

The Harvard Law School Record

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PRICE TEN CENTS

Speaker At Bull & Bear To Explore Problems Of The Regional Exchange

Mr. Harry W. Besse, President of the Boston Stock Exchange, will address the Bull & Bear Club tomorrow at 1 p.m. in the Mallory Smith Room in Harkness Hall on the topic "Problems of the Regional Exchange."

Mr. Besse is a graduate of Tufts Col-



Harry Besse

lege ('20). He became a member of the Boston Stock Exchange in 1927, after spending five years with the Goodyear Tire & Rubber Co., in Akron, Ohio. Mr. Besse headed his own firm until 1938, when he joined Draper Sears & Co. In 1949 he became a general partner in Hutchins & Parkinson.

Mr. Besse was elected President of the Boston Stock Exchange in 1946 and is now serving his seventh consecutive term in that office. He is a veteran of both World Wars. During the last war, Mr. Besse served as a member of General Arnold's intelligence staff and later, as a colonel in the air force, participated in combat missions over Japan with a B-29 group based in the Marianas. He is a private pilot and, when weather permits, commutes between his Boston office and his home in his own plane.

Spring Term Schedule

Future speakers include Joseph Spang, President of Gillette Safety Razor Company; David A. Wilcox, President of the Arlington National Bank; and Lewis Gilbert, leading figure in the Trans-america case and renowned champion of the minority stockholders. The latter will speak in conjunction with the regular session of the Coffee Hour.

The bi-monthly newsletter, *Ticker Tape*, will appear shortly. It will include further investment tips for members of the club now engaged in a \$10,000 contest testing ability to trade stocks and bonds.

Talks by investment experts from the Boston area and ordinary club business are the subjects of Bull & Bear's bi-monthly luncheon meetings. Officers indicate that a few more memberships are open to interested students.

COMMISSIONS FORUM

A forum on commissions available in the armed services will be held by the PBH Law School Committee tomorrow from 2 to 4 p.m. in the Courtroom. Representatives of all services will be there to speak and answer questions. Third-year men are urged to attend. Other students are welcomed.



Benjamin Levin

Casner Equity, Cardozo Club Argue Gambling Tax Tonight

Constitutionality of the Federal gambling tax statute is the main issue in tonight's second Ames semi-final argument in Langdell Courtroom at 8.

Presiding as chief judge will be Judge Harrie Brigham Chase of the United States Court of Appeals of the Second Circuit and the associate judges are Bailey Aldrich, LL.B. '32, of Choate, Hall & Stewart, Boston; and Benjamin Levin, LL.B. '23, of Mintz, Levin & Cohn, Boston.



Harrie Chase

In Tuesday night's argument Murray Drabkin of Port Chester, N. Y., and Robert I. H. Hammerman of Baltimore, oralists for Casner Law, defeated the team representing the Cardozo Club. These men will meet the winners of today's argument in the spring finals. John Biggs, Jr., LL.B. '22, Chief Judge of the U. S. Court of Appeals for the Third Circuit, was Chief Judge in place of Herbert F. Goodrich, LL.B. '14, of the same court.

Judge Biggs, a graduate of Princeton, was civilian aide to the secretary of war for Delaware from 1923 to 1937. He was named to the Third Circuit bench in 1937. Among the books he has written are *Demigods* and *Seven Days' Whipping*.

Gambler Appeals

The Casner Equity Club, represented by Oliver S. Oldman of Buffalo and Julian Singman of Washington in the oral, is the moving party and representing the government are Evan Galbraith of Toledo and James S. Gratton of Pittsfield for the Scott Club.

The defendant-appellant, Anthony Cavaresi was convicted of willfully failing to pay the special occupational tax while engaging in the business of accepting wagers.

Defendant's motion to dismiss on the grounds that the provisions of the statute are unconstitutional since they are:

(See AMES on page three)

A-Bomb Spy Case Legal Forum Topic

Next Tuesday at 8 p.m. Stephen Love, Professor of Law at Northwestern University School of Law, will speak at a legal program sponsored by the Harvard Law School Forum on procedural aspects of the Rosenberg Case. The meeting will be in the Courtroom.

Prof. Love will direct his attention to explaining a theory of due process in sentencing, in addition to the due process requisites of the trial itself. Ethel and Julius Rosenberg were found guilty of espionage under the Atomic Energy Act of 1946 and sentenced to death. The execution has been set for January.

Among the organizations of which Mr. Love is a member are the A.B.A., the Chicago Bar Association, and the Illinois State Bar. He has been a professor at Northwestern since 1927 and has written on mechanics' liens.

Last Forum of Semester

The legal talk will be the last Forum-sponsored event of this semester. Last week officers were elected to lead the Forum through the spring program. Martin J. Hertz, 3L of Brooklyn, was chosen President, succeeding Fred A. Levy, 3L of New York City, who will fill the post of Treasurer.

Other officers chosen were Jack Olive, 2L of Ruston, La., to serve as 1st vice-president, succeeding Mr. Hertz; Edmund R. Rosenkrantz, 2L of New York City, former Treasurer, as 2nd vice-president, replacing Mathew Foner, 3L of Brooklyn; and Robert Goldscheider, 2L of New York City, as secretary.

