

The Harvard Law School Record

VOL. 17, NO. 10

CAMBRIDGE, MASS., THURSDAY, DECEMBER 3, 1953

PRICE TEN CENTS

JAG Course Commences; Application Forms Available

The first meeting of the Judge Advocates' Course will be held tonight at 7 in Langdell South. The course is part of the regular program of the U. S. Army Reserve and is open to all students who would like to enlist in the Reserve, as well as to Army Reserve officers and to Reserve officers of other components of the armed forces.

Students who are not in the Reserve and enlisted men in the Reserve of components other than the Army will not get credit for the course under the present policy, but they may audit the course, and their attendance will be officially recorded in case of a change of policy which would result in their being given credit.

Enlisted men must be members of a Reserve Unit in order to take the course for credit. The nearest Reserve Unit is an Artillery Battalion of the 94th Division, which meets at Harvard. The course may be taken in addition to regular unit training, and some unit commanders may authorize attendance at the JAG course in lieu of regular unit training.

Study of Military Justice

The course this year will consist of 24 two-hour meetings, to be given on Thursday evenings. It will deal with the system of military justice under the new Uniform Code: the structure of military courts, their authority to punish, the jurisdiction and scope of courts-martial, conduct of trials, and provisions for review.

It is hoped that an Army CID team will dramatize a problem in the course which will resemble the mock trial re-

(See JAG on page three)



Wesley Bevins

Student Bar Project Discussed By Parks

On Tuesday, Nov. 24, 1953, at a meeting in Langdell South Middle, William Parks, executive secretary of the Boston Bar Association, discussed the project of assistance to the Massachusetts Crime and Subversion Commissions being undertaken by the Boston Bar Association and the Harvard Student Bar Association.

Mr. Parks said that the Boston Bar considered it a matter of public duty to assist the legislative commissions in defining the legal powers of the commissions and the rights of the individuals who will be questioned by the com-

(See SBA on page four)

Forum Will Feature Curley In Discussion Of Machine Politics

The Harvard Law School Forum will present a program on "The Political Machine" at 8 p.m. Friday in the New Lecture Hall.

Speakers will include James M. Curley, former governor of Massachusetts; Jerome Rappaport, LL.B. '49; and Joseph F. Dineen of the Boston Globe. Mr. Curley has been Mayor of Boston, Governor of Massachusetts, a United States Representative, and an incumbent of several municipal positions.

Mr. Rappaport has been closely associated with the New Boston Committee, a local reform group, since its inception. He is the founder of the Law School Forum.

Mr. Dineen is the author of "Ward Eight" and "The Purple Shamrock." He is a political columnist for the Globe, and has covered Massachusetts politics for many years.

Prof. W. Covington Hardee will be moderator.

The topics to be discussed include the following:

What type of political organization best serves the people in selecting candidates; presenting issues; getting the candidates elected, and carrying out the intentions of the voters?

Is there a tendency of a machine, once in power, to serve selfish interests to the detriment of the people?

How may that tendency best be avoided?

The discussion should resolve around the merits of a reform machine such as the New Boston Committee, as opposed to the merits of a strong centralized political machine.

(See FORUM on page four)

Prof. Leach's Class Analyzes Legal Aspects of White Case



W. Barton Leach

(The following is an exclusive story given the RECORD by Professor W. Barton Leach, LL.B. '24.)

On Friday, Nov. 27, during his Property II class, Professor W. Barton Leach, Story Professor of Law, discussed as a matter of professional analysis, the legal aspects and the advocacy in the Harry Dexter White case.

The particular objective of the session was to acquaint his students with some of the problems on which they might well be forced to exercise judgments. Professor Leach observed that it would be very likely that some of the students would, within a short time, be in a position to give advice on matters such as these in various staff capacities and as clerks.

The answers showed a relative unanimity among the students. Logically, Professor Leach first asked, "Was White a security risk?" The answer without dissent was, "Yes."

He then asked the following:

Q. Should White have been retained in the government posts he occupied? A. No.

Q. Should Truman have written the letters he did? A. No.

Q. Should the Democratic administration—the President and the Attorney General—have revealed the White case to appropriate Congressional committees at some time before leaving office: (a) as a matter of public duty? A. doubtful. (b) as a matter of political wisdom? A. doubtful.

Bringing the affair up to date, Professor Leach then asked questions pertaining to Brownell's Chicago speech.

(See ADVOCACY on page four)

Harvard Law Fund Receives \$194,500

Figures released recently by the Harvard Law School Fund on its third annual giving campaign show that over \$194,500 were contributed by alumni, students' parents, law firms, and other friends of the School. Full-tuition scholarships were given by 78 donors, and one endowed scholarship was created during the 1952-53 campaign.

It is no surprise that New York was the most generous State again this year. Contributions from New York were over \$63,000. Massachusetts was second with gifts of \$32,000, followed by Ohio, Illinois, California, the District of Co-

(See FUND on page three)

Blood Donor List Below 1952 Total

Pledges of blood from Law School donors reached a total of 250 pints at the close of this year's drive, a considerable drop from the 450 pints pledged last year, it was announced this week.

