

The Harvard Law School Record

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Curley Leads Spirited Forum In Debating Political Machine

"You wonder why they vote for Curley?" asked Massachusetts' ex-Governor, and last Friday night's Law School Forum nearly turned into a political rally. A near-capacity audience at the New Lecture Hall heckled, cheered, booed, and applauded as debate on "The Political Machine" drove through Boston politics, back to the ward-boss era and circled around Senator McCarthy and the Fifth Amendment.



James M. Curley

Jerome L. Rappaport of the New Boston Committee saw civic organizations as holding out the best hope for democracy, getting citizens to overcome political cynicism by becoming part-time politicians. Joseph Dineen, Boston *Globe* columnist, warned that reform groups can turn into machines which in turn must be overthrown by new reform groups. James M. Curley confessed he was interested in what was said about the reform movement and thought these ideas might go into effect in 100 years or so. "I'm sure they said the same thing about Curley when he started," replied Mr. Rappaport.

Lamenting reform groups that were going to change human nature and change over the world, Mr. Curley suggested they accomplished little but talk and planning—too worried about who might get graft to handle expenditures forcefully. He wondered what would happen to the old northern cities if politicians weren't elected to office once in a while. And he took a look at his record, comparing his tax level with the present one, pointing to school and hospital construction he worked with, and reminded his listeners of the time he gave long-handled scrub brushes to city charwomen to get them off their knees.

Mr. Rappaport charged that old statistics wouldn't meet modern problems and blamed machine rule for leaving the

(See FORUM on page four)

Gardner, Story Win Ames Semifinals; Clubs To Argue In Finals Next Spring

The Gardner and Story Clubs will argue in next spring's final Ames argument, as a result of two-to-one decisions last Thursday and Friday.

The Supreme Court of Ames decided in favor of the Gardner over the Jaffe Club in oral argument on Dec. 3. On Friday night the Griswold Club and the Story Club argued before the United States Court of Appeals for the Ames Circuit, the nod going to the Story Club. Neither Ames semi-final court gave any decision on the law, in accord with the usual practice when



Left to Right: Oscar M. Shaw, Herbert F. Goodrich, Harvey Bundy, and Dean Erwin N. Griswold.

members of the Federal bench are sitting as judges.

The Jaffe Club, representing defendant-appellant, raised two issues. Mr. Richard J. Barnett of Cambridge, argued that there was no contract; consequently the only remedy available to plaintiff-appellee was in tort for conversion of the goods.

Mr. Monroe H. Freedman of Cambridge argued in the alternative that the Ames Fair Trade Law along with the enabling legislation of the McGuire Act constituted an unlawful delegation of the legislative power and that the Ames Fair Trade Law was void on its fact as not serving any purpose for which it might be validated.

The Gardner Club argued in support of the Ames Fair Trade Law as well as the McGuire Act. Mr. John A. Mitchell, of Haynesville, Me., speaking first, submitted the propositions that on an objective theory of contract law, Burnham (plaintiff) and Shields (defendant) had entered into a contract valid at common law and in which fair-trade terms were properly included.

Mr. William S. Ellis of Roxbury developed the thesis that the price fixing power given to the manufacturer was the creation of a statutory right which is made available to the manufacturer for the protection of his good-will in the product.

The court, with Herbert F. Goodrich, (See AMES on page four)

Griswold Cites Generosity Of Alumni As Vital Factor In Scholarship Plans

(This is the fourth in a series of articles being written for the Record by Dean Erwin N. Griswold.)

Obtaining an education is an expensive process. In the case of a legal education at the Harvard Law School, a student must go through four years of college, and then three years of Law School. The aggregate cost of this can hardly be less than \$10,000, and in many cases will probably be more. Perhaps \$12,000 would be a good median figure.

This country has long had a tradition of equal educational opportunity, and has gone far to live up to that tradition. Many students are helped along the way by scholarship grants. A considerable amount of scholarship aid is available at the Harvard Law School, thanks to the generosity of many donors, past and present.

During the present year, scholarships aggregating \$154,696 have been awarded to 226 students. Of these amounts, \$128,296, going to 201 students, has been for undergraduates in the School. The balance has been for graduate students. The figures for this year represent an increase over the past several

years. In 1952-53 the total amount of scholarship aid was \$130,414. In 1949-50 it was \$64,560. The amount awarded this year represents 17.2 per cent of the total tuition payable by students.

The money for scholarships comes principally from three sources: (1) income from endowed scholarships in the Law School, (2) income awarded to

(See SCHOLARSHIPS on page three)

Coffee Hour Audience Hears Douglas Oliver Speak On Anthropology

Probably the most significant recent development in cultural anthropology has been its extension into other fields, Professor Douglas Oliver of the Harvard Graduate School of Anthropology told the Law School Coffee Hour Tuesday.