Committee On District Court Reform Calls For Increasing Full Judgeships

The District Court Survey sponsored by the law schools of Massachusetts has offered a plan for reorganizing the district court system of the state, according to Lawrence B. Urbano, LL.B. '50, Director of the Survey.

The plan would increase the number of full-time judges immediately from 20 to 45, without displacing any present part-time judges. The plan would provide for the gradual elimination of part-time judges as retirements occurred.

All civil cases, with minor exceptions, would be heard, beginning at once, by full-time judges operating on a circuit basis within each county. The plan does not apply to the counties of Dukes, Barnstable and Nantucket, because of the light judicial load.

A bill embodying the Committee's plan was filed in the General Court on Dec. 2.

A summary of the work and findings of the Survey Committee explaining its proposal is found below.

The Survey Committee was organized in September, 1951, with Vice-Dean Livingston Hall as its Chairman. Included in the group were Deans Hettrick and Nicholson, of the Boston University and Northeastern Schools of Law, John D. O'Reilly, Jr., Professor of Law, Boston College; Frank L. Simpson, Dean Emeritus, Suffolk University Law School; and the late A. Chesley York, Dean of the Portia Law School. Law-

(See COURTS on page four)

Independent Research Bureau Formed; Seven Social Welfare Projects Begun

Legislative Research Bureau will be independent, except for an undisclosed amount of financial support, Meyers continued.

Projects Outlined

Projects the group is now handling are the drafting of zoning regulations, a sanitary code, and working on proposed legislation in the field of geriatrics.

The bureau is under the supervision of Profs. Albert Sachs and Henry Hart. Meyers recently resigned as law school head of PBH to become temporary student chief of the Bureau.

In the planning stage for more than a year, the Bureau actually started operations in September. According to Meyers, 10 students are now working with the group, but the Bureau has room for more, since four other projects are awaiting its attention.

The group is non-political in nature, and does not attempt to have its drafts approved by legislative bodies.

Students interested in working for the group should contact Meyers at the PBH office, 23 Everett St. Next meeting of the Bureau will be Monday at 1:30 p.m. in the Everett St. office. At that time, the group will hold its first election.

(See PBH on page three)

Glueck Report Incorporated By Group Surveying Needs Of Criminal Justice

Pursuant to two Acts approved by the Massachusetts State Legislature, an unpaid special commission consisting of three State Senators, five State Representatives, and three persons appointed by the Governor, was established to investigate the problems of crime and punishment in the Commonwealth.

This Commission, recognizing that the reasons for the occasional prison riot go far deeper than the "trigger causes" usually assigned, such as bad food and the contagious imitation of riots in other places, presented to the General Court a report prepared by one of its members, Prof. Sheldon Glueck, and made his report a part of its own. A few dissenters filed certain reservations.

The following are excerpts from that part of Prof. Glueck's report which discusses "The Needs of the Situation":

"Reflection by outstanding researchers upon the needs of criminal justice in modern times has resulted in certain basic ideas of which the suggestions here made are quite typical. It is the earnest belief of the Commission that the Commonwealth of Massachusetts has a golden opportunity to redesign the creaking and inefficient machine made up of the crime problem in the second half of the twentieth century. It would seem that the following reforms are

SATURDAY FORMAL

Two bands, a new quartet, and colorful gowns will be featured at the Dormitory Council Semi-Formal dance this Saturday evening, Dec. 13, in Harkness Commons. Exclusively for law students and their dates, admission to the dance will be by Dorm Council Activities Cards. These cards will be available at the door.

Sources usually reliable report that the Council, after contesting the rights and privileges of absent constituents, voted that flowers will

(See FORMAL on page four)

Jurisprudence Talk By Wu Tomorrow

Dr. John C. H. Wu, friend and correspondent of the late justice Oliver Wendell Holmes, will speak on the relationship of law to morality, tomorrow at 8:30 in Littauer Auditorium, under the sponsorship of the Saint Thomas More Society.

The title of Dr. Wu's lecture, which is open to the public at an admission charge of 50 cents, is "The Cape Horn of Jurisprudence." He will be introduced by Prof. Warren A. Seavey, founder of the Law School of Pei Yang University, China.

The eminent Chinese lawyer, judge, and philosopher was once associated



John Wu

with the Harvard Law School Faculty and carried on a long correspondence with Justice Holmes.

The last appointed Minister of Justice for the Chinese Nationalist Government, Dr. Wu was closely connected with the Chiang regime. He acquired political fame in China while a member of the Legislature in the early thirties by writing the first draft of the Chinese Constitution. After the war he attended the San Francisco Conference of the United Nations, and in 1946 was appointed Minister to the Vatican.

