plaintiff Diane Parr

detain a suspected thief. The defendant contends that the court ought to have directed a verdict of not guilty, or should have at least permitted the jury to find whether or not West was justified in detaining Miss Parr.

In reply to the plaintiff's appeal point, the defendant says that there is no right of privacy recognized in the Commonwealth of Ames.

Plaintiff's Answer

Plaintiff answers the defendant's allegations of error by saying, first, that there was enough evidence to let the question of battery go to the jury, and second, that the court was correct in its instructions about a shopkeeper's right to detain. Even if the court's instructions were incorrect, however, the defense says, there was enough evidence that the jury could reasonably find that West had exceeded his privilege.

Printed briefs of the appeal and tickets to the trial are being given to first-year students in their group meetings this week.

HARVARD SEA GRILL

(Where Law School Students Gather)

1680 MASS. AVE.

Excellent Meals — Moderate Prices
OPEN EVERY NITE — 1:30 A.M.

Tours-Cruises

AIRLINE and TRAIN RESERVATIONS

UNIVERSITY TRAVEL CO.

18 Brattle Street UN 4-0740

Open 24 Hours

Every Day

SWANNY'S
35 Boylston St.
Harvard Sq.

Chez DREYFUS

Same Delicious Food At The Same Prices

BANQUET ROOM — COCKTAIL BAR

44 Church St., Cambridge

KI 7-4311

"YOU DUMP IT

WE DO IT"

HUDSON LAUNDERETTE

HUDSON STREET

ONLY TWO BLOCKS

FROM LAW SCHOOL

OFF 1672 MASS. AVE.

XETER

Kenmore 6-7067

Premiere TODAY!

"A refreshing item of British Humor."

—N. Y. HERALD TRIBUNE

BRANDY

FOR THE PARSON

with

James Donald - Jean Lodge - Kenneth More

"DAVID" also "CAUTION

RKO's DANGER AHEAD"

Rackets Restrung

One Day Service \$3.50 to \$9.50

TENNIS & SQUASH SHOP

67A MT. AUBURN ST. CAMBRIDGE

Opp. Lowell House — TR 6-5417

Bull & Bear Hears Talk On Investment Analysis

Mr. Ralph Dibble of Merrill Lynch, Pierce, Fenner & Beane instructed the Bull and Bear Club last Friday on "The Young Investor's Portfolio."

He cautioned the group "not to believe the old maxim 'Money is a means to an end'; to the investor money is the end."

Mr. Dibble analyzed the factors which an investor should look for in any company before he buys stock. He concluded his talk by listing stocks in various industries that he considered good buys at the present time. His outlook for the stock market in the near future was optimistic.

\$10,000 Contest

President Leonard Weinberger, 3L of Brooklyn, announced that membership would be closed for the year to those who had not paid their dues by next meeting.

The Bull and Bear Club publishes a bi-monthly newsletter, *Ticker Tape*, the first issue of which appeared last week.

The publication announced a \$10,000 contest to test the skill of the members in investing. The contestants have been given a hypothetical \$10,000 which may be invested in stocks or bonds or may be held in cash. The contestants can alter their holdings only at the first of each month.

REVIEW —(Continued)

The current article comes as a defense of a recent ruling by the New Jersey Supreme Court that the State's new constitution had given the Supreme Court exclusive powers to make rules for the court system.

Internal Security

Mr. O'Brian, who directed the internment of enemy aliens during World War I, compares current attempts to achieve internal security with those of the period during and following that war.

The article by Messrs. Wienshienk and Feldman, both of whom have been associated with the office of the General Counsel of the Air Force, deals with the whole range of problems faced in the drafting of government contracts. Chief among these are the determination of allowable costs and profits, and the methods of financing contractors.

Please Patronize Our Advertisers

Unusual Opportunity for Harvard Students

Even though your home may be outside of Massachusetts, as a resident here you are eligible to apply for Massachusetts Savings Bank Life Insurance.

This is the kind of insurance that gives you more protection at less cost because of the low selling expenses. But it is yours only if you buy it over the counter on your own initiative.

And you can take it with you . . . no matter where you eventually work or live. Buy it now and save money on premiums for the rest of your life.

