

The Harvard Law School

VOL. 17, NO. 12

CAMBRIDGE, MASS., THURSDAY, DECEMBER 17, 1953

PRICE TEN CENTS

Dean Announces Reduction Of Interest Rates For Loans

(This is the fifth in a series of articles to be written for the RECORD by Dean Erwin N. Griswold.)

In addition to the School's scholarship funds, which were discussed in a previous article, there is a substantial amount of money available for loan to students. As of last July 1, the aggregate amount of loan funds available was \$333,830, of which \$179,809 was actually lent out to students. Thus, something over \$150,000 is currently on hand for

further loans. Last year, loans were made to 154 students, in the aggregate amount of \$65,576. Some of these students were ones who also received scholarship aid. Loans are administered through the Financial Aids Office at 23 Everett St., of which Assistant Dean Louis A. Toepfer is in charge.



Erwin N. Griswold

There has been a recent change of some importance in the policy with respect to loans. For many years, the rate of interest charged on outstanding loans has been 4½ per cent, and this charge was effective from the date of making the loan. Acting on a recommendation made by the School, the Harvard Corporation has recently reduced these rates. Under the new plan, the rate of interest will be 2 per cent from the date of making the loan until the July 1 following graduation (where the

(See LOANS on page four)

Most Second-Year Students May Join Contest In Drafting

David Melamed, Chairman of the Board of Student Advisers, and Edward M. Cowett, Drafting Chairman, announced today that the drafting competition will be materially changed this year. Although complete details are not available for publication as of this date, new rules as to participation and organization have been released.

Effective with the competition starting this February, participation in the drafting competition will be open to all second year students who are not members of the Board and who have not qualified for the quarter-final round of the Ames Competition. Participation is limited to 114 students and preference will be given to those applicants who have argued in the qualifying rounds of the Ames Competition.

The competing unit in the drafting competition will be a four-man "firm." Each particular "firm" may be composed of students entering the competition from an Ames club or of students independent of an Ames club, but in the event that individual students wish to enter, the Board will form the "firm" in the same way that first-year Ames courts are now formed.

The first round will begin on Feb. 15 and will last until about March 5. Problems for the first round will consist of drafting documents similar to those which any practicing lawyer encounters commonly in his practice. Each solution, together with all accompanying memoranda, may not exceed 10 pages.

Three "firms" will work on each particular problem. The judging will be done by lawyers from the New England (See DRAFTING on page three)

Keating Proposes Procedures For Reforming Investigations

The adoption of a formal set of procedural rules applying to all Congressional investigating committees is necessary to curb excesses which exist today, Representative Kenneth B. Keating, LL.B. '23 of New York told the Harvard Student Bar Association Monday night.



Kenneth B. Keating

Speaking on "Procedural Reform in Congressional Investigations" as the first of six lectures dealing with "The Function of the Lawyer in Public Investigations," Mr. Keating discussed a 12-point program of procedural rules which he has proposed at the last three sessions of Congress.

While strongly affirming his belief in the need for Congressional inquiries to "keep government moving smoothly," the Congressman emphasized that "they should never lead us to excesses." He pointed out that investigations are no

longer a purely "house-keeping" function and that they have led to criticism from abroad as well as at home—"a great deal exaggerated but some of it justified."

Congressman Keating cited several reasons for the increase in the scope of investigations during the past few years—among them the desire for political gain by individual congressmen and by the political party out of power, the growth of the size of government which

(See SBA on page three)

Law Forum Invites Truman, McCarthy

The past week saw the Harvard Law School Forum rise to national prominence. This came as a result of a statement made to the press in Washington by Sen. Joseph McCarthy acknowledging receipt of an invitation sent to him on behalf of the Forum by Hershel Shanks, LL. A similar invitation had also been sent to former President Harry S. Truman requesting the two to participate in a Forum program devoted to a discussion of "How we should deal with communism, communists and suspected communists in our own country."

The Forum itself first received official confirmation from McCarthy on Saturday, Dec. 12, saying that he would be willing to accept the Forum's invitation to speak in Cambridge on or about March 5, 1954, provided President Truman would also accept. Previous to this McCarthy had told reporters for the various wire services that he was in receipt of the Forum's letter and that it

(See FORUM on page three)

'Local Government' Course Is Best Place To Study Civil Liberties, Says Gardner

At the meeting of the Association of American Law Schools to be held Dec. 28 to 30 at Chicago, there is to be a round table discussion among teachers of Local Government Law. Professor W. Willard Wirtz of Northwestern will preside. Dean Fordham of the University of Pennsylvania Law School, Professor Gardner of the Harvard Law School, and a number of others, are expected to

participate. The plan of the round table is to present three prepared 10-minute addresses on the following subjects: The Major Functions of Local Government; The Organization of Local Government; The Financing of Local Government. (The following is what Professor Gardner will say.)