(See AMBASSADOR on page three)

IRB REORGANIZATION SUBJECT OF TAX INSTITUTE



Erwin Griswold



Calvert Magruder

On Saturday the Federal Tax Institute of New England will sponsor a forum on the reorganization of the Bureau of Internal Revenue and tax problems of the closely held corporation. Dean Erwin N. Griswold will be chairman of the meeting, which will be held in the John Hancock Hall in Boston. Registration will be \$8. Law School faculty connected with the Tax Institute, besides Dean Griswold, include Chief Judge Calvert Magruder of the United States Court of Appeals for the First Circuit, who is a Vice-President, and Profs. A. James Casner and John M. Maguire, who are members of the Institute's Executive Committee.

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Segregation

This week the United States Supreme Court began to hear arguments in several cases involving segregation of children in public elementary schools. Whatever its decision may be finally, it is certain to evoke a storm of criticism from the losing side.

If the decision strikes down segregation it may even bring the public educational systems of several states to a disastrous halt. In the light of the political implications of its action, can the Supreme Court afford to strike down segregation?

Great decisions of this kind raise a question as to whether a judicial tribunal is the proper forum for their ultimate resolution. We feel it is. Our system of government requires political decisions to be made subject to requirements of a paramount law. In following its great tradition the Court should ignore transitory political considerations and take our world status as its guide.

Letters to the Editor

TO THE EDITOR:

I note that you would welcome student and alumni opinion upon the policy, recently demonstrated editorially, of opening your columns to the students of the School for a rather free expression of ideas. The matter was brought to a head, apparently, by the action of R. Howard Bland, '05, who particularly protested publication of certain matter written by a student highly critical of General Eisenhower and followed through by suggesting that you strike his name from your list of subscribers. I have never been much given to "writing to the editor," but it seems to me that some important implications are involved here and I am expressing myself accordingly.

Some question might be raised as to whether political discussions are in order in your columns. Perhaps politics has no scholarly relation to law in the classroom sense. But in the nature of things politics and law cannot be separated, and there is no better place than the Harvard Law School to introduce them to each other. I would really be disconcerted if the students now at the Law School had not shown a tremendous interest in the issues of the campaign, as they did in my day. One of my prized possessions is a shingle dated in October, 1912, signed by M. M. McDermott, President, and T. A. Lee, Secretary, attesting my membership in the Harvard Woodrow Wilson Club. I think it was altogether in order for you to open your columns for expression of political opinions.

With all earnestness I would uphold the privilege of Mr. Bland, or any one else, for reasons good and sufficient to them, to freely criticize you or any other publication. We need free criticism and action the whole way around. Some time ago I felt warranted in excusing myself from the mailing list of a religious publication which did not open its columns to the fair criticism of its editorial policies implicit in denominational policy. However, my impression of your policy is that you are not promoting any particular point of view in controversial matters and will accord a hearing to whatever is relevant, on an impartial basis. With that I am in accord, and I trust you will continue along the same line.

PALMER D. EDMUNDS, LL.B. '15

Gallery

SAMUEL POWERS SEARS
President
Massachusetts Bar Association



"Our purpose is to serve the profession and to show it that we are doing something for it. The fact that in less than three years our membership has almost doubled may be an indication of our success in this respect." So says Samuel Powers Sears, President of the Massachusetts Bar Association.

Born in Quincy, Mass., Samuel Sears was educated in the elementary schools of that city before attending Milton Academy from which he entered Harvard College in 1913. "It is said that extra-curricular activities are a necessary part of a college education and that every student should occupy himself with something besides his studies," says Mr. Sears.

Professional Songwriter

"My college days were highlighted by a partnership in the songwriting business between Robert E. Sherwood and myself. We had an office on Boylston St. in Harvard Square under the name of 'Sherry and Powers.' The walls of the office were adorned with pictures of Verdi, Chopin, Liszt, and Mozart surrounding that of myself; of Shakespeare, Keats, Tennyson, and Longfellow surrounding that of Sherwood. We were fairly successful in that several of our songs were published, but none have endured. Our achievements also included the production of two Hasty Pudding theatrical shows."

In April of his senior year, Mr. Sears enlisted in the United States Navy, remaining in the service until early 1919. In February, he entered the Law School, along with such men as Cloyd La Porte, Lawrence Curtis, U. S. Representative-elect from Massachusetts, and the late Mayo Shattuck.

Frightened By Warren

"I'll never forget 'Bull' Warren," says Mr. Sears, "if only because of his first remark after I stated a case in class. 'That is absolutely and completely wrong,' he said. 'Your ignorance is appalling.' I was so frightened that I never again spoke up in his class. But I learned a great deal from him, at least as much as from the other professors, such as Williston and Scott."

Upon his graduation in 1921, Mr. Sears entered the law firm of McLellan, Carney & Brickley in Boston, Mass. When Mr. McLellan went to the federal bench in the late 20's the firm became Brickley, Sears & Cole, and has so remained ever since.

"Most of my time has been spent in the trial

courts. At that time the auditor system was in wide use in the Commonwealth. It was hoped that by trying cases before an impartial auditor, who would sit in judgment of the facts, many controversies would be settled or completed far sooner than if they had to await trial before a judge or a jury. In one year, I started the trial of 114 cases, most of them torts involving personal injuries."