Co-chairman William A. King, LL of Montclair, N. J., suggested the weaker response to the blood drive could be tied to the halt in fighting in Korea. He said there seemed to be a feeling there was no obvious need, hence no urgency, despite official assurances of the real need still existing.

Heading the drive with King was Frances Loud, LL of Morristown, N. J. The blood donations will be taken

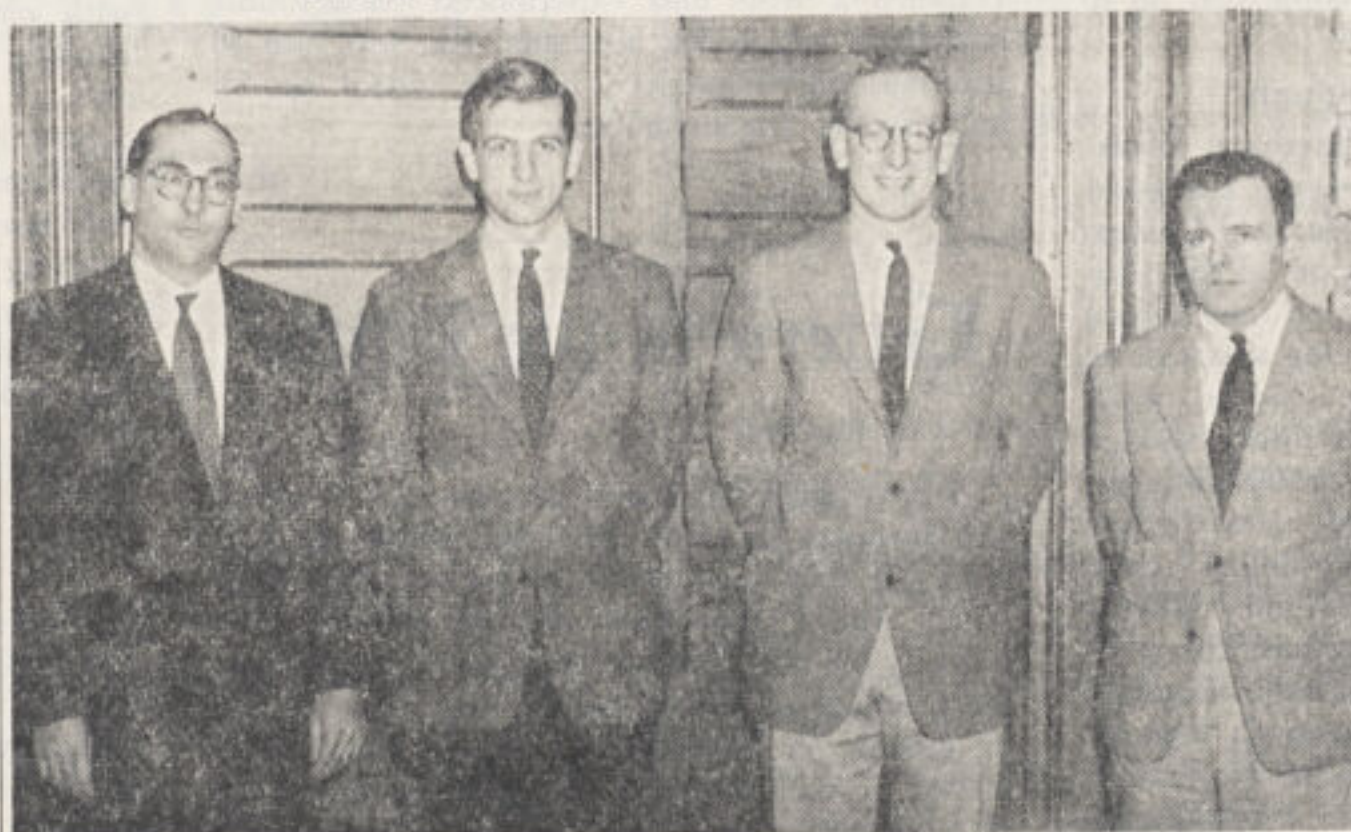


Monday through Friday, Dec. 7 to 11, from 11:45 a.m. to 5:45 p.m. at Memorial Hall. Those who pledged will receive notice of their appointments and other information by mail.

The Law School drive was sponsored by the Law School Committee of Phillips Brooks House and was coordinated with campaigns at Radcliffe and in the Graduate Schools.

Reported participation at Radcliffe and in the Graduate Center generally equalled the Law School effort: about 15 per cent of the students signed.

STORY AND GRISWOLD ORALISTS



Left to Right: John W. Dickey, S. LeMayne Ellicott, John A. Moore, Jeffrey O'Connell.

Story And Griswold Clubs Will Argue Admiralty Case In Ames Semi Final

The Story Club will appear for the appellant and the Griswold Club for the appellee at 8 p.m. Friday, Dec. 4, when an action involving an injured marine carpenter will be appealed in the United States Court of Appeals for the Ames Circuit. The Chief Justice will be George T. Washington, a Judge in the United States Court of Appeals for the District of Columbia. Francis C. Goodale, LL.B. '07, of the Boston firm of Hill, Barlow, Goodale & Wiswold, will be associate justice along with Horace P. Moulton, LL.B. '31, of the Boston and New York Bars.