One of these areas is colonial administration where governments seek the advice of anthropologists on the customs of the people they are ruling. Others are Point Four and private businesses which come into contact with peoples in such countries as Iran, Saudi Arabia, and Pakistan.

Industry also is making use of anthropologists in studying personnel, organizational and labor problems, Dr. Oliver said. He explained that this has been caused by a "fortunate historical accident", since the small size of the groups usually studied by the anthropologist has made it necessary for him to study all aspects of their life. "Today," he added, "we know that to understand any part of human life we must understand all its phases."

Next Tuesday's Coffee Hour speaker will be Paul Samuelson, professor of economics at M.I.T.

Sutherland Writes Review Comment

The second issue of Volume 67 of the *Harvard Law Review* will feature articles by Alpheus Thomas Mason, Franklin M. Schultz and Leo Gross. Also featured will be a Comment by Professor Arthur E. Sutherland entitled, *The Bricker Amendment, Executive Agreements, and Imported Potatoes*.

In the first article in this month's issue Professor Alpheus Thomas Mason explores the attitude of the late Chief Justice Harlan F. Stone toward the often difficult question of off-court service by



Arthur E. Sutherland

members of the judiciary. The article, entitled *Extra-Judicial Work for Judges: The Views of Chief Justice Stone*, is based on research done in connection with Professor Mason's forthcoming biography of Stone, and it makes extensive use of the Chief Justice's papers.

The 1951 *Wunderlich* case is the latest judicial word on how final is the decision of the government's contracting officer in disputes under the agreements of the Government's procurement program. Although recognizing the Government's need for competent and efficient disposition of contract disputes, Franklin M. Schultz, in *Proposed Changes in*

(See REVIEW on page three)

Bond Expert Discusses Government Securities At Bull & Bear Meeting

What types of United States government securities are outstanding and how are they traded? Bull and Bear Club members found the answers to these questions on Dec. 2, when Mr. Murray Brown, vice-president of C. F. Childs & Co., the nation's oldest government-bond firm, spoke to the club in the Harkness Meeting Room.

Mr. Brown stated that the volume of daily trading in Governments is between three and four billion dollars. About half of this amount is accounted for by arbitrage transactions, in which banks and other holders of Governments keep the yields of various issues of Governments in line with one another by buying and selling them until their prices are in accord with the established yield curve for government securities.

Mr. Brown described how bond dealers "test the market" for various government issues by placing buy and sell orders through brokers to see how readily other dealers will accept the orders. If a large "buy" order is quickly executed, it is an indication that a large supply of that issue is available, and the dealer makes his market accordingly. Brokers are pledged to secrecy regarding the names of their customers, so that no deal-

(See BROWN on page four)

Dorm Council Holds Annual Yule Formal

More than 125 couples enjoyed the informal dance sponsored by the Dormitory Council in Harkness last Saturday evening. Music for dancing was furnished by Bob Norris and his orchestra.

A highlight of the evening was the entertainment provided at intermission by the "Free-Bate Eight," a group of young lovelies from Wellesley College whose outstanding vocal abilities completely concealed the fact that they only recently organized and are Wellesley's newest octet.

Musical Marvel

A unique feature of the octet is that even in rehearsal they never use written music. All parts are taught to the girls by Amy McKean, the group's imaginative director. Miss McKean, a Junior from Pittsburgh, Pa., does all the arranging in her head and never writes down a note, an intellectual feat of the first order. She has developed original arrangements of "Please Don't Kill Father with the Bread Knife" and other numbers of similar classic beauty.

A minor disturbance was caused when

(See DORM COUNCIL on page three)

Research Bureau Assists In Annotating UCC Provisions For Mass. Legislature

The members of the Harvard Student Legislative Research Bureau completed the major part of their fall activities on Dec. 2, 1953, the final filing date for 1954 Massachusetts legislation. Bureau members had to work against this deadline in preparing drafts of the legislation on which they were working.

The biggest project undertaken by the Bureau this fall was assisting Professors Braucher and Sutherland in annotating the Uniform Commercial Code in preparing the Code for presentation to the Massachusetts Legislature. Professors Braucher and Sutherland were called upon by a group of Massachusetts lawyers to assist in preparing the annotations. They in turn called on the Bureau.

The purpose of the annotations was to show how the provisions of the Uniform Commercial Code would change existing Massachusetts statutory and case law. Bureau members prepared the annotations by comparing the Massachusetts law with the relevant provisions in the Uniform Commercial Code and showing what changes the Code would make. Then they analyzed how the Massachusetts courts might decide an issue under the Code.

Family Liability Provision

Edward J. Sack, 3L of New York City, Frederick D. Houghteling, 3L of Washington, D. C., and Gerald Weinstein, 2L of Syracuse, N. Y., annotated sections under the article of the Code dealing with negotiable instruments. Dennis Greenwald, 3L of Passaic, N. J., John Street, Jr., 3L of Medford, and George Mulhern, Jr., 3L of Jamaica Plain, annotated sections under the article of the Code dealing with sales.

