

The Harvard Law School Record

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December Review To Feature Articles By Braucher, Rostow

Prof. Eugene V. Rostow of Yale Law School, Mr. William T. Plumb, Jr., Washington attorney, and Prof. Robert Braucher of Harvard Law School are contributors of the leading articles in the December *Harvard Law Review*. Notes included in this issue of the *Review* discuss Federal maritime jurisdiction, gift taxes, legislation on subversives, and shareholders' derivative suits.

Filing Date Named For Hoop Tourney

Applications of teams and unaffiliated students wishing to participate in this season's basketball competition should



be submitted at the desk of Hemenway Gym before Dec. 12.

The tournament, which will begin immediately after the completion of winter law school exams, will be open to any law or graduate student, according to Chairman John Harty, 3L of Johnstown, Pa.

Provisions For Individuals

Students who have no team affiliations will be placed on a list, and efforts will be made to organize teams from this group.

Thirteen teams, comprising two leagues, entered last year's tournament, Harty said. Winners of the two leagues met in a championship game. The championship last year was won by the Lakers.

This champion quintet looms as a strong contender to retake the title. Seven members of last year's squad, including Harty, will be back with the Lakers this year.

(See BASKETBALL on page three)

Griswold Will Lead Boston Tax Forum

Dean Erwin N. Griswold will be Chairman of a Forum on the Bureau Reorganization and Tax Problems of the Closely-held Corporation which will be held Saturday, Dec. 13, in the John Hancock Hall, Boston. Registration for the Meeting, which is sponsored by the Federal Tax Institute of New England, is \$8.

Program of the meeting includes five panel discussions which will be led by specialists in their respective areas of the field of Federal taxation. These are: Samuel S. Dennis, III, of Hale & Orr, Boston: Partnership versus Corporation; Organizing the Corporations; Planning Its Capital Structure.

George R. Blodgett of Herrick, Smith, Donald, Farley & Ketchum, Boston: Compensation of Employees; Stock Options, Profit-sharing Plans and Other Deferred Compensation Agreements.

Harold T. Swartz, Head, Technical Ruling Division, Bureau of Internal Revenue, Washington, D. C.: Bureau Structure and Practice Procedure Under the New Reorganization.

William Shelmerdine, Jr., of Nutter, McLennen & Fish, Boston: Dealings Between Corporation and Stockholder; Dividends; Recapitalizations; Section 102.

Kenneth W. Gemmill, of Barnes, Dechert, Price, Myers & Clark, Philadelphia: Disposing of the Stockholder In-

(See TAXES on page three)

and teacher of government control of business and corporate reorganization at Yale, devotes his present article to Constitutional Law, and particularly, "The Democratic Character of Judicial Review." Commenting that the institution of judicial review is not undemocratic Prof. Rostow suggests that judges should employ the power unhindered by overcautious consideration of legislative judgments.

Criticising the decision in *Dennis v. United States* as being influenced in part by the premise that judicial review is not democratic, Prof. Rostow defends the power and urges its use especially in protecting of civil rights.

'Related Taxpayers' Problem

In his article, "The Problem of Related Taxpayers: A Procedure Study," Mr. Plumb offers an accumulation of his problems and attempted solutions arising during his five years in the Treasury Department. As Assistant Head of the Chief Counsel's Office in the Bureau of Internal Revenue, Mr. Plumb confesses that he did not try to extend interpleader rules to include related taxpayers in one action. Further consideration, he says, has changed his view, and he thinks now that interpleader should be available, together with alternative proceedings for a declaratory judgment.

(See REVIEW on page four)

Account Of Life At 'Cambridge Law' Offered By Visiting Professor Parry

It is very difficult for me to compare the Harvard Law School with my own law school in Cambridge when, by definition, my experience of Harvard Law School only just began. I can only say that I start out with an almost entirely uncritical admiration for Harvard and that I can give some idea of English legal education. My admiration of Harvard is derived from the fact that though I do not know you, I know a good deal about you.



Clive Parry

Many of the Cambridge Law Faculty have been to the Harvard Law School and many students too. When I en-

CHARITIES DRIVE

Students are urged to return their Combined Charities Drive pledges within the next week to the Phillips Brooks House office at 23 Everett St.

Louise Florencourt, 3L of Arlington, chairman of the drive in the Law School said Monday that response to the drive has been a little slow thus far. However, she expects a surge late this week and early next week.

A gift from every student is the aim of the drive.

Goodrich Presiding At Ames Semifinal; Alumni Contributions To Drive \$47,000

Annual Giving Receipts Double Last Year's Pace For First Three Weeks

In three weeks the Law School's Annual Giving Program has received \$47,000 of a \$200,000 goal, or about twice the amount received during the same period of time last year.

More than 1,250 contributions averaging almost \$40 per donor have been received according to Assistant Dean Wesley E. Bevins, Jr., LL.B. '48, director of the campaign.

Must Supplement Endowment

During the first week in November, brochures outlining the purpose and needs of the drive were sent to all alumni.