The Major Functions of Local Government

According to the latest teachers' directory the Association of American Law Schools is composed of 110 member schools. Eighty-eight of these schools have sent me their catalogues and of these only 45—a trifle more than one-half



George K. Gardner

of them—offer course entitled "Municipal Corporations" or "Local Government Law." Rather less than one-third of these courses run for three semester hours—the other two-thirds run for two. So we are here to discuss the content and method of perhaps three per cent of the aggregate hours of class-room instruction which the students who elect a course in Local Government can receive in about half our schools.

In the schools which offer these courses, this three per cent of the total

(See GARDNER on page four)

LAST ISSUE

With this issue, the RECORD concludes its publication for the fall semester. Our next issue will appear on Thursday, February 4.

Newman In Radio Talk Tells Of Limitations On Use Of 5th Amendment

Visiting Professor Frank C. Newman, of the University of California, told FM radio audiences last week-end about the merits and disadvantages of the proposals for limiting the use of the Fifth Amendment.

Speaking by transcription over WGBH last Friday and Sunday evenings, Newman pointed out that legislative committees and grand juries are hampered in their investigations by the refusal of witnesses to talk.

Newman said that the present proposals would permit the Attorney-General to grant immunity to witnesses. Witnesses could then be required to testify or face contempt proceedings. The original measures introduced in the Congress gave the various committees exclusive power to immunize witnesses, but amendment on the floor included the Attorney-General in the process.

Objections to the proposals have been numerous and varied, but Newman observed that it is difficult to tell just who is opposed to the measures, for there were no hearings on the bills.

Sen. Harley M. Kilgore (D., W. Va.), wrote various prominent persons to get their opinions on the bill and according to Newman, got unfavorable replies from the Dean of the Harvard Law School, former Attorneys-General, and from John W. Davis, the well-known constitutional lawyer.

Other opposition is based on the failure of the proposed bills to grant immunity to witnesses from State prosecution. The bills provide no protection from "informal" punishment, according to Professor Newman. Witnesses may still lose their jobs, their passports, and

(See BROADCAST on page three)

Professor Scott To Take Sabbatical; Travels To Oxford As Guest Lecturer

When Dean Ames had to leave the Law School in 1909, the call went to the New York firm of Winthrop and Stimson, more specifically to one Austin Wakeman Scott. Scott, then only a recent alumnus of the Law School, returned to Cambridge to complete Dean Ames' courses in Pleading and Equity. Prior to his return, he had never remotely considered a teaching career. He remained, however, as an Assistant Professor and in 1914 became a Professor of Law. This year marks his forty-fourth year on the faculty, during which



Austin W. Scott

time he has taught 13 different courses and has become, in turn, Story and Dane Professor. For the second time during this span, Professor Scott is taking a sabbatical.

Already holding the recognition of being one of the very few Americans to be elected an Honorary Member of the Society of Public Teachers of Law, an English organization similar to the A. L. A., Scott was this year invited to be guest lecturer at Oxford, to teach the law of Trusts. He will, in addition to teaching the English law, point out the differences in the American handling of the

problems. The English ordinarily do not deal with the American cases as we study theirs. English law schools differ in the fact that their student body is composed of undergraduates. There is further, a much greater concentration upon the tutorial system than in the United States. The majority of learning is gone over in private conference with

(See SCOTT on page three)

Mutual-Fund Chairman Will Speak At Meeting Of Bull & Bear Jan. 6

Merrill Griswold, LL.B. '11, Chairman of Massachusetts Investors Trust, will speak on "Managing Millions" in Harkness on Wednesday, Jan. 6 at 1:30 p.m. The meeting will be jointly sponsored by the Bull and Bear Club and the Coffee Hour. Massachusetts Investors Trust is the world's largest mutual fund, with assets now totaling more than half a billion dollars. Mr. Griswold will discuss some of the interesting legal aspects of mutual funds.

Paul F. Glenn 2L, Bull and Bear President, revealed that Charles Convis 1L is currently far in the lead in the Club's Investment Contest. Convis has increased his original investment of \$50,000 to approximately \$59,000 since the contest began on Oct. 14.