At the request of the Boston Bar Association, F. John O'Reilly, Jr., 3L of Belmont, has completed a memorandum and draft of legislation placing civil liability on the parents of juvenile delinquents for the wrongful acts of these delinquents. This work involved an analysis

of the common-law tradition against such family liability. The proposed draft would change the common law and adopt family liability in this situation. Some of the ideas for the draft were found in similar statutes in civil-law jurisdictions, where following the civil-law tradition, family liability is common.

As a result of the Massachusetts District Court Survey headed by Vice-Dean Livingston Hall, legislation has been drafted concerning changes in the Massachusetts District Courts. Richard Barovick, 3L of New York City, and Frank D'Andrea, 2L of Stamford, Conn., assisted Dean Hall in editing the draft of this proposed legislation.

Old Age Assistance

On short notice, the Bureau was requested to draft legislation dealing with Massachusetts Old Age Assistance. Under present law there is a \$1500 exemption on liens on real estate previously owned by a recipient of Old Age Assistance Benefits and sold by the Commonwealth. That is, on the death of a recipient of Old Age Assistance, the relatives of the decedent could claim \$1500 of the proceeds of the sale of any of the decedent's real estate sold by Massachusetts. Proposed legislation drafted by Kenneth F. Phillips, 2L of New York City would lower this lien exemption to \$500, the theory of the backer of this legislation being that relatives who fail to support an aged person should not reap benefits from his property.

Norman Goldberg, 2L of Cambridge, has drafted a proposal which would allow a referendum for the restoration of proportional representation in Massachusetts Plan E cities. As it now stands, once a Plan E city votes out proportional representation, the issue can never be again considered in a referendum. The main drafting problem here was working the question as it would appear on the ballot in such a referendum.

Other legislation drafted by the Bu-

(See RESEARCH on page three)

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Judgment Reversed

The resignation from the faculty of Professor Mark De Wolfe Howe was demanded last week, on the grounds that in a debate with Mr. Samuel Sears of the Boston Bar, he publicly espoused civil disobedience. The upshot of the situation is that a Professor of Law is branded as advocating civil disobedience because his opinion of the principles underlying a particular clause in the Constitution of the United States differs from another's.

We will have won badly, and lost our most valued principle, should we, in the course of the struggle turn our schools into centers for the indoctrination of any one particular dogma, thereby adopting the very methods and principles of those we oppose. Today, a large number of people would banish individuality, questioning, and conflicting viewpoints from the academic scene. In its place they would put conformity, to state it mildly; enforced and circumscribed belief, to put it more strongly. This is the very antithesis of the democratic tradition, and cannot produce the wisdom necessary to preserve it—if there be wisdom in facing the problems of life with vigor, courage and intelligence, and in thinking them out to their ultimate values.

The role of education received no greater defense than it did last Friday December 4, 1953. President Nathan M. Pusey's affirmations on this topic should be read by all who espouse freedom of education and, indeed, the democratic tradition. In its endeavor to circulate his views as widely as possible, the Record has re-printed selections from Dr. Pusey's statement. Our fondest wish is that it will reach the local legislator who made the baseless attack on Professor Howe.



"SO WHAT IF HE DOES CALL ON YOU?
THERE'S NO GREAT HARM IN ADMITTING
YOU'RE UNPREPARED."

Gallery

JEROME LYLE RAPPAPORT

New Boston Committee



"It took some audacity," said Mr. Rappaport in referring to his efforts in organizing the Harvard Law School Forum and in persuading WHDH to present the series on the air. A Harvard College and a Harvard Law School graduate (cum laude), Mr. Rappaport received both degrees in 1949, having gone through on the combined seven-year program. He was able to expedite matters a bit "taking advantage of the war-time speed-up program, enrolling in extra courses, and doing summer work" and completed his education in five years. At the age of 18 Rappaport founded the Forum and became its first president. With the help of the then-active Brattle Theatre group in Cambridge, although never having had anything to do with radio before, he was able to convince the powers that be at WHDH that what the station needed was a good series of public affairs programs produced by the aforementioned group and Rappaport. What followed were a weekly series of dramatizations and lectures dealing mainly with local issues. The program eventually received a nomination for a Peabody award.

As Mr. Rappaport stated, "The atomic age had just come upon us. There was need for a realization that many of the evils which led to the creation of such a destructive force were grounded in local corruption, unrest, and misunderstanding. A Forum capable of bringing the controversial issues to public attention would serve a valuable purpose in releasing local tensions, promoting better understanding on a national, and, in fact, international scene. Believing that this was by no means a panacea for world troubles, but undoubtedly a vehicle for world peace, we went ahead."