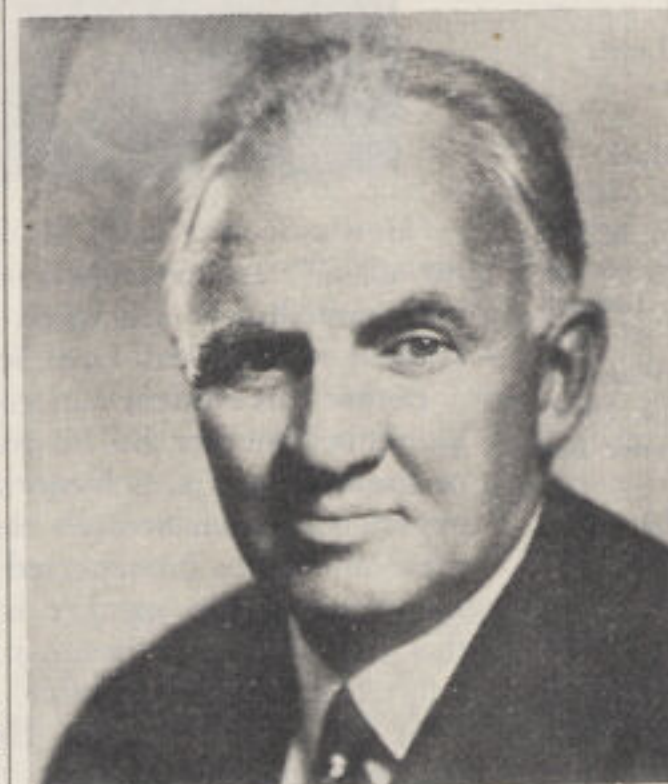
Approximately 400 alumni are working on the drive as class representatives or on large city and state committees. They will attempt personal contact to raise funds, wherever possible. Late in the spring class secretaries will contact those who have not yet been heard from.

The brochure points up the fact that the Law School has only three percent of the Harvard University endowment, which yields about \$230,000 each year. The remainder of the budget of over \$1,300,000 must be met by tuition and gifts. Even though the past two Annual Giving Programs have been considered successful the School operated at a total deficit of \$78,780.94 over the past two years.

(See GIVING on page three)

Judge Herbert F. Goodrich, LL.B. '14, of the United States Court of Appeals for the Third Circuit will be chief judge in the first Ames semi-final of the year to be held Tuesday night at 8 in the Langdell Courtroom. Cardozo Club will be moving party against Casner Equity in this case which concerns a resident alien who was denied readmittance to this country without a hearing.

Associate judges on the appeal will be John E. Noonan of Herrick, Smith, Donald, Farley & Ketchum, Boston; and Warren F. Farr of Ropes, Gray, Best, Coolidge & Rugg, Boston.



Herbert Goodrich

Stephen Crasnov, the appellant, migrated to this country in 1921 from his native land, Rumania, and he has lived here ever since. In February of 1950 he returned to Europe to visit his father and brothers there. However, he was denied admittance and was detained by Hungarian authorities for 13 months.

Re-entry Permit Voided

On return to this country in November 1951 he was temporarily excluded from admission to the United States by an immigration inspector of the Ames District. In February of this year the Attorney General ordered that his re-entry permit (which had been granted to him on his departure in 1950) be cancelled and that he be permanently excluded without the right of hearing.

The Attorney General's order was based on the allegation that Crasnov's entry would be prejudicial to the public interest for security reasons. This presumably was because of his alleged membership in the Communist party.

Crasnov admitted that he joined the party in 1934 or 1935 "and paid a membership fee of \$1, and monthly dues of 25 cents for a period of four months. . .

(See AMES on page four)

Private Law Expert To Speak On Trade

Louis I. DeWinter, Netherlands private international law authority, will be honored at a tea to be given today at 5:15 in the Meeting Room of Harkness Commons by the Law School Graduate Students Association, John T. Blanchard, grad., of Victoria B. C., Canada, the group's president, announced Monday.

At the tea, which is open to the public, Mr. DeWinter will discuss "The Seventh Hague Conference and International Trade." Mr. DeWinter was secretary of the Netherlands delegation to the conference. The conference concerned itself with drawing up conventions on international sales law.

Mr. DeWinter will also be guest at a faculty luncheon Thursday. He is staying in the Dana-Palmer House as a guest of the University until Friday.

He spoke at the Coffee Hour Tuesday afternoon.

Mr. DeWinter is in the United States on a three-months' visit, and has just

(See SCHOLARS on page three)

'52 Blood Pledges Set A New Record, Co-Chairman Says

A new University-wide record total of 3,510 pledges has been set in this year's blood drive, according to Larry Alpert, co-chairman of the Harvard drive. The law and graduate school total of 450 pledges is approximately the same as last year, Alpert said.

This year's sum exceeds by more than 300 the record amount achieved last



year. More than 2,100 pints were actually given last fall, in what Philip Levin, chairman of that drive, claimed to be a nationwide record for any group.

No accurate national statistics are kept by the Red Cross, but since Levin's claim was not disputed, it is believed to be accurate.

Expanded facilities and a longer period for donating make it likely that a greater percentage of the pledges will be fulfilled this year than have been in the past.

Blood giving will run from 9 a.m. to 5 p.m., Monday through Friday of next week, and on Monday and Tuesday of the following week in Memorial Hall. Students who have made pledges either have received or will receive notices during the present week.

Yale Men Produce Unusual Casebook; Few Cases In Work On Civil Liberties

POLITICAL AND CIVIL RIGHTS IN THE UNITED STATES by Thomas I. Emerson and David Haber, with Foreword by Robert M. Hutchins. Buffalo: Dennis & Co. [1209 pp. \$8.50.]

In the ordinary course of things the announcement of a new casebook will not cause mysterious stirrings in the hearts of law students, but *Political and Civil Rights in the United States*, by Prof. Thomas I. Emerson and Assoc. Prof. David Haber of Yale Law School, should cause something of a stir in the academic world for at least two reasons.