QUARTER-FINAL CLUBS

The eight second-year clubs that have qualified for the Ames quarter-final round next spring are Baker-Smith Equity, Hall, Jaffe, Kaplan, Kent, Scott, Seavey, and Wilson.

The Hall, Seavey, and Baker-Smith Equity Clubs all had 4-0 records, but the Kaplan Club, with a 3-1 record, had the highest average score, 144.5. The next highest score was the Wilson Club's 141.875.

The Harvard Law School Record

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

OFFICERS

BURTON T. GANS President
CHAS. H. W. TALBOT Editorial Manager
JOEL S. GREENBERG Business Manager

EDITORIAL BOARD

ARNOLD F. CIACCIO Associate Editor
WILLIAM WESTLING News Editor
PAUL F. GLENN Copy Editor
ROBERT BELMONTE Advertising Manager

DEPARTMENT EDITORS

Marvin Stern Edmund Rosenkrantz
Current Case Gallery
Jim Petersen Herbert Wasserman
Articles Features
John Corry Matt Kessler
Alumni Treasurer

John Bernstein
Cartoons

EDITORIAL ADVISORY BOARD

George Chimples, Melvin Cohen, Herbert D. Lewis

STAFF

Philip Brawner, Jeremy E. Goldstein, John Hook, Martin Kramer, Alan G. Miller, Jack Polish, David J. Swartz, Don Wallace, Robert Whitstock, Fred Wyle.

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

Helping Hand

The Law School Administration, continually working in the best interest of the students, should be commended for its new policy with respect to loans. More specifically, the credit should be given to Dean Griswold and Assistant Dean Toepfer, who, realizing that the previous interest rate created a heavy burden on those who took advantage of it, asked the Corporation to improve the situation. As Dean Griswold writes in his article on page one, the previous interest rate of 4½ per cent has been reduced to 2 per cent from the time the loan is made until July 1 following graduation. The rate from that time on is 4 per cent.

Unfortunately the Financial Aids Office has not reached its goal in loan funds. At present there is not enough money so that a program may be installed whereby a person can consider coming to the Law School completely independent of his financial status. It goes without saying that those owing money on such funds will satisfy their obligations. Furthermore, we also urge past recipients of loans who can to help others by contributing to such a fund. We are also confident that the other many friends of the Law School will do their share in aiding it to attain its worthy goal.

Merry Christmas

Happy New Year



Letters to the Editor

TO THE EDITOR:

I was always under the impression that the books in the library were for the general use of all the students in the law school. However, today, I found out that the impression may be erroneous.

Sunday I went to the library to check out one volume of a many volume treatise to use in relation to studying for a third year course. I was informed that volumes 1-3 were not at the desk, and it appears that this is the only set the library has. On further inquiry, it appeared that a member of the *Harvard Law Review* had checked these volumes out Saturday, and they had not been returned since.

It seems also that this member of the *Review* is taking the same course, and not for the purpose of writing a note or case.

I recognize the value of the work done by the members of the *Review*, and the fact that they probably spend much more time on that than they have for their course work. However, I do not think that this should give them any special privileges to keep books off the shelves for any longer periods than any other students, particularly when they are not doing work for the *Review*.

If indeed the books in the library are for all the students, it would seem that putting an end to this sort of thing would be the first step that would be taken to make them so available. By allowing these books to be kept out beyond the time given to other students, and even during the time when they may not be in use, and could be used by others, the library is allowing them to lie idle, serving no useful purpose to anyone.

Gallery

MERRILL GRISWOLD

Chairman

Massachusetts Investors Trust



It is very easy in our society to pattern one's life after accepted ideas and traditions. Seldom does one find a person with the ability to recognize new opportunities and the courage to pursue a new and untried idea to its ultimate success or failure. Perhaps that is why few men follow the path which has led Merrill Griswold from Harvard Law School to the leadership of the world's largest investment trust.

Merrill Griswold received his Bachelor of Laws degree in 1911. His success in Law School was comparable to that which has marked his subsequent career. He ranked very near the top of his class and was a member of the Law Review. Mr. Griswold became associated with the firm of Gaston, Snow, Rice & Boyd in Boston upon his graduation from Harvard Law. He

I for one sincerely hope that the library will take steps to see that books not in use are returned to the shelf, and that the rules of the library will be fairly enforced as to all persons, so that those who get there early will have an opportunity to use the books, and not have to go without because someone who previously had them decided to keep them out beyond the time allowed.