Appointed to Judicial Council

In 1942, Samuel Sears became a member of the Judicial Council of Massachusetts, which was composed of four members of the bar, and one representative from each court of the Commonwealth, including the Supreme Judicial Court, the Superior Court, the Probate and Land Court, and the Municipal Court. "Our duty was to advise the Governor and the Legislature on the administration of justice. Proposed bills were referred to us, and we filed our recommendations in our annual report." Mr. Sears was Vice-Chairman of this body during his second four-year term from 1946 to 1950.

In 1950, Mr. Sears became the President of the Massachusetts Bar Association. "We have grown from 2,400 members to 4,500 members since I took office less than three years ago," he says. "This increase can be attributed to the activities of the Association during that time."

"Two years ago we submitted to the Chief Justice of the Superior Court a list of about 150 lawyers, top trial men and leading members of the bar, who signified their willingness to defend impecunious defendants in capital cases."

"Last year," he continues, "we sent a lawyer to every high school in the state to talk to the students on the administration of justice, and the importance of capable and honest men in the field of law. Their lectures concerned the manner in which a court is conducted and the importance of an independent judiciary. Our major purpose was the promotion of a program of good citizenship."

Series In The Traveler

"At present, the Association is running a series of articles in the *Boston Traveler*. These are entitled 'It's the Law' and will appear three times a week until June, 1952. They deal with various aspects of the law, and are written so that a layman can understand them."

Recently, Mr. Sears was the petitioner in a mandamus proceeding brought against the Secretary of State and the Commissioner of Public Welfare. It was an action to enjoin these officers from executing the "old age assistance" law that had been passed by the voters on the ballot in the form of a referendum. Frank Wallis, LL.B. '28 and Sears argued the case before the Supreme Judicial Court.

The petition was allowed on the ground that the law was unconstitutional in that the Attorney General and the Legislature had not complied with the State constitution in getting the proposal onto the ballot. The court held that the description of the Act on the ballot was not clear and concise, that in fact it was a misleading summary, and therefore not in conformity with the requirements of the Constitution. This case resulted in a saving to the people of the Commonwealth of about \$60,000,000 a year.

Mr. Sears is very emphatic about his feeling toward the Law School. "Great strides have been made under Dean Griswold," he concludes, "and despite many criticisms directed at it by various persons, including myself, there is no doubt in my mind that the Harvard Law School is the finest in the nation, if not in the world."

H. D. L.

Sub Judice

FOR BETTER OR WORSE

The appellant was a victim of pulmonary tuberculosis. He had been confined to sanatoriums but a confinement of seven years "proved to be the Vahalla of the marital status between husband and wife."

The wife, regardless of her marital vows of "for better or for worse" and "in sickness and in health" failed to visit her husband, except on rare occasions, though her home was only a few miles away from the hospital. On these infrequent visits she was "morose and complaining . . . though mostly she remained silent."

Mr. McGlathery sought a divorce on the ground of cruelty. The lower court denied the divorce and he appealed.

Held: Judgment reversed; divorce granted.

"The marital status can survive no longer in a cold mental atmosphere than could a baby rhinoceros on the icebergs of the Arctic Ocean. The tortures of the Roman Arena were not more terrifying to its victims than is the isolation, avoidance and neglect of one suffering from a communicable disease by his or her family and loved ones."

"For and during seven long agonizing years appellant was confined to the sanatorium; for seven long years his wife . . . neglected to visit save on rare occasions and then only to complain, if she said anything at all. So far as she was concerned, he remained as lonesome as Christ in the Garden of Gethsemane or John on the Isle of Pathos. Nothing could be more cruel. 'Sticks and stones may break bones', but physical suffering can ne'er approach that of a neglected and spurned spouse by the other when he or she is sick and in distress." *McGlathery v. McGlathery*, 59 So.2d 866 (Florida, June 1952.)

* * * * *

ALL THAT GLITTERS

This was an appeal brought by Thomas L. Kane, Jr., from an order of the Probate Court denying his petition for the adoption of the minor child, Michael Arthur Kane.

The facts show that Barbara Hantz, the mother, gave birth to this child about three months after her first husband divorced her. After a wait of eight months she married James Thorpe, who claims to be the father of the child. One month after they were married Barbara and James signed a paper which purported to acknowledge a permanent surrender of the child. The child was placed with an agency which in turn placed said child in the Kanes' home. The Kanes now seek to adopt the child.

After finding that the surrender was revocable and that the Thorpes did in fact revoke it, the Court by Judge Montgomery went on to consider whether the proposed adoption would be in the best interests of the child.

"Now as to the second question, what is the best interest of the child? That is a serious and debatable thing, and no man can be sure in coming to a decision that such a decision is right."

"Under the record there can be no question about the qualification and capacity of the petitioners; nor can there be any question about the fitness of the natural parents, except as that might be questioned by their early indiscretion. The record shows that the petitioner, Thomas L. Kane, Jr., has an average annual income of \$30,000. The record shows that the natural father, Thorpe, now has a good position with an income of \$250 a month. It cannot be said with assurance that a child is necessarily better placed with a \$30,000 per year income than with another family with a \$3,000 per year income."