The plaintiff was employed by the Langdell Ship Refitting Corporation which had orders to make repairs and alterations in the Number 2 'tween-deck hold of a ship owned by the defendant, Barret Steamship Corporation. It is alleged that a negligently open hatch, poor lighting conditions, and an excessive amount of grain left in the hold caused Salvatore Rossi to fall, sustaining serious injuries. In the Federal district court, the jury gave him a verdict for \$33,750, plus interest and costs from which the defendant is appealing.

During an interval when the men left the hold where the accident occurred, an officer testified that he had inspected the ship again which raised unusual problems of seaworthiness. But for this intermediate inspection the ship owners might not be at all liable to the workers, since they had given the premises over to them earlier in the day. The defendants also question the jurisdiction of the Federal courts since plaintiff and defendant corporation are both deemed to be citizens of Ames. Rossi's admission of turning abruptly when he fell may

(See AMES on page three)

AMES TONIGHT

The Jaffe and Gardner Clubs will argue in the Courtroom at 8 tonight in the first semi-final Ames argument. The case involves a State fair-trade law. Judges will be Judge Herbert F. Goodrich, Oscar M. Shaw, and Harvey Bundy.

Howe, Sears Debate Fifth Amendment; Free Speech, "McCarthyism" In Issue

The question of the "Fifth Amendment—Shield or Smokescreen?" was debated Nov. 24 in Boston by Samuel P. Sears, LL.B. '21, and Professor Mark De Wolfe Howe, LL.B. '33, of the Law School. Mr. Sears is a former president of the Massachusetts Bar Association. The debate was sponsored by the Brotherhood of Temple Israel in Boston and was moderated by Judge Jacob J. Kaplan, LL.B. '10, of Boston.

Mr. Sears argued from the premise that men who invoked the Fifth Amendment "are guilty or not fit to be around. . . ." He decried its use to avoid hu-

have invoked the Fifth Amendment. He declared that firing such a faculty member would not be any more of an abridgment of academic freedom than a religious college discharging a teacher for preaching atheism.

Mr. Sears said that "this country should leave no stone unturned in its efforts to defend itself from an attack, not only from abroad, but perhaps and more important, from within."

As for McCarthyism, he said, "I am not perturbed about it. If ridding the government of hundreds of traitors, if bringing home to the American people the threat of Communism is called

(See PRIVILEGE on page four)



Samuel Sears

miliation or the implication of others. Mr. Sears went on to declare that "it requires a great deal of theorizing to approve the wisdom of the Fifth Amendment at all."

He attacked those who invoke the privilege against self-incrimination, claiming that they are protecting free speech and academic freedom. "Academic freedom," he said, "is not a constitutional right nor an inalienable right of the Declaration of Independence." He then condemned a "local university" for retaining on its faculty persons who

Charities Committee To Solicit In Dorms

Gene Baker, 3L of Rumford, R. I., has announced that the Combined Charities drive will visit students in their dormitory rooms to ask for contributions. Baker says this step is necessary because the committee cannot explain the real purpose of the combined charities program by letter and poster.

To date, the drive has gained \$970, from about 180 contributors.

The committee, in a statement, contended that "even if law students don't find time to help others, they can at least find a dollar or two to help themselves." The Committee pointed out that students will be the recipients of medical research now in progress, that when they go into the armed forces they will receive benefits from the U. S. O. The Committee concurred in Vice Dean Livingston Hall's statement of the value of Combined Charities to law school students. In a letter to the RECORD, printed on page two, Dean Hall strongly urges support of Combined Charities.

The committee says that the profes-

(See CHARITIES on page four)

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Good To The Last Drop

We are continually admonished by our case-books and by our instructors that things being what they are, they should not be pushed to a "dryly logical extreme." This is an agreeable proposition and especially so when it is applied to legal education.

One of the reasons why education here at the Law School escapes being so labeled is because of student organizations such as the Coffee Hour. This thought came to us last week as we listened to the ovation accorded Duke Ellington for his performance. It struck us that some of that applause might well have been directed to the group of students who have been responsible for the continuing standard of excellence which has characterized this student activity.

The Coffee Hour was established in 1951, with the purpose of bringing to law students outstanding speakers to talk about—of all things—non-legal subjects. Emphasis is placed on securing speakers from across the Yard but more often than not, they have been leading personalities from the stage or from politics or, as the case might happen to be, just a proper Bostonian.

The variety of subjects offered Coffee Hour listeners is indicated by the names of several of the speakers during the past two years: Presidents Conant and Pusey, Harlow Shapley, Carol Channing, and Princess Alice of Greece. Without the Coffee Hour, most law students would not have a chance to hear these important people and their views.

Given the speaker and the setting, this weekly diversion from the law and lawyers is eagerly awaited and enthusiastically received.

It is therefore with respect and appreciation that the editors of the RECORD take this chance to publicly congratulate Maurice Contor, Coffee Hour chairman, and his staff, George Coupounas, Fred Wyle, Joseph Losos, Ben Aisenberg, and Raymond King for a job well done.