FREDERICK R. SCHER, 3L

CALIFORNIA LAW REVIEW

TO THE EDITOR:

We noted with interest the biographical sketch of Professor Frank Newman which appeared in the November 25th issue of the *Record*. Especially noteworthy was his statement that Harvard students tend to be less prepared for class recitation than their California counterparts.

Since we have been given to understand that our particular class (the third year) is perhaps the most lethargic ever to go through Boalt Hall, please accept our congratulations on hitting a new low. Having been privileged to study the principles of equity and administrative law under "Fearless Frank" (as he is affectionately known), the words "Start preparing or don't bother to come" have a familiar ring. We are happy to learn that you are making Professor Newman feel at home.

Sincerely yours,

HELEN BUCKLEY
FRED H. DRUCKER
Class of '54
Boalt Hall of Law
University of California



"Personally, I don't find anything wrong with the lighting in the Library."

still retains a partnership in the firm. Through his legal work he became acquainted with a newly organized "open-end" investment company known as Massachusetts Investors Trust. It was agreed in financial circles that this minute company could not succeed, since it had adopted the radical policy of offering to repurchase its shares at their net asset value from its shareholders at any time. No one believed that the company could grow if at any time an investor could withdraw his money by redeeming his shares. No one, that is, with the exception of a few farsighted individuals who saw in this new type of investment company a great opportunity to give all investors the advantages of diversification coupled with the protection of principal provided by the policy of redeeming shares at the option of the investor.

Assets of Trust

Time proved that the investment pioneers who founded Massachusetts Investors Trust were correct. Within a few years the assets of the company increased to many millions of dollars, and the financial community rushed to establish competitors for this extraordinarily successful enterprise. Merrill Griswold became a trustee of Massachusetts Investors Trust in 1925 and Chairman of the Trustees in 1932. On December 31 he will retire as Chairman of Trustees and will become Chairman of the Advisory Board of the company. Under his leadership the nation's first mutual fund has grown steadily until today its assets total more than half a billion dollars.

Massachusetts Investors Trust played an important role in the enactment of the Investment Company Act of 1940. In addition, it was instrumental in establishing the "conduit theory" of taxation of investment companies.

Other Accomplishments

To be one of the developers of the concept of the open-end investment trust is itself a major accomplishment. Yet Merrill Griswold regards another activity as his most useful contribution to society. In 1946, together with Dr. Karl T. Compton, Senator Ralph E. Flanders, and Dean Donald David of the Harvard Graduate School of Business Administration, he helped to establish American Research and Development Corporation.

Mr. Griswold saw in our economy an increasing concentration of capital in institutional hands, which was making it increasingly difficult to finance new venture undertakings. He therefore determined to start a public venture capital firm, a company which would invest funds of investors willing to take a chance on new ideas and developments, distributing the risk by investing in many new companies.

After overcoming countless obstacles such as Securities Exchange Commission regulations and state "Blue Sky" laws, Mr. Griswold finally reached his objective. Today American Research and Development Corporation is the most important publicly owned venture capital corporation in the United States. Its assets of more than \$7,500,000 are invested in twenty-three young companies making products ranging from magnetic tape to jewelry to plastic pipe.

Directorships

Today many companies are enjoying the benefit of Mr. Griswold's executive abilities. He is a director of General Public Utilities Co., Pan-American World Airways, Dewey & Almy Chemical Co., Tracerlab, and Ionics, Inc. His many positions of responsibility indicate the respect with which the American business community regards the judgment of Merrill Griswold, a financial pioneer who has had the courage and determination to develop new ideas into realities.

P. F. G.

Sub Judice

HOLD THE RELISH

Picture to yourself a spotless, air-conditioned factory gleaming with fresh paint and well polished floors. The sun is streaming in through spacious windows which overlook a well manicured lawn and the employees' swimming pool. Immaculately uniformed workers cheerfully manipulate stainless steel levers which enable the jovial manufacturer to market a product untouched by human hands and pure enough for the kiddies. Recorded music is piped into all of the workrooms and restful eye-saving and safety-conducive color schemes are intricately harmonized so that the contented workers will produce a superior product.

Now before rushing down to the corner store to buy extravagant quantities of this wholesome product, let us join Circuit Judge Collect in a judicial examination of the premises.