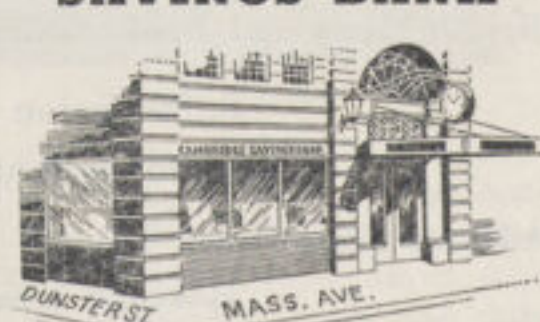
This bank is Headquarters in Harvard Square for Savings Bank Life Insurance. Come in or write for folders describing all types of policies and showing rates at your age.

Sample Rates for \$1,000 Straight Life Insurance

Age Nearest Birthday	Annual Premium	Monthly Premium
20	\$16.19	\$1.43
30	21.53	1.90
40	29.97	2.64

Our Insurance Dept. is located just inside the front door on the left. Ask for Mrs. Dexter or Mr. Howard.

CAMBRIDGE SAVINGS BANK



RIGHT IN HARVARD SQUARE
8:30 to 3—Monday thru Friday

Church Street Garage

Authorized COOP Station

COOP PATRONAGE

REFUND ON PURCHASES

of

Oil, Gas, Washing and Greasing

Open 7:30 A.M. to 9 P.M.

Mon. thru Fri. Sat., 6. Sun., 6.

41 CHURCH STREET

KI 7-1133-34

CHARLES SNACK BAR

GOOD THINGS TO EAT

37 BOYLSTON ST., CAMBRIDGE, MASS.

Telephone ELiot 4-8865

Student Valet Service

CONTRACT PRESSING

CLEANING — PRESSING — ALTERATIONS

HAT RENOVATING — SHOE REPAIRING

For Service and Satisfaction Never

Obtained Before CALL TR 6-0268

1609 Mass. Ave. Next to Bence's

Enjoy the Finest

Italian-American Food

and Delicious Pizzas

—AT—

SIMEONE'S

Pizza — Spaghetti — Ravioli — Cacciatore

Steaks — Chicken — Chops — Clams

All Our Full Course Dinners Not Over One Dollar

1 BLOCK FROM CENTRAL SQUARE

21 Brookline St.

Telephone EL 4-9569

(Open Every Night till Midnight)

● OPEN SUNDAYS

METHOD —(Continued)

these were "Pound v. Sterling" and "Wigs v. Wigwams."

Prof. Parry is a Dean of Downing College, Cambridge, one of the editors of the sixth edition of Dicey's *Conflicts of Laws*, and a barrister at Chancery. Mr. Loss, a former Associate General Counsel with the Securities & Exchange Commission, became a full Professor of Law at the School this year. In addition to



Louis Loss

his teaching duties, he recently became the faculty adviser for the Bull & Bear Club.

At least one more legal program will be presented by the Forum this semester and a prominent New York trial attorney is being contacted to give the lecture. In the spring the Forum expects to present Samuel Leibowitz, Judge of Special Sessions in New York City, to reminisce on his trial practice.

FORUM —(Continued)

cent essays is "Levels of Moral Discourse," published in *Ethics*. Prof. Aiken has also edited a selection of the writings of David Hume. He taught at Columbia and Washington Universities before coming here.

The forum was coordinated by Robert Goldscheider, 2L of New York City. The Forum Board is now planning its fifth program, which is expected to be a discussion of the American naturalistic novel.

NEWS IN BRIEF**LAW WIVES**

Mr. S. G. Chitale, Dean of the Bombay Law School, largest law school in India, will speak to the Harvard Law Wives next Wednesday, 8 p.m. His subject is, "Lady Students in Indian Universities." Other aspects of Indian life also will be discussed.

BRIDGE CLUB MEETING

The Harvard Law School Duplicate Bridge Club will hold its monthly Masterpoint Tournament tonight at 7:30 in the Wheeler Room of Holmes Hall. The tournament is open to faculty, students and wives.

Jim Harris, 2L, of Walpole, N. H., took first place in the October series. Runners up were Ben Aisenberg, 1L, of Worcester, and Herb Katz, 2L, of Glassport, Pa.