Abounds In Current News

First, it is probably the first Constitutional Law casebook to be devoted entirely to civil liberties (in the foreword the former Chancellor of Chicago University, Robert M. Hutchins, holds the work to be "the only comprehensive collection of cases and materials on the most important subject in the world today"); second, the volume gives a minor position to decisions of courts and places primary emphasis on current incidents which have not and may never reach the courts.

However, this novelty may prove to be a handicap to instructors in other schools who wish to use the casebook. Certainly Constitutional Law should not be taught as a course in civil rights to the exclusion of other material, and reliance on today's headlines can result

in a book too stale for use next year—at least where the incidents discussed are not symptomatic.

Decisions De-emphasized

With the abundance of "current" topics, excerpts from treatises, reprintings of statutes, industry codes, and portions of Congressional hearings, the volume is probably better fitted for the seminar than the classroom. There are a little over 70 decisions given in the book, and of these about 10 date from before 1930. But to offset the concentration on recent court holdings the survey note material sketches in a good deal of the legal background. Extensive dissenting and concurring opinions, now usual in civil rights cases, take up the rest of the volume.

(See BOOKS on page three)

FORUM CANCELLED

"How Can We Mitigate Industrial Strikes?" a program scheduled by the Harvard Law School Forum for presentation tomorrow night has been cancelled. The deaths of the heads of the A.F.L. and the C.I.O. have tied up the presidents of member unions in an effort to find successors and thus prevented them from accepting invitations to speak here, according to Fred A. Levy, president of the Forum.

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Pioneer Plan

In New York County Supreme Court a pioneer experiment has begun. For one year some 70 medical specialists will be at the call of a judge who finds, during pre-trial consultation, that the medical claims of the litigants diverge too greatly. An expert from the panel then will be chosen by the judge to examine plaintiff; his report will be available to the court and the lawyers for both sides, and he will be subject to call as a witness for either party at the trial.

Since torts cases crowd the dockets of most courts and much of trial time is spent on conflicting evidence on extent of injury, this novel project promises a speeding up of the judicial process, while increasing the possibility of fairer treatment of defendants by juries. An impartial finding should act to curb unwarranted sentimentalities induced by plaintiffs' lawyers as a crutch to aid a weakling case, and yet valid claims will not suffer by the detraction.

We expect the results of the one-year trial period will be awaited by students of judicial administration and practitioners both; however, perhaps it should be noted in advance that the New York County Supreme Court already has a rule requiring pre-trial consultation in torts cases, and the "experts plan" may be less successful where the holding of pre-trial examination is more at the discretion of the parties. Nonetheless, such an experiment was needed in this field, where the interval between service of process and trial is long enough for memory to dim and time to becloud the truth.

* * * * *

Scrooge Revisited

As the PBH Combined Charities Drive draws to a close it has been reported that receipts to date are far below last year's response. We feel that the Law School Committee has been considerate of students' time and feelings in dispensing with face-to-face solicitation; only reminders of the drive have been sent.

If the fact is that students will not give unless they be prodded or bludgeoned into giving to this desirable effort, we think all have reason to be less proud of the men at our school. The goal of the drive remains a contribution from every student—of some amount,—and there is still time to vindicate the Committee's faith in the spirit of pure charity.

Off the Record

HURRAH FOR TEXAS!

Professor Freund while informing the class in Conflict of Laws that Texas had abandoned the rule which facilitated the disposition of "skip cars," declared, "If Texas comes in line with the rest of the Union, this course would fold up."

* * * * *

HAPPY DAYS ARE HERE AGAIN

From an annual report to stockholders of a gold mining company comes the following paragraph:

"Net gain for 1950 was \$3,073.15 vs. net loss for 1949 of \$15,246.49, or an increase of \$18,319.64. The sole reason for the 1950 gain was the payment to the Company of business life insurance proceeds in the sum of \$25,000. It is with great regret that we notify stockholders of the death on May 4, 1950 of Mr. —, for many years the Vice President and General Manager of (the Company)."

Gallery

AUSTIN WAKEMAN SCOTT
Law Professor



"How's Scotty?" and "Is he still the same in his class?" are comments that every alumnus will immediately ask when he meets a present student at Harvard Law School.

Before this student can get out an answer the alumnus, whether he be from the class of '10 or the class of '51, is busily engaged in retelling experiences from Scotty's classes. Not only are these anecdotes interspersed with smiles, but in the voice of the speaker is deep affection for this man who has become the symbol of the finest Harvard has to offer.

In the great body of Harvard Law School students and alumni Scotty is Austin Wakeman Scott, Dane Professor of Law at Harvard Law School, and the outstanding authority on the law of Trusts.

Perhaps the most accurate statement as to Scotty's teaching is that he regards the study of the law as serious and exciting. In his own words, "the subjects are intrinsically interesting."

To Prof. Scott not only are the subjects interesting but they are a lot of fun. "Teaching them is great fun." Anyone who has had Scotty as a teacher will readily agree that with his characteristic touch Trusts and Civil Procedure become the most humorous classes. His classes are characterized by frequent outbursts of laughter as he hammers home a point.

The Art Of Teaching

Scotty, at the work or more accurately, at the art of teaching, constantly paces the platform. His short, spare body is constantly in motion as he tosses out questions and spontaneous observations to the answers he receives. His teaching is full of vigor. He succeeds in making the cases come to life.