The evidence shows the following facts. The plant is housed in a brick building 60 feet wide and 150 to 200 feet long from north to south. Pickle stock is brought into the plant by railroad car through a large door. The brick walls contain approximately 200 unscreened glass windows. The glass in 20 or 25 has been broken out.

Pigeons fly in and out. Sometimes they are shot and killed inside the plant. The outside doors are unscreened. The relish-making area is located in the south end of the building. The plant was not operated continuously. Orders were made up as received. Canning operations were suspended at intervals between orders. At the time of the inspections on May 21 and 22 no pickles were being canned.

The hopper of the pickle chopper was rusted and corroded, the shaft rusted and grease was running down the shaft into the cutting blades of the chopper. The chopper was so constructed that the chopped pickle material fell from the chopper in to a wooden trough which conveyed it into a vat on a lower level. Pickle relish material remaining from the last operation was imbedded in cracks in the wooden trough. In the relish-making area was a wooden table covered with dust, stained material, and its supporting structure was encrusted with spider webbing.

In that area were 16 uncovered barrels of pickles and one barrel of onions. Vinegar flies were flying over the uncovered barrels and spider webbing partially covered the openings of six barrels approximately full of pickles. A spider was in the webbing above one barrel, houseflies rested on pickles in another barrel, and on each pickle floating on top of the solution in another barrel there were two or three vinegar flies. Bird feathers were floating in the solution in another barrel, moldy pickles were in two barrels, and a spider climbing over the pickles in another.

In addition to the barrels, large vats, approximately six feet in diameter and five feet high, were used in the making of defendant's product. In two of these vats were pickles not in solution. Those pickles were covered with a whitish and grayish mold approximately one-half inch thick. There was a railroad car in the plant at the time of the inspection. On the railroad car there were wooden vats and in the vats were pickles in solution. In this solution were particles of sticks, grass, muddy pickles, and particles which resembled insects. On the outside of the plant were a number of vats, one partially full of pickles, some entirely or partially filled with water. . . .

The pigeons heretofore referred to appear to have had access to a large part, if not all, of the area inside the plant. They were not trained pigeons and were not housebroken. The result of their habitation in the plant was what would reasonably be expected. . . .

. . . Analysis of the contents of the seized shipments showed that the jars contained, in addition to pickle relish, fragments of a fly skin, part of a fly's leg, a number of mites, part of a beetle wing, a moth scale, fragments of feathers and fragments of rodent hair.

The manufacturer of this tempting delicacy was convicted in the District Court of unlawfully introducing into interstate commerce food which had been prepared and packed under unsanitary conditions whereby it may have become contaminated with filth. He appealed claiming that the statute was too vague to be enforceable. *Held: Affirmed.* When the terms "unsanitary conditions" and "contaminated" are read with the qualifying word "filth" all become possessed with a more definite meaning. The evidence was not insufficient to support the verdict. *Berger v. United States*, 200 F. 2d 818, United States Ct. of Appeals, Eight Circuit, Dec. 30, 1952. Cited in Braucher, Sutherland, and Wilcox, *Commercial Transactions*, p. 104.

Alumni Notes

LL.B. '49—**Munroe F. Pofcher**, formerly with the U. S. Atomic Energy Commission, and **Irwin E. Schlusel**, LL. B. '49, formerly with the office of the Chief Counsel, Wage Stabilization Board, and **Herbert B. Katcher**, LL.B. '49, announce the formation of a partnership for the general practice of law under the firm name of Pofcher, Schlusel and Katcher, 342 Madison Avenue, New York. The firm's Washington, D. C., counsel is Paul Dobin, LL.B. '41.

LL.B. '52—**Harald C. Saakvitne** has been transferred from the New York Central System Law Department in Detroit to the office of the General Counsel in New York. **Jack Alspector**, LL.B. '52, until recently discharged a legal officer in the Air Force, succeeds him.

PLACEMENT—(Continued)

office has received announcements from the University of Chicago, University of Pennsylvania, Columbia University, Stanford University, University of California at Berkeley, New York University, and Indiana University. These schools as well as Harvard are interested in our graduates to fill their openings.

High Scholastic Standing

On the whole they desire men of high scholastic standing, preferably Law Review, who will enjoy working with the students. Harvard emphasizes the group work program with discussions, sample problems, drafting and mock-trial work. Other law schools such as the University of Pennsylvania emphasize legal writing of a law-review nature and encourage the teaching fellows to work for their LL.M. or S.J.D. at the same time.