Mr. Rappaport is very much concerned with the lawyer's position in the social scheme. He

stresses that the study of law should be a process of social disassociation, but the lawyer and prospective lawyer should remain ever conscious of the moving cultural and social forces which shape contemporary society. Being blessed with the advantages of a thorough education, the lawyer should not descend into a legalistic vacuum.

Mr. Rappaport came to Boston and Harvard, as a product of the New York City public school system. Largely as a result of his participation in communal affairs and an interest he has developed in the problems of the area, he has chosen to become a member of the Massachusetts Bar, and remain a local resident. A name ever-present on the local political scene, Rappaport has no immediate aspirations for public office. His major political concerns at present revolve about insuring that decent, qualified citizens become the elected representatives of the community.

"Qualified administrators pursuing sound social and economic measures will aid in making Boston the better place to live in which we all want it to be." Should his private practice develop into what he would like it to be, Rappaport hopes to be able to afford to enter politics and seek office, his goals remaining uncorrupted. The pecuniary remunerations for political office being rather poor, he feels it will be some time before he can afford to become an office seeker.

Twenty-six years of age, Mr. Rappaport has entered a myriad of activities. From January 1949 to March 1951 he was Assistant Secretary to the Mayor of Boston. During 1950 he organized and became the first executive secretary of the New Boston Committee which has since participated actively in the political life of the community and has sponsored research projects to shed light on the problems of Boston. Mr. Rappaport today is a member of the endorsement committee and of the board of directors.

In the spring of 1952 Mr. Rappaport took the leading role in establishing the Greater Boston Area Council, an organization which seeks to make the communities of the Greater Boston Area aware of their mutual problems and to study same. He was made Executive Director of the G.B.A.C. at that time and continues to hold that position. In that capacity he has directed research into regional planning, educational television, the Port of Boston and its plight, the Metropolitan District Commission, and the desirability of a creative arts center for the area.

Mr. Rappaport practices law in the firm of Rappaport & Masterman, which was established in August of 1952. From March of 1951 until that time, he was an Assistant Corporation Counsel with the City of Boston.

In 1951, Jerome Lyle Rappaport was chosen as the outstanding young man of Boston by the Boston Junior Chamber of Commerce; in 1952 he was chosen the outstanding young man of Massachusetts by the Massachusetts Junior Chamber of Commerce.

H. W.

Excerpt From President Pusey's Address

(The following is an excerpt from an address by President Nathan M. Pusey before the New England Association of Colleges and Secondary Schools on Friday, December 4, 1953.)

American education has set for itself the goal of developing free men. That is to say, its major purpose is to train people who are able to think for themselves, exercise judgment, and act upon that judgment, and deeply care. This is not easy, and we do it imperfectly, but surely the way to do this is not by indoctrinating or seeking to inculcate some particular point of view. Individuality and variety and free investigation—not conformity—are of the very essence of democratic life and of democratic education.

Today there appear to be a rather large number of people who are frightened because of the freedom American education enjoys. And there are people, including ourselves, who are dissatisfied with the progress we have made. Some in the face of the threat of totalitarianism now appear inclined to feel our schools and colleges should become centers for indoctrination. This surely would be to lose the great battle of this century without a fight. Americanism does not mean enforced and circumscribed belief; it cannot mean this. We know that free men are developed not by indoctrination but only by that superlative kind of gifted teaching which can engender fresh thought and living concern.

It would be a sorry thing if in resisting totalitarianism we were to follow the counsels of the frightened and adopt its methods. It is rather for us now to look again at the high purpose we serve, not to absolve our former failures and shortcomings, but to renew our faith in what we are doing, to get a firmer grasp of the goal and to go ahead.

Our job is to educate free, independent, and vigorous minds capable of analyzing events, of exercising judgment, of distinguishing facts from propaganda, and truth from half-truths and

lies, and in the most creative of them at least, of apprehending further reaches of truth. It is also our responsibility to see that these minds are embedded in total persons who will stand with faith and courage, and always, too, in thoughtful concern for others. We must all of us at every level in education work together to do this job. The vast majority of people in this country want us to do this, and not some other task. I would suggest only to any of our critics who may have been confused or wavering on the matter of how the goal is to be won that at least at the level of education with which I am most immediately concerned, the way to achieve the desired end is not by harassing professors, or by seeking to turn universities into little police states rather than free associations of scholars, or by governing boards' surrendering their responsibilities to the pressures of hysteria or reckless attacks. The way is quite other than this. And I believe the matter is essentially no different at the level of the schools.