"On the opposite walls of the library in the home of the writer of this opinion there are two large steel engravings."

"On the one side is one labeled:

'La Fille Adoptive
Le Separation'

"It portrays a gracious lady, obviously in beautiful surroundings and with wealth. It also portrays the peasant mother, having delivered her child, disappearing, bowed with grief. The look upon the child's face is one of bewilderment."

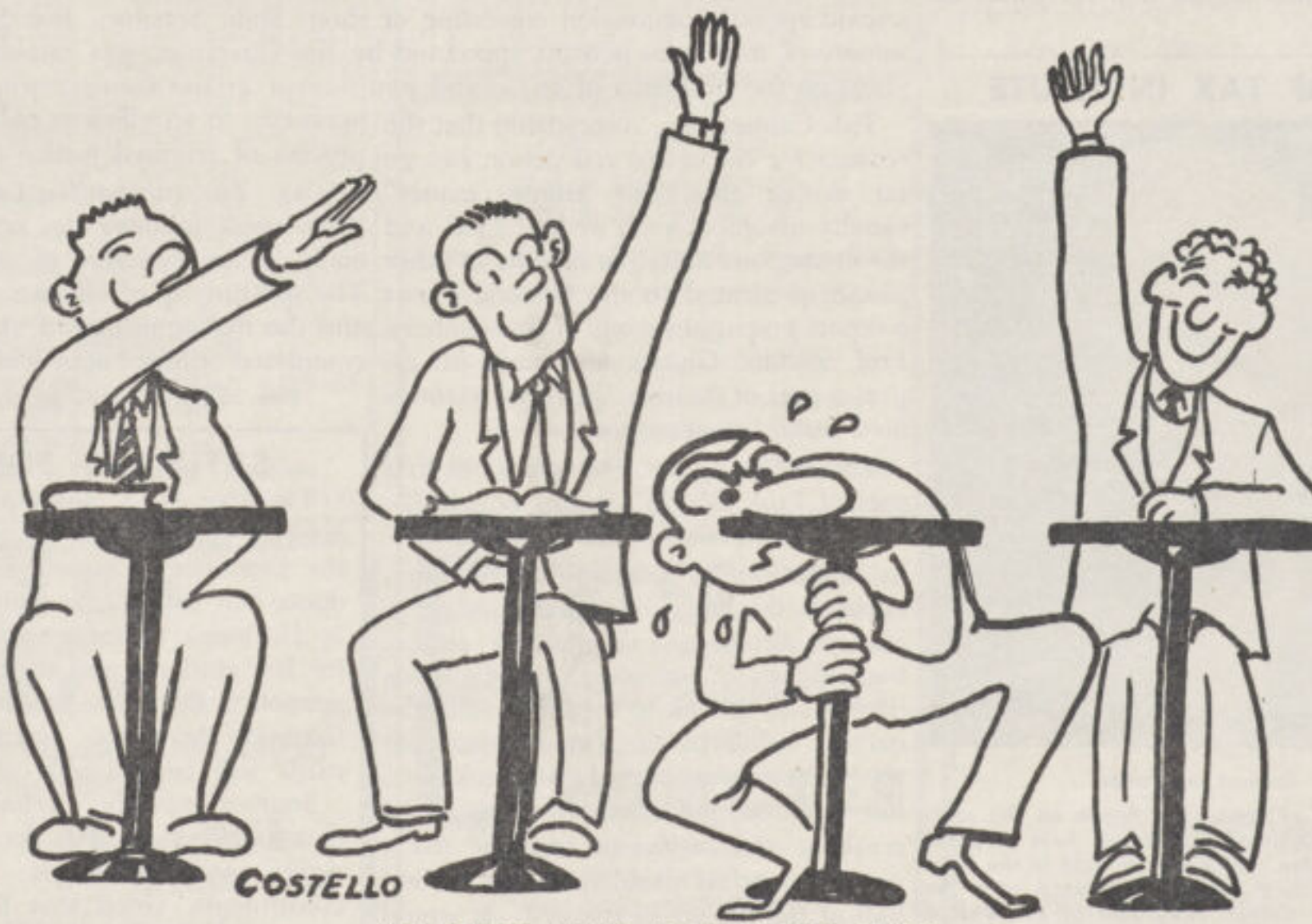
"On the other wall is one labeled:

'La Vraie Mere
Le Retour'

"There this child, now grown to young womanhood and beautifully garbed, returns to see her peasant mother obviously in very modest circumstances. But the expressions on the faces of this mother and daughter are those of sheer joy."

"For more than forty years these two pictures have been before the writer of this opinion whenever he entered his library."

"The judgment is affirmed." [All italics ours.] In re Adoption of Kane, 108 N. E. 2d 176 (Ohio, Feb. '52.)



CHRISTMAS GIFTS

The COOP

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The COOP

AMES —(Continued)

(1) an infringement of the police power reserved to the states by the Tenth Amendment to the Constitution, and (2) a violation of the defendant's privilege against self-incrimination under the Fifth Amendment was overruled on both points in the lower court.