The amount of actual group teaching varies from school to school, and in some the position offers an excellent opportunity for those who think that they might like a career in teaching to obtain a stimulating sample of the life. The experience gained in the year might well appeal to a prospective employer if they decide to return to teaching after practicing for a while. Most of the schools will also welcome applications from men of high scholastic standing who have been in practice for a while or with the government.

Salaries Comparable

Usually each school has from three to six positions to fill, and in view of the number of schools there is a sizeable number of positions open. The salaries for recent graduates range from \$3600 to \$4000 for a nine-month year, comparing favorably with most jobs open to recent graduates. Those men desiring further information on the subject should contact the Placement Office.

SEGREGATION—(Continued)

lem by declaring that segregation, per se, is unconstitutional.

Prof. Sutherland, arguing that the Supreme Court should strike down segregation as violative of the 14th Amendment, said that its 1896 decision in *Plessy v. Ferguson* was a "mistake" and should be overruled along with subsequent



Mark D. Howe

cases which followed it. He said that the recent court decisions in the *McLaurin* and *Henderson* cases clearly showed that power to command the states to end public school segregation was vested in the judiciary. If so, it should strike down a practice which can hardly stand the light of day in 1953. The resolution was defeated.

DRAFTING—(Continued)

and New York areas. The "firm" judged to have submitted the best of the three solutions on its problem will advance to the succeeding round.

Research Minor

Emphasis in the drafting competition is placed upon originality of thought and preciseness of phraseology. Less than one-half of the time necessary to prepare a solution should be spent in research.

The solutions to the various problems will entail the application of the law of a particular State. The Board plans to assign the problems, as nearly as possible, to those students who will later practice in the State according to whose law the solution is to be prepared.

Prizes

Suitable prizes to members of the first and second "firms" are contemplated. At the conclusion of the Christmas vacations, every eligible second-year student will be contacted and supplied with further information concerning the drafting competition. In the meantime, information can be obtained at the Board of office from Edward M. Cowett.

NEWS IN BRIEF

BASKETBALL

The P.B.H. Basketball league has completed two weeks of play, with the Independents having shown the most strength in the Law division. Leading the Equity division is the Tortious Ten. Each division leader has a 2-0 record.

The Spartans nipped a strong Chancery Red team, in a recent important encounter. Behind throughout, last year's champions surged in the final five minutes to overtake and defeat Chancery.

Last Week's Results

Spartans 41, Chancery Red 38; Chancery Blue 60, Dane Hall 29; Independents 51, Chancery Blue 30; Tortious Ten 43, Soldiers 41; Chancery Gold 36, Old Grads 20; Tortious Ten 58, Bombers 38.

Leading Scorer (Total Points)

Corderman, Tortious Ten, 26; Bok, Chancery Blue, 29; Pastolove, Independents, 23; Procter, Independents, 23; Harris, Soldiers, 20.

LIBRARY SCHEDULE

Below is the Langdell reading room schedule for the holiday:

Sunday, Dec. 20: Closed.
Monday through Wednesday, Dec. 21 to 23: Open 9 a.m. to 5 p.m.
Thursday, Dec. 24: Open 9 a.m. to 12 noon.
Friday through Sunday, Dec. 25 to 27: Closed.
Monday through Thursday, Dec. 28 to 31: Open 9 a.m. to 5 p.m.
Friday through Sunday, Jan. 1 to 3: Closed.

POUND HONORED

Dean Emeritus Roscoe Pound was honored on Wednesday by the N.A.C.C.A. at a cocktail party.

SBA—(Continued)

has necessitated a similar growth in Congress' supervisory role, and the public desire for exciting stories rather than cold dry information about the work of Congress.

The Congressman stressed his belief that reforms in the investigating fields should come from within Congress and not from such outside sources as the judiciary. He stated that as a practical matter, procedural reforms will be much better in this respect than trying to place substantive reins on the scope of investigations.

Keating's Proposals

Included in Mr. Keating's 12 proposals are the following:

No major investigations should be initiated without the approval of the majority of the committee, although for efficiency preliminary investigations by the committee staff need be approved only by the chairman.

The subject of any investigation in which witnesses would be called should be stated at its beginning and only questions relevant and germane to that topic should be allowed.

Every witness should—within limitations—have an opportunity to clarify his testimony by reading a prepared statement dealing with it at the end of his questioning by committee members.