Gallery

HERRICK K. LIDSTONE

Assistant Director

International Program in Taxation



On May 1, 1953, Professor Stanley S. Surrey and Dean David F. Cavers divested the New York firm of Paul, Weiss, Rifkind, Wharten and Garrison of part of their tax department, Mr. Herrick Lidstone. He is here at Harvard Law School now, in charge of the Training Aspects of the International Program in Taxation.

Ford Foundation Program

This program was established about a year ago, and was made possible by a substantial grant from the Ford Foundation, and under it the Law School is cooperating with the United Nations in this field. The program is aimed at the comparison of tax laws and tax administration as a basis for the study of special tax problems and as a means of training and informing tax officials with respect to the systems and methods of other countries. It is with the latter phase of the program that Mr. Lidstone is particularly concerned. He currently has six United Nations scholars here to study problems of tax policy, administration, and legislation. There are also two "Point Four" scholars enrolled in the program. Mr. Lidstone is currently teaching two seminars, one in International Tax Research, in which other foreign graduate students interested in taxation also participate, and one in Tax Administration, which deals with the comparative administration in various countries and what their problems are, how to solve them, and in general to see what these people can do to help themselves.

Harvard College Graduate

Mr. Lidstone was born in Bellingham, Washington and has lived in Tennessee, Colorado and Iowa. He graduated from Harvard College in 1942, spending his freshman year at the University of Iowa. He entered Harvard Law School in the summer of 1942, after being assured by the Adjutant General that there was no possibility of his being called into military service before December of 1942. Two weeks later, on July 10, he reported for duty. He spent "a few months of real misery" at Fort McClellan before being officially transferred to Military Intelligence. Thereafter he had "a pleasant tour of duty," three months in New York, six in London, before he embarked on the twentieth century version of the Grand Tour—from the Normandy beachhead to Czechoslovakia, in the Military Intelligence, with a team attached to the seventy-ninth division. From the thirtieth of April until the middle of June, 1945, he was the security officer in charge of part of the Ruhr sector, including the industrial center of Bochum. At the end of July in that year he was recalled from

Czechoslovakia, and was supposed to fly straight through from Paris to China. The atomic bombings of Hiroshima and Nagasaki changed those plans, however, and he was made security officer at a small port of embarkation, where, after five weeks, he finally wangled a trip home for himself. He was discharged in January of 1946 and re-entered the Law School in February, where his career was distinguished "only by contracting appendicitis during his first examination," in contracts. He took two other exams while in the hospital, and was eventually graduated in 1948. His club, the Gardner Club, won the Ames competition in the spring of 1948, thereby affording Mr. Lidstone a place of honor on the walls of the library. He was also chosen by the faculty as the "student who had made the most progress by the end of his third year."

Against Specialization

He was in private practice from August of 1948 until May, 1953 in New York, where, he states, that in addition to working in taxation he spent three years reading for libel and privacy publications for which his firm was counsel. Actually, he said, many large New York firms discourage specialization in any one field of law until absolutely necessary, a practice with which he agrees. In the tax department of Paul, Weiss, Rifkind, Wharton and Garrison, he eventually handled everything "from tax problems of various clients' maids, to large corporate reorganizations."

He was married while in service, in December of 1942, to the former Marcia Drake, of Pelham, New York, while she was a senior at Wellesley College. The ceremony took place, according to Mr. Lidstone, at four o'clock on the afternoon of his wife's last mid-term examination, after which she had a three month winter vacation as the College closed during the winter, due to the shortage of oil. The couple now have two children, aged four and two.

Academic Life Welcome

About the Harvard Law School and the Program in International Taxation, Mr. Lidstone had this to say: "After five years of New York practice, particularly after the last three, even a temporary change to the academic life is a welcome one; I find that I get home in the evening no earlier, but my extra-curricular reading has changed. Even though I still must read the tax advance sheets, now I'm thinking on a policy, rather than on a practical, level." Practical or theoretical, Mr. Lidstone brings with him to Harvard a wide and experienced background, one from which his students, the program in International Taxation, and the school cannot help but be the beneficiary.

E. R.

Letters to the Editor

TO THE EDITOR:

I have often wondered why so many University students do not regard themselves as citizens. If they are over 21, they are eligible to vote. And if they have enough income, they are eligible for another badge of citizenship—the privilege of paying taxes. Regardless of age or income, a large proportion of them have served or will serve in the armed forces.

In spite of this evidence, many University students do not seem to think of themselves as citizens. For one of the obligations of citizenship is the support of the charitable organizations which supplement the public welfare programs of the cities and states.

In a national law school such as Harvard, it is fitting for the Combined Charities Committee to give the larger proportion of its receipts to national and international causes.

But how many Harvard students know the extent to which they are also the beneficiaries of the local Community Fund?

Last year more than \$13,000 of free medical care was given to Harvard by the local hospitals in metropolitan Boston alone. Yet the total contribution to the Boston Community Fund from all Harvard students was less than \$4,550. During that year Harvard students spent 2,678 days in our local hospitals, at a cost to the hospitals of about \$22 a day. Our students were only asked to pay \$17 a day. The \$5 a day difference represents a gift from the local community to students. Hospitals received about a quarter of the total raised last year by the Boston Community Fund.