Bailey Aldrich

Defendant excepted to the overrule and it is this issue that will be contested.

Brief writers for Casner Equity include David T. Bryant of Sherman, Tex.; John A. Curtiss of Garret Park, Md.; Robert H. Huntington of Fayetteville, Ark.; Robert E. Mansfield of New London, Conn.; Robert C. Prem of Baltimore; and James E. Ryder of Charleston, W. Va.

On brief for Scott are Milton C. Boesel, Jr., of Toledo; Donn W. Carlsmith of Onahea, Hawaii; Thomas R. H. Howarth of South River, N. J.; Paul C. Lambert of Middletown, N. J.; and Charles G. Wright of Woodstock, Ill.

AMBASSADOR—(Continued)

He was recalled in 1949 for the cabinet position. He accepted the portfolio on condition that he would be absolutely free of interference from all superiors, including the Generalissimo, and that he would be allowed to transform the prisons into training schools with the aid of missionaries and priests. Before he was able to carry out his plans the Sun-Fo Cabinet fell, whereupon Dr. Wu returned to Rome, and later accepted a professorship in Chinese Philosophy at the University of Hawaii.

It was while Dr. Wu was a young man of 20 at Michigan Law School that he came to the attention of Justice Holmes who was impressed by the legal writing of the Chinese student. A friendship arose between the 80-year-old American Judge and the 20-year-old Oriental student which apparently transcended age and background barriers. Dr. Wu has explained that the fundamental thing the two had in common was an "ever fresh sense of wonder at the mystery of the universe." For 14 years a lively correspondence ensued, Holmes preserving the 80-odd letters he received from Wu, which were primarily on questions of philosophy and religion.

CLEANWAY

SELF SERVICE LAUNDRY
104 OXFORD STREET
Just a few minutes from the Law School

'Teachers Shouldn't Shun Controversy,' Griswold Tells Legal Education Meeting

Dean Erwin N. Griswold of the Law School declared Thursday evening, Dec. 4, that "law schools, and those who share their protection, should speak the truth as they see it, and they should not hesitate to enter into matters of controversy."

Speaking in Chicago, at a conference on the profession of law and legal education at the University of Chicago Law School, he continued:

"There is a large measure of inertia in society, as there is in all of us; and the man who seeks to make a change, or who questions a prevailing assumption of his time, is likely to encounter resistance. Unless that resistance is accepted and steadfastly met, we will remain on dead center and the law schools and their scholars will have failed in one of their important duties to their times."

"What they do should be done without arrogance, with true humility, and with adequate respect for the rights and even the feelings of others who entertain opposing views. But law schools should always be reservoirs of courage as well as of energetic consideration of active problems. They should be composed of scholars who can be relied upon, and who can hold firm in time of strain. If they do this, they will encounter displeasure and complaint, sometimes bitter, and sometimes from influential quarters."

Free Thought Important

"But freedom of thought, of inquiry, of speech and belief, these things are of basic importance. To these may be added in these days freedom from unjust and unwarranted accusation. Freedoms such as these will wither on the vine unless they are nourished and utilized when occasion demands."

Speaking about the future of legal education, Dean Griswold predicted that, in the coming years, "the subjects handled and considered by lawyers, the problems which are brought to them to solve, will, to a very considerable extent, be different from what they are now."

"The whole history of law and of practice shows a constant change and development, with the work of each generation of lawyers having in it many elements which were not known or at least commonplace at an earlier time." He pointed out that the fields of taxation, administrative law and labor law have come into prominence in the past 25 years.

Explains Purpose of Training

Because "the odds are very considerable that the law student of today will be practicing something in 10 or 15 years of which he learned little or nothing in law school," Dean Griswold urged that law students be taught "how to face problems, how to deal with new materials, how to go about getting to the bottom of a subject with which they have had little previous contact."

Whatever they do to prepare their students for practice, he said, "the law schools must be careful to remember that they are not training lawyers primarily for the first month out of law school, but for 20 years or more out—for a professional career that normally lasts a lifetime."

More Research Seen

He predicted the development of new kinds of research in law schools, and the need for more lawyers devoting their time to research.

"Thousands of doctors are engaged in research activities," he noted. "Why should this not be a promising and fruitful field for at least a few hundred lawyers?"

"Law schools should be a natural place to which various state and other governmental agencies will turn for extensive assistance as well as guidance. They should also make themselves available for various civic bodies interested in development and reform of the law, apart from governmental agencies."

PBH —(Continued)

tions and will give its projects a formal organization. The posts to be filled are president, secretary, and research director, according to Meyers.

Combined Charities Drive

The Combined Charities Drive of the Law School Committee of Phillips Brooks House had collected only \$2,000 as of last Friday, W. Louise Florencourt, 3L of Arlington, chairman of the drive reports. The 1950 and 1951 drives netted approximately \$3,000 each.

Moreover only 400 replies to the Drive's appeal had been received, she stated. Miss Florencourt said that the goal is a contribution from every student, no matter how large or how small.

All contributions should be sent to the Combined Charities Drive at 23 Everett St.