"Doesn't this case just make your hair stand on end," he will cry to show his disapproval.

Recently a class hour in Trusts was interchanged with one in Accounting. After reciting the facts of an old English case on Trusts, Scotty perked up his head, and jubilantly asked, "Now isn't this more thrilling than Accounting?"

The student who hesitates in answering a question is lost.

"Mr. Shestack, I wonder whether you think the opinion in *Poff v. Poff* on page 108 is correct or otherwise?" Scotty will ask, and then, after a few seconds of hesitation by Mr. Shestack, "or perhaps I am begging the question. Perhaps I should ask whether you think."

Regarding his course in Procedure, Prof. Scott finds it more difficult to get students excited about it than about Trusts. "Yet," he declares, "Procedure is the lawyer's art—his first step towards being a lawyer."

Professor Scott graduated from Rutgers University in 1903, having majored in history and mathematics, and began to teach at Rutgers Preparatory School that year. He had no idea then of studying law, but a chance reading of a volume of Blackstone aroused his interest and he began to study the *Commentaries* in the evening. In 1906 he enrolled at Harvard Law School. "It was an intellectual awakening," he remarks.

Early Law Practice

In 1909 Prof. Scott graduated, having been on the *Law Review*, and went to the New York firm of Winthrop and Stimson, in which Henry L. Stimson was a partner. He had intended to become a practicing attorney, but in the middle of the 1910 school year Dean Ames died and Scotty was asked to take his classes for the remainder of that year. He agreed to do so and commuted regularly between New York and Cambridge until June.

He has been at Harvard since then, with the exception of the 1911-12 school year when, on leave of absence, he spent a year at the University of Iowa as Dean of its Law School. In 1915, when Dean Thayer died, he was designated acting dean of Harvard Law School and

occupied the position until Roscoe Pound became Dean in 1916.

Early in his career at Harvard Prof. Scott took an interest in the law of trusts and has specialized in it for some 35 years. He was Reporter for the American Law Institute's Restatement of the Law of Trusts, the writing of which took some eight years.

Revising The Restatement

At the present time, he is "Revisiting the Restatement." The Institute has the dual objective in this re-examination of bringing the Restatement up to date and of expanding it. Prof. Scott finds that the Restatement has been successful in what it attempted to accomplish and the changes should be directed to making it "less dogmatic and more persuasive by developing the reasoning."

His great treatise, *Scott on Trusts*, was in preparation over a period of years with the last three or four years before its publication in 1939 being largely devoted to work on it. His present crop of budding attorneys are studying under a revised and up-to-date edition of his Casebook on Trusts.

Prof. Scott welcomes the presence of women students at the Law School. Over forty years ago he voted to let women in. "It was absurd to make that kind of restriction."

Many honors have come to Austin Wakeman Scott. In 1928 he was elected president of the Association of American Law Schools. From Rutgers and Harvard Universities he has received honorary degrees of Doctor of Laws. He has been elected an honorary member of a "couple of foreign societies."

The Law School has been his particular love. "I like the Law School pretty well," he says, nodding his gray head to emphasize the gentle understatement. "I like the Harvard Law School pretty well."

Letters to the Editor

TO THE EDITOR:

Law School professors, especially new ones, should be properly grateful when they are noticed in your columns, and I thank you for your "Gallery" article of last week. But I am afraid that my good friend and former colleague, Mr. Roger S. Foster, an eminent alumnus of this School who has been serving with distinction as General Counsel of the Securities and Exchange Commission for some eight years, will be surprised at your having promoted me *ex post facto* to the post of "Chief Counsel for the Commission" for the four years preceding my coming here. The Civil Service Commission may also be inclined to the view that your action is just a bit *ultra vires*. As your column elsewhere indicated, I was in fact the Commission's Associate General Counsel when I came to Harvard.

I give you your choice of printing this letter or responding to an action for the difference between the General Counsel's salary and mine during the last four years—the latter on the assumption that I can find someone here who knows where the courthouse is.

LOUIS LOSS

* * * * *

TO THE EDITOR:

R. Howard Bland, LL.B. '05, in his letter to you stated, "I have read with feelings of disgust and of amazement the column 'For Stevenson'..."

I have also read your editorial in the same issue of the *Record*, "A Market Place of Ideas" in which you state that you would welcome student and alumni opinion upon it.

I will not characterize my own reaction to Mr. Bland's letter as having read it with "feelings of disgust" for then I would be guilty of the same narrow-mindedness that he engenders. I would rather use the cliché, "He is more to be pitied than scorned." Of course his reference to his having two Harvard degrees of which he is still very proud is a non sequitur.

I would not have minded his criticism of your handling of the political situation, but I am concerned more with his decision, "I suggest that you strike my name from your list of subscribers." That to my mind is an infantile way of disagreeing with another's point of view. Since he is merely "suggesting" that you strike his name from the subscription list, may I suggest that you do not do so. Perhaps after he sees this problem aired in your "market place of ideas" he may begin to see the light that is shed by the beacon of "freedom of the press and expression" certainly in this country, since that Philadelphia lawyer faced the threat of disbarment in order that his client, John Peter Zenger could be vindicated and one of our greatest freedoms be permanently established.

Would Mr. Bland deny the *Record* to be a "market place" for ideas, with only such restrictions, as space, good taste and fairness may impose? If he would, then he should by all

Sub Judice

THE MERRY PRINCE OF FLORENCE

In most respects, Mr. Prince was the average American man. He owned his own home and some other real estate in Florence, Ala. He was a very efficient, diligent, and trustworthy employee of a stove manufacturing plant located in Florence.