MASS. & GARFIELD GULF SERVICE STATION

* TUNE UPS
* LUBRICATIONS
* WASHINGS
* MUFFLERS, TIRES, BATTERIES
* ALL ACCESSORIES
1725 Massachusetts Ave.
Between Harvard & Porter Sq.
EL 4-9203

SCOTT—(Continued)

assigned tutors. Lectures play a lesser role, and attendance at them is perhaps even more irregular than at Harvard. Classroom participation is nil, but Scott intends to encourage student response in his classes.

After the term at Oxford, Professor Scott will join the faculty of the Salzburg Seminar on American Law to give a series of lectures on "The Anglo-American Institution of Trusts." Next fall Professor Scott will return to Cambridge to resume his usual duties at the Law School.

In addition to his teaching duties and a "bit of a practice on the side," Professor Scott supplements his income by virtue of his endeavors in revising the Restatement of Trusts. The stipend to which he refers with most pride, however, is a \$10 check he received from the *New Yorker* in return for a quip which he submitted to their *Talk of the Town* column.

One of the lesser-known facts about Scott is that his father was a Yale man. This is not as tragic as it might appear at first, as he was not a lawyer, but a distinguished educator and President of Rutgers College. Professor Scott continues in the academic tradition as do his two sons, both of whom are graduates of Harvard College, and strangely enough, Harvard Law School. At present they are also Professors of Law, one at Colorado, the other at Stanford.

Though capable men have been assigned to take over Scott's classes while he is in England, the familiar jumping, nodding, and the recurrent tirades against the use of light ink will be welcome once more during the next fall term.

FORUM—(Continued)

had requested that he and Truman discuss infiltration in the past administration as well as the Harry Dexter White case. On Thursday Herbert Wasserman, 2L, publicity director of the Forum, answering newspaper and television and radio reporters who approached him, said that the invitations were not meant to call for discussions of prior infiltration but requested that the speakers deal with the problem as it exists today.

On Saturday, Dec. 12, President Truman told A.P. reporters in Independence, Missouri that he would not accept the Forum's invitation to debate with McCarthy. Forum President Edmund Rosenkrantz, 3L, announced that the Forum, in accordance with its usual procedure, would attempt to secure another competent speaker as a replacement for Truman. He said "We are sure that if Senator McCarthy is sincerely interested in discussing these vital issues he will have no hesitation in appearing for the Forum in debate with a qualified substitute for the President."

FORUM ELECTIONS

At the "Political Machine" Forum on Friday, Dec. 4, the newly elected officers of the Harvard Law School Forum began their term in office, which will extend through the spring semester. The new President is Edmund R. Rosenkrantz, 3L of Scarsdale, N. Y. The First Vice-President, in charge of planning and coordinating programs is Herbert M. Paul, 2L of New York City; Second Vice-President, in charge of publicity, is Herbert Wasserman, 2L of New York City; Secretary is Charles P. Rippey, 2L of Omaha, Nebraska; Treasurer is Lawrence W. Levine, 2L of New York City.

Rackets Restrung

One Day Service

TENNIS & SQUASH SHOP
67A MT. AUBURN ST. CAMBRIDGE
Opp. Lowell House — TR 6-5417

Recent Book Recalls Great Trial Of 1839

Slave Mutiny (The Revolt on the Schooner Amistad) by William A. Owens. The John Day Co., Inc., New York. 1953. 312 pp. \$4.00.

In an era when those interested in science and scientific developments are able to get their reading in a palatable form such as science fiction and the various magazines geared for the average reader, it is indeed gratifying for one whose interests are in the field of legal studies to be able to sit down and digest so readily an intricate legal battle.

People or Property?

In our opinion, Mr. Owens has indeed done a more than adequate job of presenting the story of the revolt on the schooner *Amistad*. *Slave Mutiny* deals with the mutiny of a shipload of slaves who, because of the incredible cruelty of their Spanish captors, overthrew them and tried to sail the ship back to Africa. Instead, they finally ended up in the United States where their presence in 1839, with the Civil War looming close, touched off a great furor. The issue was clear: were these people property, or were they human beings? On one side were the Abolitionists defending the Africans; on the other were the American naval officers claiming salvage rights in them, and the Spanish government (suing on behalf of the Cuban slave owners) demanding their return.

When this case finally went to the United States Supreme Court, John Quincy Adams was one of the lawyers for the defense. The result of this entanglement, which also involved at one time or another such notables as President Martin Van Buren, Chief Justice Roger B. Taney, John Greenleaf Whittier, and many other leading figures of the time, is left for the reader of *Slave Mutiny*.