American education has a very fine if not entirely unblemished record of achievement behind it. In times of tension and confusion such as the present the obligation upon us all is greater than ever before to hold fast to its central purpose and historic role of serving the truth, working first and always to produce free men and maintaining a spirit of hope. There is now an especially urgent obligation upon our universities to preserve freedom of inquiry and freedom of teaching, but it is no less upon our schools and colleges. Together we must continue to demonstrate and defend our heritage of freedom, support creative thinking for the advance of civilization, and serve as the foundation, the creators and defenders of liberty in a free people, and now, as always, be the leaders in the fight against totalitarianism.

We are indeed today in the public eye. Let us acquit ourselves like free men.

Sub Judice

THE THRILLER

It was a beautiful day, and daughter Rathburn thought that she and mama might take a holiday from their humdrum life. Although she was 43 years of age, she evidently knew of the dangers awaiting an unescorted maiden, for when she went to the Euclid Amusement Park in Cleveland, she took mama with her.

They thought that they might indulge in some harmless fun to lift their jaded spirits while at the same time not breaking any laws. So where should they go but for a ride on "The Thriller." "The Thriller," for the court's information, was described as a roller coaster composed of three separate cars, each with four seats, all joined together in a train.

The train operates on rails supported by a trestle, built in the form of declivities, dips and curves. It is pulled by a chain from the loading platform to the top of the trestle. From there it descends by force of gravity. The ride covers a distance of 2,800 feet in about two minutes.

It was a wonderful ride and the two ladies were just letting themselves go completely. Suddenly, as they were approaching the return curve, the excited daughter turned slightly to her mother and told her to scream, as they were approaching a series of dips.

She testified that when she was thus turned slightly to her right, a branch of a tree suddenly whipped down from foliage overhanging the track area on the return or lower curve striking her forehead, nose and left eye, breaking her eyeglasses in such a manner that the left lens was shattered and the frame fell into her mother's lap. She claimed that she was seriously injured because pieces of the shattered lens lodged in her eye.

The jury found no negligence on the part of the defendant company which operates the amusement park and the plaintiff appeals.

She claims that the court erred in allowing testimony by the manager that no people ever complained of injury and the number of persons who had ridden on the roller coaster.

Held: Affirmed. In a similar case involving the "Flopper," testimony had been allowed that 250,000 visitors "were at the 'Flopper' in a year." While the charge of negligence was not directed to mechanical defects in amusement devices *per se*, an issue was made as to its safety in the particular location in which it was maintained and operated in close proximity to trees along the side of the track. After a fair and complete trial, the verdict of the jury indicates conclusively that she failed to sustain the burden thus necessarily assumed by her. *Rathburn v. Humphrey Co.*, 113 N. E. 2d 877, Court of Appeals of Ohio, Cuyahoga County, Feb. 24, 1943, rehearing denied, March 23, 1953.

BALL OF FIRE

When Mary, her husband and family motored into the Alameda Drive-In-Theater on May 24, 1950, they never expected to have such a hot time. Unusual or unnecessary as it may appear, the drive-in supplied its customers with heaters for their cars. Feeling chilly, Mary reached out of the car window and brought the portable car heater through the window.

Holding it in one hand, she flicked the switch with the other. "The minute I flicked the switch I got a tremendous electric shock and the whole thing went into millions of sparks and it went into one burning ball, and at that time I dropped it into my lap and at the time I was wearing a wool skirt and I saw wool burning and I looked and saw I was on fire and I knocked the heater on the floor by my other hand and started in to put the fire out. . . ."

She then threw the heater out of the car and leaped. She testified that she "was screaming and hysterical" and "shocked to death." Her husband led her to the theater's Snack Bar where a woman employee rubbed ointment on the flash burns on her hands. She also had flash burns on her legs.

Mary sued the theater and the company which manufactured the heaters. The jury returned a verdict in favor of the theater and against the manufacturer for \$600. Mary claimed that the verdicts were inconsistent, that they were a compromise, and that there was misconduct on the part of the opposing attorneys. Held: Affirmed. Whether the facts that the supplying of heaters in drive-in theaters was a new procedure and therefore required a greater quantum of care were for the jury. . . . The trial judge had the opportunity to see and hear witnesses, and by denying appellant's motion for a new trial expressed his approval of the implied findings. Reference to Mary's previous medical history was not merely to injure her in the eyes of the jury, but to enable them to understand what really resulted from the accident. *Post v. Alameda Amusement Co. et al.*, District Court of Appeals, First Circuit, Division 1, California, May 4, 1953.

REVIEW—(Continued)

Government Contract Disputes Settlement: The Legislative Battle over the Wunderlich Case, expresses some doubt about the post-Wunderlich disputes clause now in use.

In the third article of this issue Professor Leo Gross is concerned with a special problem of the "organization and procedure of the Security Council of the United Nations" as he discusses *The Four-Power Statement on Voting in the Security Council and The Double Veto*.