The Combined Charities Committee does not ask for large gifts, but is there any excuse for the student who will give nothing?

LIVINGSTON HALL
Vice Dean

Sub Judice

IT'S ALL RELATIVES

Mr. and Mrs. Fleck tried to combine business with pleasure and it came to no good at all, as far as pleasure goes. Before marrying, Mr. Fleck owned a building on West Main St. in Marden, North Dakota, where he conducted a bar. Mrs. Fleck was an industrious woman, and soon after the marriage they divided the building. She ran a restaurant on one side while he continued to operate his bar on the other, proving that two can live as cheaply as one—if they both work.

This seemed to be very successful, so they soon expanded. In 1948, Mr. Fleck bought some lots and they cooperated in the construction and operation of a motel court. In short, everything was prosperous and happy—until the in-laws entered the scene.

Business and marriage did not make Mrs. Fleck forget her parents and siblings. She enjoyed visiting them and having them come to visit her, but as is too often the case, Mr. Fleck did not share her pleasure, and he let it be known. His reference to, and treatment of, her relatives was such that the court found him to be guilty of cruel and inhuman treatment.

She began to suspect his contempt when he refused to let her visit her sick old father who was in the hospital. But when he accused her dear mother of immoral conduct and called her bad and indecent names, then she really felt upset. In Mr. Fleck's eyes all his in-laws were "hill-billies," and he did not want his wife to associate with them.

The defendant did not want any of them to visit his home, and at one time, after he saw his mother-in-law coming out of the house, he said, "If I ever catch her up here I will throw her down the stairway and break her neck." And he evidently had doubts about his sister-in-law's health, because when she used his telephone, he made his wife wash it off afterwards.

Evidently Mr. Fleck was against all the wholesome institutions for his wife claimed he also abused her for wanting to go to church. One time when she went, anyway, he became so angry over it that he pounded his desk, broke a glass, and threw a shoe at her. Another time, when she went to the other extreme and was drinking beer with friends at home, he slapped her in the face, leaving a little mark, and pushed her off a chair, knocking off her glasses.

Held: "Condonation implies a condition subsequent that the forgiving party must be treated with conjugal kindness. When the cause of divorce consists of a course of offensive . . . acts of ill treatment, which aggregately may constitute the offense, cohabitation, or passive endurance, or conjugal kindness shall not be evidence of condonation of any of the acts constituting such cause, unless accompanied by an express agreement to condone." Divorce granted and property to be divided one-third to wife, and two-thirds to husband. *Fleck v. Fleck*, 58 N.W.2d 765, Supreme Court of North Dakota, May 15, 1953.

FORE

Fast cars, country club pools, and congenial companions made it a pleasant summer for Ann Palmer. She was a "cute chick" of 16 and was really living. One day the gang decided to go out to the country club for a swim, and so six of them piled into the auto and headed cross-country.

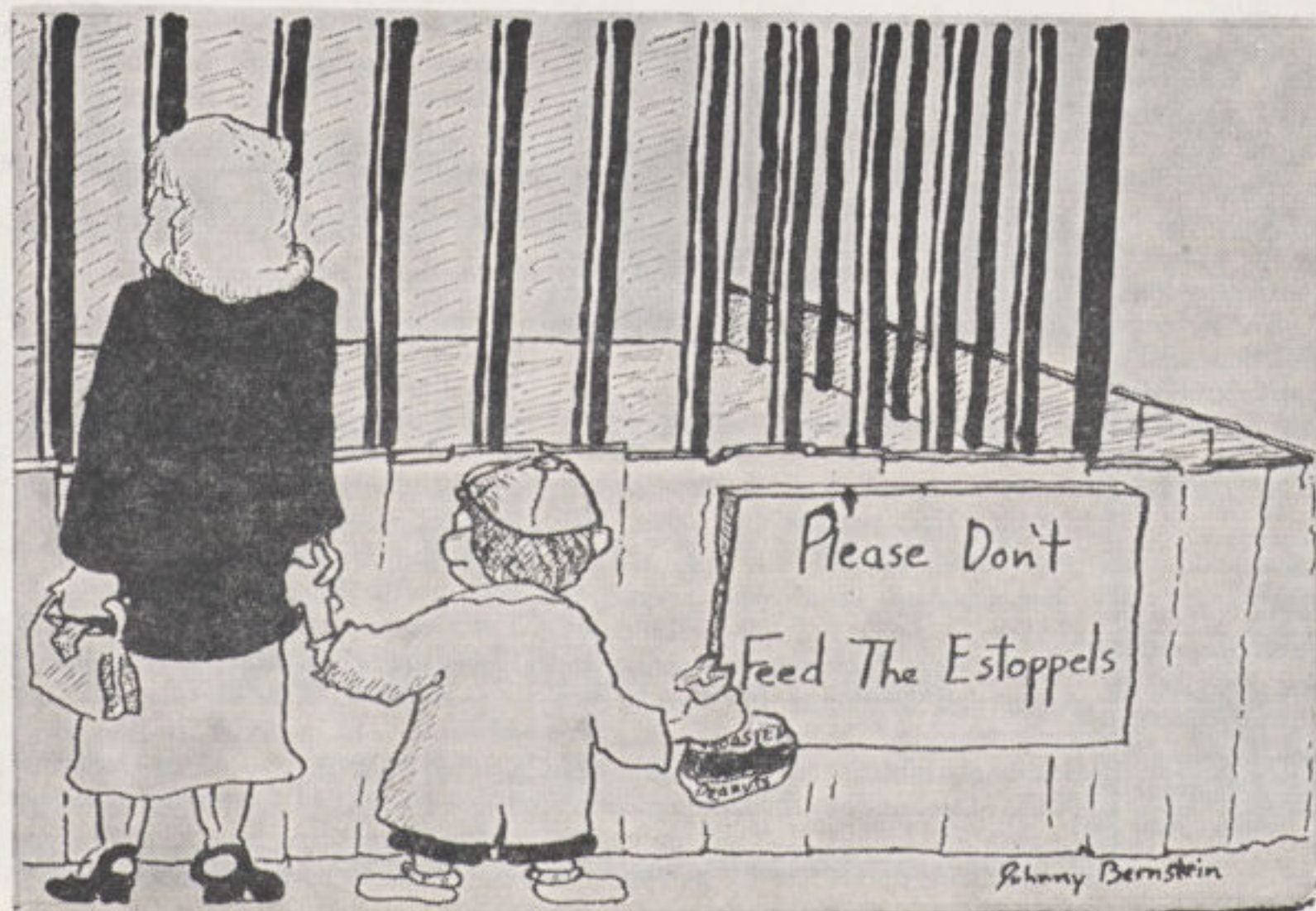
The country club road cut right through the golf course, passing about 50 feet from a tee. The road extended in an easterly and westerly direction, and it was crossed by a fairway extending in a north-westerly direction. While the girls jabbered away about whose tan was darker and how to misallocate their time that evening, they failed to notice someone who had just teed off nearby.