As foreman he was required to be at his job five days each week and occasionally on Saturdays he would go to the plant early in the morning to open the plant for the watchman. At all times his sobriety while on the job was beyond reproach. However, it was during the non-working days of the year—on week-ends and holidays—that Mr. Prince was prone to imbibe and make merry.

A Quiet Drunk

At his trial for vagrancy witnesses testified that "the accused would get manifestly and unmistakably drunk" but never did boisterousness, profanity, or discourtesy become part of his weekly routine. "The annoyance to his neighbors consisted primarily in the fact that, while intoxicated, he would come to their homes to use the telephone and would appear outside his residence dressed only in his underwear."

From an adverse finding Prince appealed. Held: Reversed and remanded.

The court reviewed the vagrancy statute and concluded that Prince didn't quite come under it. The legislature had referred to a vagrant as being "any person who is a common drunkard." The court found that the term "common drunkard" was not a part of the English law but was to be considered synonymous with the term "habitual drunkard."

By the Habitual Drunkards Act of 1879, 32 and 43 Vict. c. 19, Sec. 3, an habitual drunkard was defined as: "A person who not being amenable to any jurisdiction in lunacy, is by reason of habitual intemperate drinking of intoxicating liquor, at times dangerous to himself or herself or others, or incapable of managing himself or herself and his or her affairs."

The general legislative intent was to consider a vagrant as an able-bodied person who follows not only an idle life, but one "who is engaged in an immoral, unlawful or profligate occupation or livelihood."

Mr. Prince may have been a good-time Charley but not a vagrant. *Prince v. State*, 59 So.2d 878 (Alabama, Aug. 1952.)

means read Milton's *Aeropagitica*, a speech to Parliament of England in 1644 directed against an order licensing the publishing of books, in which the following short sentences culled at random may at least give him pause: "Tis their own pride ignorance which causes the disturbing, who neither will head with meekness, nor can convince; yet all must be suppressed which is not found in their Syntagma. . . . And now the time in special is, by privilege to write and speak what may help to the further discussing of matters in agitation. The Temple of Janus wit his two controversial faces might now not insignificantly be set open. . . . so Truth, be in the field, we do injuriously, by licensing and prohibiting, to misdo her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter? Her confuting is the best and surest suppressing."

ERNEST H. BREUER,
Law Librarian
New York State Library

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TO THE EDITOR:

Those of us who had a hand in starting the *Record* meant that it should be a vehicle for the free expression of opinion. We did not pretend to speak for the Law School students, faculty, administration or alumni. We figured they could individually speak for themselves in our columns.

Your editorial "A Market Place of Ideas" (Nov. 13) is excellent, though I personally believe you should not dodge political matters. The *Record* and the *Forum* recognize that the law student is a citizen—a potentially influential citizen. Just as long as the opinions do not purport to be more than they are, then let political news stories, feature articles, letters, etc., compete along with other materials for the limited space you have available.

R. Howard Bland, LL.B. '05, whose letter prompted your editorial, apparently has forgotten many lessons. I'll bet he didn't similarly commend the American people in 1932, 1936, 1940, 1944 and 1948! Worst of all, his reaction to the *Record* "not doing the great Harvard Law School any good" is to cancel his subscription. I suggest to Mr. Bland that pride in and love for the School would better be served by keeping in touch.

CHARLES O. PORTER, LL.B. '44 ('47)

CASH SALE

In accordance with our custom of many years price promotions are again in order throughout our stocks during the late holiday season. This policy with maximum sales turnover as its goal enables our customers to realize considerable savings at an opportune time.

ALL SALES FOR CASH OR CHECQUE ONLY
NO. C.O.D.'s

Ready To Wear

\$75.00	Own Make English Flannel Suits—Oxford & Charcoal Grays	\$69.50
\$80.00	Own Make English Flannel Suits—Mid-gray, Briar-root and Deep Blue (tailored with piped edges & seams), Also Pinstripes	\$72.50
\$85.00	Own Make English Angola Cheviot Suits	\$76.50
\$90.00	Own Make English Tropical Worsted Suits	\$76.50
\$90.00	Own Make Suits—Glenurquharts—Milled Finish Worsteds & Scotch Shetlands	\$79.50
\$95.00	Own Make Suits—Milled Finish Worsted Twills and Herringbones	\$87.50
\$100.00	Own Make Suits—English Milled and Clear Faced Worsteds	\$92.50
\$110.00	Own Make Suits—Imported Pin Stripe Worsteds—Silk Finish Zephyr Gabardine—Superfine Blue Sharkskin—Clear Faced Herringbones and Neat Glen Worsteds	\$97.50
\$95.00	Own Make Tuxedos With Shawl Lapel Of Satin Or Dull Ribbed Pure Silk	\$87.50
60.00	Own Make Imported Power Loomed Shetland Jackets	\$52.50
\$68.00	Own Make Imported Light Weight Shetland Homespun Jackets	\$59.50
\$75.00	Own Make Real Shetland Homespun & Scotch Thornpoof Jackets	\$64.50

Burberry's, London and other imported topcoats, overcoats and weatherproofs at 10% off.