Many people are worried about the treaty-making powers of the President. And Professor Sutherland of the Law School is worried about what such people might accomplish in their attempts to restrict the President by amending the Constitution. His comment in this issue examines with particularity the power of the President to make executive agreements with Foreign nations despite congressional attempts to control him. In the process the author considers the rare occasions in American history on which the President has asserted the power to act in the face of the Congress' prohibitions. He then fits into their legal context the recent developments on treaty powers.

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Wives Plan Children's Annual Christmas Party

The Harvard Law Wives are planning an evening of caroling for Dec. 15. The group will meet in the Wheeler Room at 7:45, Tuesday night, and will leave from there on the evening itinerary. All law wives and their husbands and friends are encouraged to come. There will be a Christmas party in the Wheeler Room at the end of the evening's singing activities.

The annual Christmas party for the children of law students will be held the following afternoon, Wednesday, Dec. 16, from 3 to 5 in the meeting room of Harkness Commons. Santa Claus will preside, and there will be gifts and ice cream for everyone. Each mother attending is asked to bring an unwrapped gift costing not more than 25 cents. Those coming should call Mary Ann Zech Un. 4-4443.

RESEARCH—(Continued)

reanu included laws affecting workmen's compensation drafted by Richard Harburg, 3L of Philadelphia, and Ralph Erickson, 2L of Jamestown, N. Y. Jack Bershad, 3L of Philadelphia drafted legislation controlling pin-ball machines in Massachusetts. William Gross, 2L of Harrisburg, Pa., and Eugene Rosenberg, 2L of Worcester, assisted Professor Charles Haar in drafting legislation dealing with metropolitan district planning in the Boston area.

SCHOLARSHIPS—(Continued)

Law School students from endowed scholarships available generally throughout the University, and (3) current gifts for scholarship purposes. In recent years, our scholarship funds have been aided tremendously by gifts of alumni scholarships, on an annual basis, made through the Harvard Law School Fund. During the current year over 70 of these scholarships are being awarded. It is obvious that the generosity of alumni plays a vital part in our scholarship program. Although there is no legal obligation to return scholarship money, there is a clear moral obligation to do so, and it is hoped that current recipients of scholarships will, in due course, provide scholarship gifts for future students in the School.

Need A Factor

It is the School's policy to spread scholarship money as widely as feasible. Most scholarship awards do not exceed the amount of tuition, and a considerable number are made for less than the amount of tuition. In making scholarship awards, two factors are taken into account. One of these is need. Each scholarship applicant is required to file a detailed financial statement, together with a financial statement from his wife, if he is married. Scholarship awards are recommended by the Administrative Board only when it is felt that there is real need.

The other test is one of scholarship standing. For a great many years, the scholarship requirement has been a grade of 70 or better. The Administrative Board has long wished that it might go farther down the grade scale. In the past it has been necessary to maintain the 70 line because the funds available would not permit an enlargement of the group eligible for scholarships. Because of the success of the alumni scholarship program, however, it has been possible during the current year to grant scholarships to students with averages of 69; and 17 students with that grade have received scholarships this year who would not previously have been eligible. The School would like to see the scholarship line go even lower, and will extend it as rapidly as funds are available. The School recognizes that many students in the middle range are well-qualified, will make excellent lawyers, and should be aided in obtaining their legal education.

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Alumni Notes

LL.B. '17—Fred B. Noble, of the Jacksonville, Fla., firm of Noble and Searcy, was awarded an honorary LL.D. degree by Washington College, Chestertown, Md., May 31. He was honored for outstanding service as educator, lawyer, and churchman.

LL.B. '24—Edward S. Silver was elected District Attorney of Kings County, New York, in the recent election, succeeding Miles F. McDonald in that office. Kings County, with a population of over three million, is one of the most important and influential legal districts in the country.

LL.B. '29—Earl R. Hoover, judge of the Court of Common Pleas for Cuyahoga County, Ohio, recently made the annual banquet address at the national convention of the Federation of Insurance Counsel.

LL.B. '33—Martin Merson has been appointed vice-president of Temple University. Previously, he had worked with President Johnson of the University as chairman in the investigation of Federal reorganization prospects at the request of President Eisenhower, and also as his first assistant while he was Director of the U. S. International Information Administration.

LL.B. '34—John N. Hazard has published *Law and Social Change in the U.S.S.R.* in London (Stevens & Sons, Ltd.) in August.

LL.B. '37—Jerome D. Goodman has been serving as a member of the Brookline, Mass., Rent Board since July, administering the local rent control act.

LL.B. '41. Mark J. Dalton has announced his candidacy for the Democratic nomination for United States Senator from Massachusetts in the 1954 elections. He will run for the seat now held by Senator Leverett Saltonstall. LL.B. '17. Dalton's candidacy is based on an opposition to the policies of Senator Joseph McCarthy, as well as on an opposition to the "criminal neglect" of Presidents Roosevelt and Truman in failing to rid our government of Communists.