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Alumni Notes

LL.B. '32—Robert L. Stern has been serving as Acting Solicitor General of the United States, following a period as First Assistant.

LL.B. '38—Asa E. Phillips, after two years in the Office of General Counsel of the War Production Board, and two years at the Department of State as Assistant to the Legal Adviser in the Office of the Secretary of State, has participated in the formation of a partnership Phillips, Cox & Wood, to practice in Boston.

LL.B. '42—Hugh Gregg, mayor of Nashua, N. H., has been elected Governor of New Hampshire.

LL.B. '48—Arthur H. Haussermann, formerly associated with the Boston firm, Haussermann, Davison, Shattuck & Field is now a member of Vance-Sounders & Co., also of Boston.

LL.B. '49—Clifton Young won a close campaign for Nevada's single seat in the House of Representatives. Young had been practicing in Reno since graduation, and in 1950, had been elected County Public Administrator. A Nevada newspaper reported that at 30, he is probably the youngest Congressman Nevada has ever sent to Washington.

LL.B. '51—Allen Klein has opened an office for general practice in Los Angeles.

LL.B. '52—Thomas Pearlman campaigned successfully for a seat in the Rhode Island General Assembly. Pearlman, while at the Law School, participated in the organization of the Coffee Hour discussions.

SITUATIONS WANTED

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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SENTENCING —(Continued)

down of dosages of punishment supposedly appropriate to each, belongs to an era when punishment based upon degrees of 'vicious will' as reflected in various crimes was thought to be the only or best means of coping with anti-social behavior. However, the problem of a redesign of substantive Criminal Law may well be left to the experts of the American Law Institute. This postponement need not, however, necessarily delay the fundamental reform of the correctional apparatus."

"(b) The sentencing process and its associated correctional action can be improved fundamentally by separating the guilt-determining function of the courts from the sentence-imposing and succeeding steps. While a legally trained judge can act as an impartial referee during a technical trial, ruling upon the exclusion or inclusion of evidence, giving a legally unimpeachable charge to the jury, and performing similar functions, his education and habit of mind have not specially qualified him for the more difficult task of determining the type of treatment best suited to the individual delinquent on the basis of reports of scientific investigations. The sentencing judge of the future must be a social physician."

Treatment Tribunal

"It would seem that the work of the criminal court should cease with the finding of guilt or innocence. Recognition of the unsatisfactory existing procedures calls for the setting up of a *Treatment Tribunal*, to be composed, say, of a psychiatrist, a psychologist, a sociologist (or a cultural anthropologist), an educator, a criminologist, and a lawyer, preferably a judge familiar with Criminal Law. Such a tribunal would begin to function beyond the point where the substantive and procedural Criminal Law has prepared the case for the imposition of sentence."

"The primary duty of such a quasi-judicial body would be to determine the correctional, psychiatric, and social treatment plan appropriate to the individual as well as its tentative and ultimate duration. By systematically comparing the individual offender with a composite portrait of many others, the Tribunal can truly individualize through noting similarities and differences."

(c) The report prepared by Prof. Glueck for the Commission emphasizes that "a major weakness of existing practices is their disconnectedness. The proposed Treatment Tribunal should, therefore, also have an administrative Treatment Coordinating Branch or be itself closely related to The Department of Correction which should establish such a branch." Such an "organ of integration" would be charged with coordinating the correctional processes from the stage of conviction through institutional treatment, to the release of the prisoner under parole, and his ultimate rehabilitation in the community."

While the Commission is at present agreed that the proposed Authority be composed of members of the qualifications hereinbefore indicated, it is also of the belief that the statute should provide that Superior Court judges be assigned, in rotation, to serve from time to time, on the sentence imposing and treatment designing Tribunal.

Ex-Officio Member

"By sitting as an ex-officio member of such a sentencing, treatment and releasing agency, the judge will receive an education in the underlying motivations of criminal behavior and in the nature and practical effectiveness of the various corrective and rehabilitative techniques employed both in penal institutions and in supervising parolees. He will, in turn, serve as a valuable moderating influence of the proceedings as a whole" bringing to bear on the deliberations his valuable trial experience."

"While the few existing systems for specializing peno-correctional treatment have retained in the courts the right of the judge to place offenders on probation, the Commission sees no valid reason why virtually all convicted felons should not be subjected to the intensive pre-treatment study, including many offenders about whom the judge has doubt but whom he finally decides to place on probation. Probation officers

of the relevant courts can gain much from cooperating in social investigations of the offenders under examination."

The following are excerpts from the "Conclusion" of the report:

"It may be objected by some that the establishment of the proposed system would entail a great deal of extra expense. But if one were to add up the cost of the continuous rearrests, retrials, resentences, reimprisonments, reparoles, etc., of the many thousands of serious and dangerous offenders who at present



Sheldon Glueck

stumble blindly and continuously in and out of the various doors of the ramshackle house of criminal justice, it would be apparent to the most economy-minded that an adequate system of criminal justice, staffed by competent personnel, should, in the long run, turn out to be much more economical to the Commonwealth than the present extravagant, inefficient, hit-or-miss system."