He evidently didn't see the car either, and the golf ball came whizzing through the window, striking Ann and taking her out of circulation for a while.

Ann and her Mama, who did not approve of these goings on at all, recovered a judgment from the country club in the lower court and the defendant appealed.

Held: The judgment appealed from is affirmed. Ann Palmer was an invitee, and was not a patron of the game of golf . . . but her sole purpose of being on the golf grounds was to go swimming in the country club swimming pool.

Even though the course may be set out in the customary manner, it does not conclusively set a standard of care. "What usually is done may be evidence of what ought to be done, but what ought to be done is fixed by a standard of reasonable prudence, whether it is usually complied with or not." *Westborough Country Club v. Palmer et al.*, U. S. Court of Appeals, 8th Circuit, May 4, 1953, rehearing denied, May 22, 1953.



NEWS IN BRIEF

DANCE IN HARKNESS

The Dormitory Council will sponsor an informal dance this Saturday evening from 8 to 12 in Harkness. Music for dancing will be furnished by Bob Norris' Orchestra. Admission will be by Dormitory Council card only, and no tickets will be sold at the door. Dorm Council cards may be obtained from Council members on each floor of the graduate dormitories.

FORM CIVIL LIBERTIES GROUP

An affiliate organization of the Massachusetts Civil Liberties Union has been established at the Harvard Law School. The new group will be called the Harvard Law School Civil Liberties Union and, as such, will be an affiliate of the national organization, the American Civil Liberties Union.

A group of law students headed by Donald Dowd, 3L of Lowell, Larry Newmark, 3L of New York City, Walter Carrington, 2L of Everett, and John Somers, 3L of Cambridge, have formed the new organization with the advice and consultation of Professors Mark DeWolfe Howe and Kingman Brewster, Jr., who are associated with the M. C. L. U.

The purpose of the group is primarily to serve as a research arm of the Massachusetts Civil Liberties Union in court cases involving issues of civil liberties.

The group will hold an organizational meeting in the Harvard Club Rooms, Holmes Hall, from 4 to 6 p.m. today. Students interested in civil liberties are invited to attend.

SKATING RINK OPEN

Harvard's new ice skating rink on Soldiers' Field is open to all students each evening from 9 to 11 and all day Saturday and Sunday. Admission is \$5.00.

CORRECTED SCHEDULE

Below is printed a corrected schedule for the end of the first semester. The schedule in last week's RECORD is erroneous and should not be used.

January 16: End of third-year and graduate courses.

January 18: Third-year examinations begin.

January 20: End of second-year classes.

January 21: Second-year examinations begin.

January 22: First-year classes end.

January 23: First semester ends; first-year practice examinations held.

January 25: Second semester begins, first-, second-, third-year, and graduate classes begin.

DEMOCRATS WILL MEET

Joseph Case, Massachusetts State Director of the Political Action Committee, C. I. O., will speak Monday night, Dec. 14, at 8:30, to the Harvard Young Democrats, on "Labor Unions and the Democratic Party," at the Lowell House Junior Common Room. The public is invited.

AUSTRIAN DANCES

On Wednesday evening, Dec. 9, the Tyrolers, 14 young people from Kitzbushel, Austria will appear at the Cambridge High and Latin School. By means of songs and dances, this group will present the authentic culture of their Alpine region, handed down through generations from father to son.