\$18.50	Own Make Charcoal Flannel Slacks	\$16.95
\$22.50	Own Make Worsted Flannel Slacks—Charcoal & Dark Gray	\$19.85

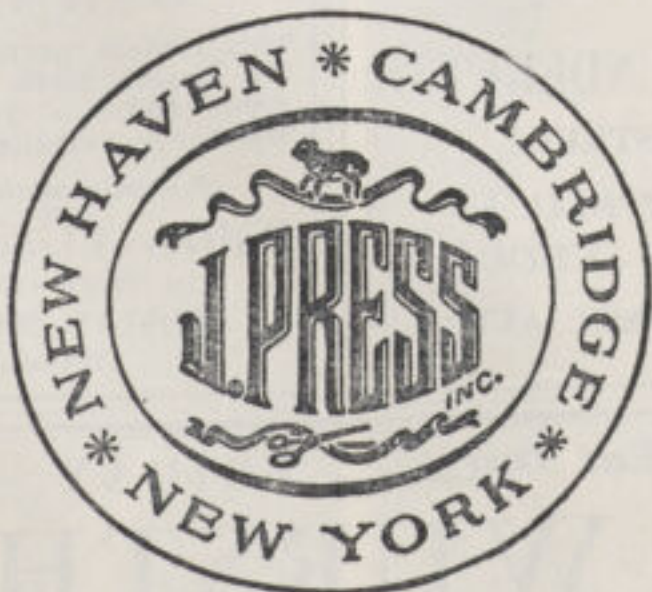
Closing Out

Special Group of English Made Topcoats, Overcoats and Reversible Coats
25% REDUCTION

Hats, Furnishings, Accessories

\$3.00 & \$2.50	Neckties—Pure Silk Foulard & Organzine Repp—English Hand-Blocked Challis & Pure Silk Crochet	\$2.15
\$3.50	English Hand Blocked Pure Silk Madders & Irish Poplins	\$2.65
\$4.00	English Silk Repp and Jacquard Emblematic Repp	\$3.15
\$6.50 & \$6.00	Own Make Shirts	\$5.25
\$8.00 & \$7.50	Own Make Shirts	\$6.75
\$10.50	Nutmeg & Snuff Hats	\$8.95
\$11.50	Blackamoor—Pumpkinseed Serpent—Smoke Pearl	\$9.85
\$5.50	Backstrap Caps	\$4.65

15% OFF Braces—Dressing Gowns & Luggage.
15% OFF Hose—Sweaters—Pyjamas—Belts—Gloves.
10% OFF Mufflers—Kerchiefs and Gift Items.



82 Mt. Auburn Street, Cambridge
Corner Dunster

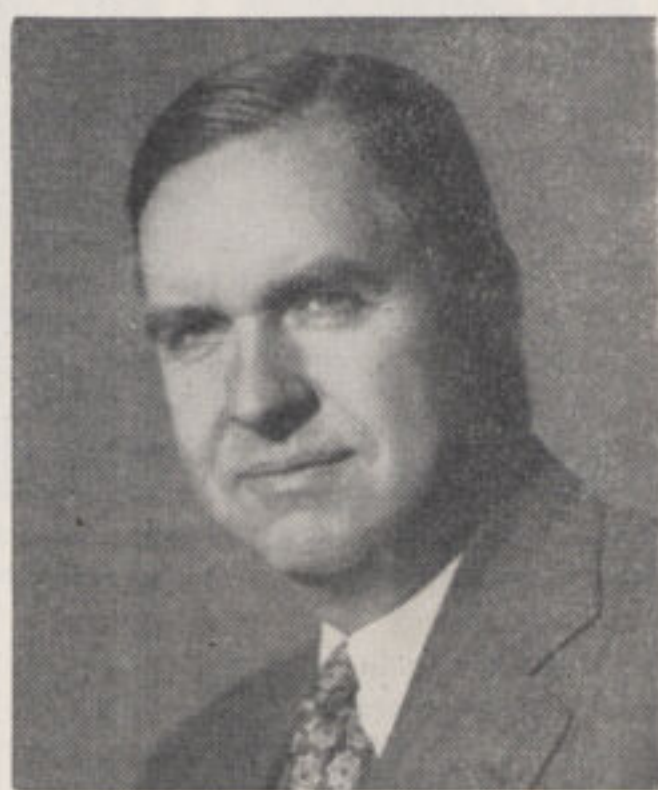
262 York Street
New Haven

341 Madison Avenue
New York

TAXES—(Continued)

terest Stock Redemptions, Liquidations; Stock Purchase Agreements.

Mr. Sheldermine is the Program Chairman for the meeting. Dean Elwood H. Hettrick of the Boston University School of Law will preside at a luncheon which will be part of the day's program.



Erwin Griswold

The Forum is one of a series begun by the Institute in the Spring of 1949 to further its purpose of advancing Federal tax knowledge throughout New England.

Dean Griswold is President of the Institute and a Vice-President is Chief Judge Calvert Magruder of the United States Circuit Court of Appeals for the First Circuit and also of the Law School faculty. Profs. A. James Casner and John M. Maguire are members of the Institute's Executive Committee.

GIVING—(Continued)

This year increased expenses may make the deficit even greater if the goal of \$200,000 is not reached.

Five items were listed in the brochure as expected beneficiaries of this year's drive.

Of the funds, \$35,000 will be used to underwrite the yearly program of group work carried out by six teaching fellows. During the Capital Fund drive of 1948-50, \$125,000 was sought for the teaching fellow experiment for five years. Though the sum was not realized, the program was instituted on faith.