DUPLICATE BRIDGE

The second of this year's series of monthly Duplicate Bridge Tournaments at the Cambridge Center for Adult Education, 42 Brattle St., will be held tomorrow evening at 7:45. A single ticket for the series is 60 cents, and players need not have had previous experience in duplicate playing.

FORD HALL FORUM

The Ford Hall Forum will present Harry Allen and Bonaro Wilkinson Overstreet in a discussion of "Our Basic Psychological Needs," this Sunday at 8 p.m. Meetings of the Ford Hall Forum are held in Jordan Hall, 30 Gainsboro St., off Huntington Ave., in Boston. William L. Shirer will speak on "Threats to World Peace: The Problem of Russia and Germany," on Nov. 16. There is no admission charge.

LEGISLATIVE RESEARCH

The second meeting of the Harvard Legislative Research Bureau will be held tomorrow at 3:30 p.m., in the Associated Harvard Clubs Room. Returns on questionnaires and submitted research requests will be discussed and distributed at this meeting.

FIRST YEAR JUDGES

The Board of Student Advisers reports there still are openings for second and third-year students to judge first-year arguments. Those interested should register at the Board office in Austin Hall.

FOGG ART MUSEUM

A survey of French graphic art is on view at the Fogg Art Museum through Nov. 29. Representative works from Ingres to Toulouse-Lautrec are included.

AMES SCHEDULE

Assignments in the Ames Competition Qualifying Rounds 6 through 8 are as follows: Round 6, docket posted today, facts issued Monday; Round 7, docket posted today, facts issued next Thursday; Round 8, docket posted today, facts issued next Friday.

The following assignments were announced for the First-Year Ames Competition: Round 1, brief exchange tomorrow, argument next Wednesday; Round 2, brief exchange Monday, argument next Thursday; Round 4, brief conference today; Round 5, brief conference next Wednesday; Round 6, brief conference next Thursday; Rounds 7 and 8, facts conference tomorrow.

RABEL —(Continued)

He feels that adjustment to the domestic climate of the particular states should become less and less a moving force as the world becomes smaller through better means of transportation and communication.

In 1948 Dr. Rabel was listed in *Who's Who in America* as a scholar in ancient and modern comparative law. His interest in this field is shown by his background in the law.

After he obtained his S.J.D. in 1895 from the University of Vienna, he went to Paris where he studied and taught for several years. From there he went to the University of Leipzig, where he became an associate professor in 1904.

He became a full professor of law in 1906, at which time he was appointed to the faculty of the University of Basle. He went to Germany in 1910 to teach and do research at various universities.

Prof. Rabel joined the Berlin Law School faculty in 1916 and was named Dean of the school in 1933. He remained there until 1935.

World Court Judge

He was director of the Institute for Comparative Law in Munich from 1916 to 1926 and then director of the Institute for Foreign and International Private Law from 1926 to 1935 in Berlin.

Meanwhile Dr. Rabel was a judge on the World Court at The Hague from 1925 to 1927. He also was a member of the Executive Council of the League of Nations Institute for Unification of Private Law from 1927 to 1934.

After the Nazis came to power and disrupted the old system of law, Dr. Rabel left Germany in 1935. Two years later he received a *Dr. Honoris Causa* in Athens. He came to the United States in 1939 and in 1945 became a citizen. He went to the University of Michigan in 1942 and started his work on conflict of laws.

Prof. Rabel came here in September to work on the fourth, and what he believes to be the final volume of his study.

SQUASH RACKETS

Largest Variety in New England
TENNIS & SQUASH SHOP
67A MT. AUBURN ST. CAMBRIDGE
Opp. Lowell House — TR 6-5417

THE MISSES LITTLEFIELD

HARVARD SQUARE

PROFESSIONAL TYPISTS

4 Brattle Street TR. 6-7495
Harvard Square

Extend Law Blood Drive In Effort To Meet Goal

Pledges of blood from prospective donors in the Law School and the Graduate School of Arts and Sciences have reached only half the goal of 500 pints, Law School chairman Bill Boyan, 1L of Bergensfield, N. J., announced last week.

As a result of this failure to meet the quota, the drive in the Law School and the Graduate School of Arts and Sciences has been extended an extra week.

The drive is part of a university-wide campaign, which has nearly reached the previous record of 3400 pints pledged.