This performance, which should appeal to persons of all ages, will be the group's only Boston appearance of the year and will benefit Shady Hill High School. Tickets at \$1.50 can be obtained by writing to the school or purchased at the Tennis and Squash Shop.

JAG—(Continued)

cently held for the first-year class. The problem will include a murder, and approximately four weeks will be spent in demonstrating how to investigate the case, conduct the trial, and carry the matter through to its final conclusion.

Advantages of Course

All Reserve officers will be given one retirement point credit for each meeting attended, whether or not they are active in other Reserve units. Law students who have not yet been in the Army may also find it to their advantage to take the course, according to Assistant Dean Wesley E. Bevins, a Major in the Reserve and plans and training officer for the 1030th USAR School. Major Bevins is directing administration of the course at Harvard Law.

Major Bevins stated that, though taking the course does not qualify one for a commission, the fact that a student has had this course will be taken into account should he apply for a direct commission in the Judge Advocate General's Corps when he has graduated from law school. All other things being equal, he would presumably have a better chance of obtaining a JAG commission than would a law student who had not had the course.

Three-Year Course

The basic JAG course which begins tonight is a three-year course. A new section will be started each year, so that all three stages of the course will eventually be offered every year. Two 15-day summer training periods must be spent in addition to attending 80 per cent of the lectures during the school year in order to complete the course satisfactorily.

Second- or third-year law students who begin the course tonight will therefore not be able to complete it while they are here, but they may complete it wherever they practice, since the same course is being given in most large cities in the United States as well as in many of the accredited law schools.

Men who are drafted before they complete the course will be given credit for that part of the course which they have taken, and their attendance will be a factor for consideration in the awarding of commissions in the JAG. In addition, the time spent taking the course will be included as part of the eight-year obligation which must be served by all men who enter the armed forces now, often for two years of active duty and six years of duty in the Reserve.

How to Join

Any men who would like to take the course may apply for the appropriate papers in Dean Bevins' office in the basement of Hastings Hall. The papers will be processed by the Massachusetts Military District, and Dean Bevins will give students the documents which they must fill out.

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FUND—(Continued)

lumbia, and Pennsylvania. This distribution follows rather closely the distribution of alumni and students between the States.

More surprising is the fact that Iowa had the best percentage of graduates participating—45.8 per cent. The next States in this category were Missouri, with 37.7 per cent of the graduates contributing, followed by Virginia and West Virginia.

The largest average gifts came from Ohio: gifts averaged \$128.75. The lowest average was Montana's \$8 per gift.

The Class of 1917, "The Centurion Class," again was the most generous class. Its contributions, \$10,272.83, outstripped the Class of 1925 by well over \$1,000. These two classes compete vigorously to see which can give more money and which will have the higher percentage of participants. The Class of 1921, more or less a dark horse, took second place in class totals with \$9,491.25.

The Class of 1948 had the largest number of contributors, 179. The Class of 1908, however, had the highest percentage of givers with over 44 per cent. The Class of 1919 gave the largest gifts on the average—\$186.65.

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AMES—(Continued)

cause the possibility of contributory negligence to be re-examined by the Appeal Court.

Oralists for the Story Club will be John W. Dickey, of Springfield, Mo., and J. LeMoyné Ellicott from Bethesda, Md. Appearing for the Griswold Club will be Jeffrey O'Connell, Worcester, and John A. Moore of Denver.

Counsel of brief for the Story Club are David N. Barus of Montclair, N. J.; Edwin J. Carr, Des Moines, Iowa; Joseph DeFranco, New York City; Arthur C. Dwyer from Paterson, N. J.; John E. Kirkpatrick of Meadville, Pa.; and Richard K. McLaren from Skillman, N. J.

On brief for the Griswold Club are the following: R. Regner Arvidson of West Hartford, Conn. George F. Boney, Jacksonville, Fla.; Willis V. Carpenter of Hayden, Colo.; John T. Edmonds from Scarsdale, N. Y.; N. Thompson Powers, Cumberland, Md.; and Paul R. Staley, Cambridge.

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PRIVILEGE—(Continued)

McCarthyism, then I am glad it has a place in the dictionary."

Professor Howe criticized the absolutism in the minds of most of us today. He said that we should not be absolutists, believing that all who invoke the Fifth Amendment are "guilty of committing a crime." He admitted that the privilege has been used as a smoke-screen by some. But, he claimed, it is unfair to say that its use by men of professional competence and moral integrity amounts to an abuse of the constitutional privilege.

Prof. Howe asserted that even if the danger of self-incrimination is slight, invoking the Fifth Amendment is not an abuse of the privilege.

Prof. Howe declared that many of those teachers who joined the Communist Party believed it to be nothing more than a political movement. He admitted that they might have been duped. But, even in these cases the witness is entitled to invoke the privilege since a chance of conviction exists even though it may be slight.

As for Congressional investigating committees, Prof. Howe declared that the reason for their existence is the enactment of new legislation. He asserted that no legislation has been written as a result of the efforts of the Jenner, Velde, and McCarthy committees. He further criticized these committees by saying that they utilize vicious means to destroy a man's reputation.