Sixty thousand dollars will provide 100 full-tuition scholarships for students of ability whose needs are great. Even though the scholarship program is expanding, it is far behind those of many other schools and colleges.

Paying Off Dorms

Another \$35,000 will enable the school to finish paying for the construction of five new dormitories as well as the rehabilitation of Walter Hastings Hall. When paid for, the dormitories will be entirely self-supporting.

The libraries budget is badly strained and \$20,000 will be needed to help cover its increased operating costs. The remaining \$50,000 will be used to develop the Law School research facilities. Almost half a million dollars already has been given to support particular research projects. The \$50,000 will be used to pioneer new fields in practical legal study.

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NEWS IN BRIEF

HARVARD LAW WIVES

There will be a Christmas party for all children of Law Wives on Saturday, Dec. 13 from 2 to 4 in Harkness Commons. All mothers please bring an unwrapped gift (not over 25c) if you have one child, two gifts, if two, etc. Please make reservations with Margaret Chimples, NE. 3-1504R. Wives without children, come along to help and have fun! Santa Claus is going to present the gifts to the children and there will be ice cream and games for all.

MISS PARR IN PLAY

Through this Saturday, the Poet's Theatre is presenting "Fire Exit," a new play by V. R. Lang, at the Brattle Theatre. Miss Lang, who is taking one of the principal parts, was the plaintiff, Diane Parr, in the mock trial staged earlier this fall by the Teaching Fellows. The play is subtitled "A Vaudeville for Eurydice," and is a modern version of the Orpheus legend in ironic vein. Mrs. Mark de Wolfe Howe and Mrs. Benjamin Kaplan are among the sponsors of the new acting troupe.

SOUTHERN CLUB TALK

Visiting Professor Clive Parry will speak at a meeting of the Southern Club this afternoon at 5 in the Wheeler Room. General business matters will also be taken up.

SCHOLARS—(Continued)

come from the University of Minnesota. He holds a degree of S.J.D. from the University of Leyden, and is a staff correspondent for several European legal publications, including the Netherlands *Journal of Civil Law* and the French *Journal de Droit International*.

He is a working lawyer in Amsterdam in addition to his writing activities, and is also a vice-president for legal affairs for an Amsterdam life insurance corporation.

Prof. S. G. Chitale will not be able to speak in the Harkness Commons next Tuesday, as previously announced.

BASKETBALL—(Continued)

Other veterans on the Laker team are David Atcheson, 3L of Seattle; Derek Bok, 2L of Beverly Hills, Calif.; Jess B. Cohen, 3L of Minneapolis; Lawrence Fleischer, 3L of New York City; James Gabler, 2L of New York City; and Leon Sarokin, 3L of Maplewood, N. J.



STOCK CLUB HEARS BAKER



Ralph Baker

Prof. Ralph J. Baker spoke to the Bull & Bear Club in the Mallory Smith Room last Friday on the importance of balance sheet ratios, using the Filene-Federated case as a basis for his discussion. When the assets of Filene's were sold to Federated Department Stores in 1949, minority shareholders of Filene's demanded cash rather than shares of Federated for their holdings. Since there had been no active market for Filene's shares, the court was forced to make an appraisal of the value of the stock in order to pay the Filene shareholders. Prof. Baker outlined the four approaches to the problem of evaluating the Filene stock which were used in the case.

Arrangements have been made to have Mr. Harry Besse, President of the Boston Stock Exchange, speak to the Club on Dec. 12. There are still a few memberships open in the Club for those interested.

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CAMBRIDGE —(Continued)

English student's textbook. Sir Percy Winfield did a lot of his early work at Harvard and though Emmanuel College lost Professor Plackett to London, he too was a Harvard man.

But I do not think my colleagues at Cambridge, England, would object if I said that our school was rather the daughter of the Harvard Law School than its mother. Cambridge University, as is well known, is divided up into some 20 constituent colleges, each of which admits students wishing to read in any Faculty. For some centuries each College tended to organize instruction autonomously. There were some university professors but their lectures were often desultory. Some Colleges tended to specialize in law.

Lectures Make College

Thus, my own College, Downing, was created out of the lectures amassed by Sir George Downing, who graduated from Harvard in the 17th century, and it was founded for the encouragement of the study of law and medicine.

There are, nevertheless, very considerable differences between the Harvard Law School and places of legal education in England, even including Cambridge. These differences arise in the first place from the difference in the secondary education systems of the two countries. Very roughly what I might call, to avoid the difficulty of the differential use of the expression "public school" in America and England, a "schoolboys' school" takes a boy up to an educational standard about the sophomore year in an American College. I do not want to be too definite on this point, because the comparison is extremely difficult to make. But the result of the English system is that a boy, fresh from school, who wants to be a lawyer can go straight to law if he wishes. If he takes the view that he is going, in any case, to be practising law for 40 years, he may decide not to do this. I suppose about half the total number of students do the one thing and half the other.

Qualification To Practice

In this connection it has to be remembered that an English law degree is even less of a qualification to practice than an American one. I gather that the graduating class here can proceed directly to the Bar examinations of their choice after a few weeks or months spent in getting familiar with the statute law of the state of their choice.

In England the intending barrister or solicitor—the difference is, roughly, between the man who goes to court and the man who does the paper work—must serve what amounts to a period of apprenticeship before he may practice. As a result an English academic law school can afford to teach less law than an American one. And this, as much as the difference in the school's systems, may account for the fact that a combination of college and law school is not required in England.