While a few members of the Commission put in certain relatively varied reservations, the Commission earnestly urges that the program it presents be given serious consideration by all who have the protection of society at heart.

The Commission's members are convinced that "the program stands or falls as a unit, except that the drafting of the details of a new code of substantive Criminal Law may well await the completion of the model code to be prepared by the American Law Institute."

Time Is Now

"The Commission is convinced that the present planless process of enacting bits of legislation to patch up this or that hole in the entire system does little to improve the existing situation and only tends to complicate it further. It reiterates the conviction that the time has arrived in the history of the Commonwealth to demand a basic reform of the entire system of criminal justice."

The Commission comprises: Senators Leslie B. Cutler (Chairman), Richard H. Lee, LL.B. '28, and John F. Collins; Representatives John G. Asiaf (Vice-Chairman), Thomas F. Farrell, Francis J. Good, '38, Joseph A. Milano, and J. Robert Ayers; and appointed by the Governor, Prof. Glueck, Miss Mary E. Driscoll, and Hon. Robert G. Clark, Jr.

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NEWS IN BRIEF**MICHIGAN ALUMNI**

A meeting and afternoon tea for all Law School students who are graduates of the University of Michigan will be given this Sunday, Dec. 14, at 2 p.m. at the home of Miss Francine Daner, 120 Pleasant St., Brookline. Law students desiring transportation are asked to meet behind Hastings Hall at 1:30 p.m. of that day. Students planning to attend are asked to phone ASpinwall 7-4888 in advance.

AMES JUDGE PRIZES

Students are reminded that the Board of Student Advisers will award a prize for the best written opinion submitted by a judge of one of the first-year arguments. Deadline for entering the opinion, either majority view or dissenting decision, is Dec. 19.

Briefs of counsel and records of the cases will be available to judges at the BSA office in Austin Hall, to facilitate preparation of their opinions. The requirement that at least 15 opinions be entered before any decision could be considered for a prize, has been dropped.

STUDENT HELPER NEEDED

The Building and Grounds Department is looking for a man to take charge of the skating area in front of Harkness Commons. Any student who has had experience in maintaining skating or hockey rinks is asked to call on Mr. Ingraham in the Building and Grounds Department office in the north end of Hastings Hall.

HYRC COMMITTEES

Members of the Harvard Young Republican Club have begun a series of meetings to frame planks for a club platform to be adopted by the end of the year. The subject matter has been

divided into six topics: Education, Agriculture, Monetary and Fiscal Problems, Labor and Social Security, Internal Security and Civil Rights, and Foreign Policy.

The committee investigating the relation of government to education is now at work. At a meeting next Monday, Dec. 15, in the Forum Room of the Lamont Library at 7:30, Prof. Charles R. Cherington will speak on the subject. Afterwards, members will debate it and adopt some resolution expressing their views.

Members of the club desiring to serve on one of the committees at work any time between now and spring, investigating the subjects and drafting resolutions, should contact Ed Schroeder at UN 4-0563.

COFFEE HOUR TALK

On Tuesday, Dec. 16 at 1:30 p.m., Lloyd Jordan, coach of the Harvard varsity football team, will speak at the regular coffee hour in Harkness Commons.

Coach Jordan, whose team had a 5-4 record this year, will speak on "The Coach's View of Football."

LAW WIVES MUSICALS

At the Annual Christmas Party, Wednesday evening, Dec. 17, Miss Betty Martin will give a performance on the lute. Miss Martin has given concerts with Suzanne Bloch, America's most famous lute player, and has been on numerous radio programs. Among her selections will be: a French song about St. Nicholas, a Latin Christmas hymn and an English Noel. Also on the program will be the Law Wives Chorus, directed by Mrs. Leland H. Cope. This meeting will be in Harkness Commons at 8 p.m.

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COURTS —(Continued)

rence B. Urbano, LL.B. '50, was appointed its director.

The Committee examined more than fifty documents covering a period of 75 years; this study provided a starting point for the fact-finding stage of their survey.

The next phase of the comprehensive study was the polling of all the practicing lawyers in Massachusetts by means of a questionnaire. This questionnaire dealt with matters of procedure, jurisdiction, the part-time judge, special justices, masters and auditors, as well as with the lawyers' suggestions for major lines of approach to a change in the system. The result indicated that 90% favored a substantial change in the present system while nearly 85% prefer fulltime judges.

Combined with the questionnaire, the Committee embarked on a series of visits covering many of the district courts. These visits served to give the Committee firsthand knowledge of the problems of these courts and a graphic picture of the problems to be faced.

FORMAL —(Continued)

not be in order for the event. Commercial photographers, considered a coercive force at past dances, were likewise barred by Council vote, according to the informant.

Intermission entertainment will be provided by a newly formed law school quartet. Lead will be sung by Douglass Boshkoff, 1L of Snyder, N. Y.; tenor by Harry Downs, 1L of Greene, Iowa; baritone by Paul Glemm, 1L of Sharon, Pa.; and bass by David Conrad, 2L of Upper Montclair, N. J.

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