He attacked the practice of calling a witness into a public hearing for the purpose of branding him with suspicion with the whole country looking on after he has refused to answer questions in an executive session.

Professor Howe claimed that these committees are interested more in ob-

taining publicity than they are in the uncovering of evidence needed to enact legislation. He asserted that the result of these investigations has been the decline of free speech. If students are afraid to join various organizations be-



Mark DeWolfe Howe

cause of these committees then our freedom has been impaired.

Prof. Howe concluded by predicting that the tide will turn because of a possible Supreme Court decision in this field and also because of the disgust of the public with the tactics of Senator McCarthy.

CHARITIES—(Continued)

sional fund-raisers with whom it occasionally confers say that the most difficult group to solicit is the graduate student body. "This is certainly an anomalous situation," the committee said, "and makes one wonder whether the law school ought to give more weight to the philosophical and social implications of the law."

SBA—(Continued)

missions. Mr. Parks asserted that power has always been abused by some individuals and that lawyers were especially fitted by training and experience to protect the public by keeping a close watch on the exercise of power and by seeing that it is kept within legal limits.

Research Involved

As Mr. Parks outlined the work to be performed by law students in this project, it will consist of legal research on such questions as: When may a witness invoke the privilege against self-incrimination? May the legislative commission arrest? What are the elements of due process in such procedures as cross-examination and the obtaining of witnesses? Is there a constitutional right to privacy, and if so, what kind of and how much privacy? Teams of students will be formed to make studies of these questions and submit the answers for use by the Boston Bar and the commissions.

To Trace 'The Facts'

In the case of the Crime Commission, students will also do "digging" in the court records to establish the identity and connections of persons repeatedly arrested for violation of certain criminal statutes, and as repeatedly bailed. The attempt will be to trace from these personages to the higher-ups in criminal activities. Mr. Parks recounted a few incidents involving attempts on the lives of investigators to the audience, for the benefit of those who wanted to grasp this opportunity to live life fully.

Mr. Allen, criminal law professor, will be in general supervision of the work of the students. All students who are interested in cooperating in this project and who have not yet signed up may do so by writing to the Harvard Student Bar Association, Harvard Law School, Cambridge 38, Mass.

ADVOCACY—(Continued)

Q. Was the disclosure of the White Case (regardless of time, forum, and tone of utterance): (a) A public duty? A. No. (b) Permissible? A. Yes.

Q. Was the disclosure politically wise in the matter of: (a) timing? A. No. (b) Forum? A. No. (c) Tone of utterance? A. No. (d) Circumstances (prior notice to Republican National committee, apparent checking with Governor Byrnes, no communication to Truman, Vaughn, and Clark)? A. No. As for the Truman telecast Professor Leach asked the class:

Q. Did it present a sound defense: (a) Convincing? A. No. (b) As good as it could be? A. Probably.

Q. Was it politically sagacious in view of public reaction? A. Yes.

Finally he asked:

Q. Was Brownell's testimony convincing? A. Yes.

Q. Did he make proper use of the FBI files? A. No.

Q. Was he effectively cross-examined? A. No.

That in a nutshell, was an interesting summary of the White case and a cross-section of how at least one representative group analyzed the episode.

On the conclusion that the cross-examination was not as effective as it might have been, the class noted the following:

1. The speech was made in Chicago and was probably politically timed.
2. Further, the forum that evening was the "Executives' Club" a group which presumably did not include any labor-union executives, members of the Democratic National Committee, or for that matter any responsible public officials.
3. In addition, it was apparent that the speech was previewed by certain Republican National Committeemen and possibly Governor Byrnes who

had well-prepared statements ready the day after the speech. The move was, as calculated, a political bomb-shell.

4. In spite of the foreign implications, there was no evidence that even his colleague Secretary of State John Foster Dulles was informed of the disclosure. The class was unanimous in its opinion that these points, might well have been pressed to better advantage while Brownell was being cross-examined.

The importance of competent advocacy, especially its trial aspects, was cogently borne out. The lessons taught by the whole affair seemed to be these:

1. Never attempt a frontal attack on one who is vulnerable only on the flanks.
2. Never attempt to support a strong point with several weak ones.
3. Never let a witness "make a speech" under cross-examination.
4. When the point is made, let well enough alone!

FORUM—(Continued)

The Forum may prove to be quite lively, for Mr. Curley and Mr. Rappaport are at opposite ends of the political spectrum. Mr. Rappaport and the New Boston Committee have been given credit by some observers for the defeat of Mr. Curley in his last try for the office of Mayor of Boston.

Tickets will be sold at the door and at the Forum office at 23 Everett St. Admission is 70 cents.

Basketball

The PBH basketball schedule for the week is as follows:

Friday, Dec. 4

- 7 p.m.—Spartans vs. Clowns
8 p.m.—Soldiers vs. Subpoenas

Tuesday, Dec. 8

- 7 p.m.—Spartans vs. Chancery Red
8 p.m.—Big Ten vs. Soldiers

Wednesday, Dec. 9

- 7 p.m.—Chancery Blue vs. Dane Hall
8 p.m.—Chancery Gold vs. Old Grads

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