During World War II, Dalton was in Naval Intelligence. Since then he has maintained his own practice. He is a

director of the Dalton-Elcock Bar Review, which prepares candidates for the Massachusetts Bar Exam. He founded the Review in 1946 together with Joseph Elcock, LL.B. '41.

LL.B. '43—Jerome G. Greene, former member of Pallott, Silver & Mulloy, announces the formation of a partnership with Fred Botts for the general practice of law under the firm name of Botts and Greene, 241 Shoreland Building, Miami, Fla.

Wilfred W. Hollander has been appointed Assistant United States Attorney for the District of New Jersey, assigned to the office in Newark.

LL.B. '47—Herbert Berman has been admitted as a partner in the firm of Tenzer, Greenblatt, Fallon & Kaplan, 1501 Broadway, New York City.

LL.B. '49—Henry R. Heyburn was re-elected to the House of Representatives of the Kentucky General Assembly in last month's general election. He was the only one of eleven Republican candidates from Jefferson County to win a seat.

Robert H. Nelson has had a paper, "The Momentum Theory of Good-will," published in the *Accounting Review*, Oct. 1953, p. 491.

LL.B. '50—Lionel C. Epstein has been appointed to the trial section of the Tax Division of the Justice Dept.

LL.B. '51—Robert Ehrenbard recently resigned as law clerk to Judge Edward J. Dimmock of the United States District Court for the Southern District of New York to engage in private practice. He is now associated with the law firm of Kelley, Drye, Newhall & Maginnes in New York City.

Marshall J. Seidman has been transferred as a field attorney to the 18th Region, National Labor Relations Board, Minneapolis, from the 6th Region in Pittsburgh.

LL.B. '52—Private Irwin S. Markowitz is with the Judge Advocate Division, Headquarters USAREUR at Heidelberg, Germany, along with Albert Sennett, LL.B. '52, Adolfo Luca, LL.B. '52, and George Caravassios, LL.B. '52. Lt. Col. Jesse N. Charlton, LL.B. '51, is Control Officer of the Division.

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FORUM—(Continued)

reform movement with a tangled administration and a cynical and frustrated electorate to cope with. Mr. Dineen said that the problem of low salaries paid to public officials adds to the handicaps facing reform movements. There is no better incentive to participation than a good-paying job, he said.

At one point in the flurry of charges and counter-charges Mr. Curley turned from local politics to laud the "leadership and brilliancy" of Senator McCarthy. A roar of boos and cheers came from the audience. His soft accent was unchanged as he continued, "I've been a Democrat all my life, but I'm an American before I'm a Democrat."

Hecklers jumped in again when Mr. Rappaport said that no member of the New Boston Committee had ever received patronage for his work on the Committee. His invitation that questions on this point be brought to the microphone brought no response.

The argument crackled with suggestions that wealthy interests profited most under one organization or the other and with charges of unfair abatement policies and manipulated figures.

Mr. Rappaport admitted that political machines gave the little man recognition and understood his problems during the period of the turn of the century when urban life became more complex. But he saw their great problem in that they created the feeling in citizens that they had to know politicians to get the benefits of government.

The new civic organization had four standards to met, he said: it must give a sense of identity to the individual, be broadly based, be able to persuade the public of the importance of its program, and serve as a symbol for the entire community.

The ex-Governor chivied: "You can't change human nature. Some people are born good, some bad, some with vision, and some born without vision but imagine they have it." And his advice to, and comment on, reform groups: "If you wish to avoid criticism, do nothing, say nothing, be nothing."

Moderator for the program—last in the Forum's fall series—was Professor W. Covington Hardee.

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AMES—(Continued)

LL.B. '14, Judge, United States Court of Appeals for the Third Circuit, sitting as Chief Justice and Messrs. Harvey Bundy, LL.B. '14, and Oscar M. Shaw, LL.B. '29, sitting as associate justices, was active in its questioning of counsel for both parties. Perhaps because of the vigor with which the issues were being contested, the audience in Langdell Court Room was treated to several bits of humor.

On one occasion, Chief Judge Goodrich, wanting to concede a point to Mr. Barnett, asked whether Mr. Barnett cared to discuss the invoice involved and the fair trade legend imprinted thereon. Mr. Barnett replied to the effect that defendant chose to meet the plaintiff on the strongest possible grounds. To this his honor replied wryly, "Often times an end run will get you as much as a center plunge."

In the second Ames case, *Rossi v. Barrett Steamship Co.*, the defendant-appellant Company argued that the United States District Court had no jurisdiction to hear the case, and that even if the jurisdictional point were invalid, the court below held the defendant to the wrong standard of care. The company was represented by the Story Club.