Undivided Loyalties

Given these differences, if the intending lawyer comes to Cambridge, he will find it much less unlike Harvard than elsewhere in England. For we have deliberately modeled ourselves on this mother of law schools. There are differences. For instance, the student in the Harvard Law School does not have that divided loyalty to both his College and Professional School which the Cambridge man has. And the Harvard Faculty member, does not, as I do, spend half the week working for the University and half working for a College.

Cambridge provides three separate forms of instruction in law. First, there are university lectures, given in the Law School. I have in the past five years lectured principally on Conflicts, Sales, and International Organization. Then there are Faculty classes, consisting of about 50 students—we have only 600 students all told. Finally, there are supervisions—classes of from one to five students—given weekly in each subject in the course under College auspices.

'English Case Method'

This description probably makes it sound as if Cambridge is very different from Harvard in that we do not employ the case method. I could equally well either agree or disagree with that verdict. Already I have seen enough to know that the case method as employed at Harvard is susceptible of many different interpretations. Some members of the Faculty use more cases than others. As to Cambridge, I think it is true to say that we all lecture from the cases. Many of us issue mimeograph sheets of the cases to be handled. And whilst the lecturer talks more than he listens, very often a general discussion will develop. In Faculty classes and supervisions, we invariably use what I might call case situations, which are either real cases but more often hypothetical ones. And in these the students are expected to do all the talking. They do not, however, always do so. It is much more difficult to get a discussion going in Cambridge than it is in Harvard, despite smaller numbers and smaller rooms. The young Englishman seems to me less forthcoming than his American contemporary. He is more afraid of being wrong.

Only Once A Year

Our examination system, too, provides no incentive for active participation in class. We require one examination at the end of each year only. Students very naturally take this to mean that they may do their own work in their own way and at their own pace during the year. And as part of the whole purpose is to let them discover what is in them by trial and error, it would be unjust to disallow this. The Faculty can, and does, try to ensure an even pace by setting weekly papers, which always consist of problems. But I find my own students usually run a week or two late with their papers because of extracurricular activities. Moreover, since throughout the University there must be something like

AMES —(Continued)



Oralists in the first semi-final argument are, left to right: Marcus Aaron, II and Richard J. Graving, for the Cardozo Club, and Robert I. H. Hammerman and Murray Drabkin, for Casner Law.

My membership in the Communist party was entirely innocent (and based on the belief . . . that the aims and purposes of the . . . Party were to organize unions and to raise funds for payments to workers in the event of a strike.)

However, he denied present membership in the party. He further claims that there is no country that is willing to accept him if the order is upheld.

The Bureau of Immigration says that negotiations are now being conducted through diplomatic channels "with the appropriate Hungarian authorities so that arrangements may be made for the relator's acceptance in that country in the event that he fails to depart from the United States to any other country."

The denial of the hearing, the govern-

ment claims, was on the grounds that the decision was based on confidential information the disclosure of which would have been prejudicial to the public interest.

Brief writers for Casner Law include D. Broward Craig of New York City; William Samore of Sioux City, Iowa; Donald Malin of Brighton; Walter Rothschild of New York City; Edward Genn of Pittsfield; and Melvin L. Zurier of Providence.

On brief for Cardozo are W. Louise Florencourt of Arlington; Theodore M. Gamberling of Marseille, Ill.; Nathan Hershey and Ronald Marsching of New York City; Hugo J. Melvoin of Highland Park, Ill.; and George S. Parlin of Glen Ridge, N. J.

Don't Need Casebooks

Another difference is that, having in general only one jurisdiction to reckon with, we do not need case books. Students can quite easily go to the reports themselves. There are some case books, but students tend to use them only in vacation, when away from the library. So, whilst we use some American texts, such as Goodrich on Conflicts, about the only American case book we use is Professor Hudson's Cases on International Law, where of course a multiplicity of jurisdictions is involved.

I have had my tilt at Oxford, as you no doubt expect of a Cambridge man. I wonder if, in my new capacity as a Harvard man, I dare say anything about Harvard's "other place"? Shall I suggest that Cambridge is much more like Harvard than that place? For we, like you, still feel that the principle function of a law school is the teaching of law rather than anything else.

REVIEW —(Continued)

Prof. Braucher, in his analysis of the Renegotiation Act of 1951, surveys the devices previously employed to prevent or recapture excessive profits on Government contracts. The current Act and Regulations are discussed in the light of their significant deviations from the Acts of 1943 and 1948.

The Cumulative Index covering volumes 51 to 65 of the Review is to be published in December to supplement the Cumulative Index to the first 50 volumes. Review editors, comparing the two index-digests, point out the changes reflected in legal writing contained in the Review. Increased emphasis was placed on income tax and labor law.

BOOKS —(Continued)

The book is divided into nine chapters, with an entire chapter devoted to academic freedom and one given over to discrimination. The other pages cover freedom of speech, religion, and press, and due process.

It would be difficult to recommend *Political and Civil Rights* as a supplement to standard casebooks on Constitutional Law because of the overlap of cases and the fact that much of the materials in the book are ordinarily covered by lecture. And as the casebook for a course, it does not cover the whole field.

This is not a reference manual, but this compilation by the two Yale law professors does deserve at least experimental use as part of the materials for a seminar course concentrating on civil liberties. M. F.

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As a service to students and recent graduates who do not wish to practice law but to enter allied fields where their legal training will be of benefit, we are beginning a Situations Wanted column to aid these men in finding employers. A nominal charge will be made for each advertisement.

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