The Law School Committee of PBH is sponsoring the blood drive in the Law School, with the cooperation of the Dormitory Council. Mr. Boyan is a member of the PBH Committee and was chairman of a blood drive at Fordham University last year.

Pledges may be obtained at the desk in Harkness Commons and deposited there, handed to Dormitory Council representatives, or mailed to Blood Drive, 23 Everett St.

DRAFTING —(Continued)

The casebook illustrates both of the two major trends in recent law school casebooks: emphasis on problems as a teaching method, and inclusion of a good deal of non-case material. Prof. Cook has included much non-legal ma-

terial: for example, material of the American Institute of Architects.

Cases in books of this kind tend to be breakdown cases, cases where somebody has made a mistake, and the cases are used to illustrate what *not* to do. However, since they are put forth in a more positive setting of what one ought to do, they will be more useful to readers in teaching drafting principles. For example, from the mistakes which show up in the cases in the contracts book, it can be argued that the student can learn much about drafting. This may be so, but without special training the student is not likely to learn a great deal.

Extra Instruction Needed

Perhaps the situation can be summed up like this: (1) most students learn next to nothing about legal drafting under the present curriculum. Those who take part in the drafting competition learn something, but these are few; (2) legal drafting is an extremely important part of law work, and it is the kind of subject which could be taught in law school and therefore more emphasis ought to be given to it; (3) this emphasis need not be a new course, although that ought to be considered. Special lectures are at least one alternative.

Prof. Cook's book aids one a good deal in considering this problem, partly by showing how a course in drafting could be organized and partly by contributing to the literature in the field, which may help make possible other approaches.

J. J. S.

SERGEI EISENSTEIN

TIME IN THE SUN

AND

THUNDER OVER MEXICO

NEW LECTURE HALL

7 and 9:30 P. M.

FRIDAY, NOVEMBER 7

Admission — 60c

CLEANWAY**Self Service Laundry**

9 LBS. WASHED AND DRIED—55c

SUITS CLEANED, PRESSED—85c

104 OXFORD STREET

Just a few minutes from the Law School

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.

For information write or call:

Dalton-Elcock Bar Review

10 POST OFFICE SQUARE

BOSTON, MASSACHUSETTS

HAncock 6-2850

Leave Your Typewriter with US

INSPECT—CLEAN—REPAIR

UNIVERSITY TYPEWRITER CO.

HARVARD SQUARE

10 Boylston St., Cambridge 38, Mass.

KI 7-2720

*Bostonian Shoemakers**Greater comfort than you've ever known!***BUOYANT****RESTFUL****GOOD LOOKS**

FRONTIER

Style 446

Brown Angus Moc Front, heavy single sole, Custom bootmaker finish.

Effortless fit and comfort. GUARANTEED ... for the long life of the shoes.

\$18.75**The COOP****SUBSCRIBE NOW**

to the

HARVARD LAW REVIEW

in order to receive the NOVEMBER ISSUE containing:

Articles by Roscoe Pound, John Lord O'Brian, and Ralph Wienshienk & Frank Feldman.

A Comment by Warren A. Seavey.

The Supreme Court, 1951 Term. A careful examination of last term's most significant cases. Foreword by Paul A. Freund.

Recent Cases and Book Reviews.

Subscription Price \$6.00 per year

(\$4.00 to present Harvard Law Students)

Address Your Order To:

Harvard Law Review Association

Subscription Office

Cambridge 38, Mass.

Materials	20,000 Second Hand Law Case Books and Law Text Books at Lowest Prices	Materials
and Reviews	LAW BOOKS NEW AND USED	and Reviews
Based on all	BOUGHT :: SOLD :: EXCHANGED	Based on all
Law Courses	Largest and most complete supply of used Law Case Books and Law Text Books for all Law Schools	Law Courses
and Case	UNIVERSITY LAW BOOK EXCHANGE, INC. 28A Boylston Street	and Case
Books at	Same Block as the Coach Grille Restaurant	Books at
Lowest	Harvard Square, Cambridge, Mass.	Lowest
Prices	Telephone KIRKland 7-4000 Abraham Isenstadt, Mgr.	Prices
	We can save you substantially on any Law Books whether New or Used. If it is a Law Book, We Have It, or Will Get It for you!	