John Dickey, 3L of Springfield, Mo., argued the first point. He contended that the plaintiff's complaint was either admiralty action or an action in the courts of the Commonwealth of Ames. The District Court, Dickey argued, gave Rossi a third remedy, a Federal action at law.

J. LeMoyné Ellicott then urged that the defendant did not owe the plaintiff the duty of maintaining a "seaworthy" vessel, because the plaintiff, a carpenter employed by a ship outfitting company, was neither doing a seaman's work nor exposed to the hazards of a seaman's occupation. The "seaworthiness" duty imposes a higher degree of care on the owner of the vessel than ordinary negligence.

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gence.

The first oralist for the plaintiff-appellee, Jeffrey O'Connell, addressed himself to the jurisdiction issue. He contended that there is a general Federal maritime law, and that the plaintiff has an action arising under that law. According to O'Connell the provisions of 28 U.S.C. §§ 1331, 1333, gave the plaintiff a Federal cause of action.

John A. Moore of Denver argued that the plaintiff came under the protection of the "seaworthiness" doctrine, as well as the usual protection against negligence.

According to Moore, the purpose of extending the seaworthiness doctrine to cover longshoremen and similar persons is to protect them from the hazards of the complicated machinery of modern vessels.

BROWN—(Continued)

er can discover what other dealers are testing the market.

The making of markets, i. e., setting of prices at which bond dealers will buy or sell government securities, is actually done by "traders." These men are highly skilled through long experience in the bond markets. The traders receive, buy, and sell orders from "contact men" (salesmen) who contact all of the firm's customers each day by telephone to take their orders. The trader bases his decisions on the trend of these orders as well as on his own judgment as to the indicated direction of the market.

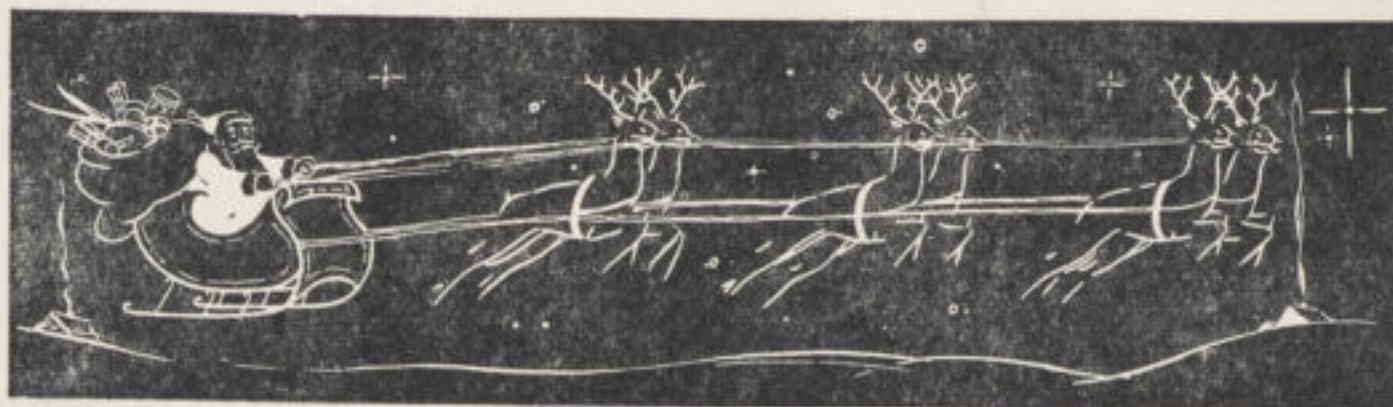
Mr. John Agnew, municipal bond expert from the first National Bank of Boston, will speak to the club on Dec. 16.

DORM COUNCIL—(Cont.)

a few graduate students in an adjoining room insisted that Saturday night was an ideal time to play classical music and proceeded to do so at full volume on the Harkness radio. The grad students graciously departed when confronted by far superior numbers of irate law students.

Christmas Formal

Next Saturday, Dec. 12, the Dormitory Council will present its annual Christmas Formal in Harkness. There will be dancing on two levels, with the music of Frank Patton's orchestra downstairs, and the Bob Wallace Quartet upstairs. The Law School Quartet, "The Dodos," will entertain at intermission. No corsages will be permitted. Tuxedos are preferred, though formal dress is optional.



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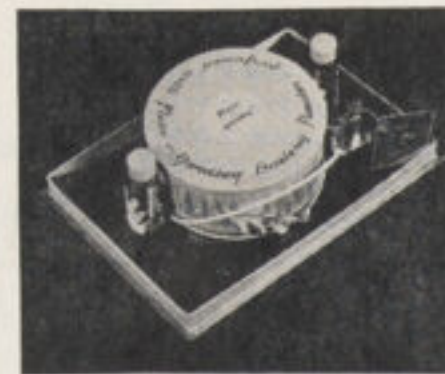
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