One of the most interesting portions of the book, is that dealing in great detail with the impassioned plea of John Quincy Adams on behalf of the *Amistad* Africans before the high court. This has been called "the trial of one President by another," since a good portion of his speech was bitter criticism "against the petty machinations of a little man to keep himself in the White House."

Unfortunately, we cannot guarantee to those who read this book a happy ending. What eventually happened to the Africans, to a large extent the fault of the missionaries in whose hands they were put, is indeed pathetic.

M. C.

BROADCAST—(Continued)

may be subjected to other penalties.

There is also the difficult question of how far the immunity should extend. Would a witness granted immunity as to testimony about Communist activities be permitted to decline to testify about his activities as a spy in a Communist apparatus? Similar questions present difficult problems for the advocates of the measures.

The program was one of the series, "Backgrounds," presented by station WGBH.

TYPING

Ames Briefs and Seminar Papers

MANUSCRIPTS AND RESUMES

Rebecca G. Filene

11 Beacon Street

BOSTON 8, MASS.

RI 2-0853

HI 5-8081

Chez DREYFUS

FRENCH CUISINE COCKTAIL LOUNGE

BANQUET ROOM

MODERATE PRICES

Open Daily Except Sundays

44 CHURCH ST. KI 7-4311

Subscribe Now...

to the HARVARD LAW REVIEW

You can still obtain the November and December numbers by subscribing in time for the JANUARY issue, which will contain:

Articles: SEGREGATION IN THE PUBLIC SCHOOLS — 1953 by Robert A. Leflar and Wylie H. Davis.

LEGAL RESTRICTION OF COMPETITION IN THE REGULATED INDUSTRIES by Louis B. Schwartz.

Notes, Recent Cases, Book Reviews, and Book Notes.

Subscription: \$6.00 per year (\$4.00 for present law students)

Address Your Order To:

HARVARD LAW REVIEW ASSOCIATION

Gannett House

Cambridge 38, Massachusetts



J. PRESS

Cash Sale Now In Progress

82 MT. AUBURN ST., CAMBRIDGE

Gentlemen's Tailors and Furnishers

GARDNER—(Continued)

curriculum cannot be organized without reference to what goes before it; and, if the catalogues are any evidence, what goes before it varies radically from school to school. Under these circumstances, I could hardly feel justified in asking you to listen to 10 minutes of general notions, did I not feel that this course offers an opportunity to some truly ambitious teacher to plant ideas about the nature and function of law in modern America which he can watch spread and grow. For the proposition which I have to submit to you is nothing less than this: That a course in Local Government law offers a better opportunity than any other to give to students a practical working notion of the nature of civil liberty and of the kind of economic organization by which civil liberty can be maintained.

Basic Liberty

Two hundred years ago William Pitt, Earl of Chatham, defined the basic civil liberty out of which, as I see it, all the other civil liberties grow:

"The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter, the rain may enter,—but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement!"

It is because the governments in Washington and in London still affirm this proposition, while the government in Moscow denies it, that the American people are today unanimous in their resolution that the political doctrines of the Kremlin shall not prevail.

I am not sufficiently familiar with eighteenth-century England to have any clear picture of what the life of the poorest man in his cottage then was. But I think I do know—approximately—the life of the American frontiersman and farmer who adopted William Pitt's political doctrine and transplanted it here. In the

eyes of the men who laid the foundations of our legal system the poorest man in his cottage lived, or at least hoped to live, on his own subsistence farm. To him his home was not merely his castle; it was his livelihood, and also his school and his playground, at least in part. Because of this the laws relating to the inheritance and conveyance of land formed the backbone of property law. But today, although the home is still the citizen's castle, it is neither his livelihood, his school, nor his playground. All these things he must seek by joining with his fellow-citizens in community life.

My first proposition is, therefore, that the course on Local Government is the proper place in which to teach the living law of property in the land. The laws governing transfer and inheritance are, of course, still important. But they have ceased to provoke litigation on vital issues. Their administration calls primarily for an adequate number of learned, accurate, and conscientious clerks. The land law which is vital and growing, the land law which absorbs the attention of the average citizen, relates—on the side of private property—to landlord and tenant, local taxation, eminent domain, and zoning, and—on the side of public property—to the rights which he shares with his fellow-citizens in the highways, and in the playgrounds and parks. On every hand I am assured that there is a great shortage of men equipped to approach these problems both with the boldness of vision and the sympathy of understanding. Such lawyers a course in Local Government Law might well aspire to supply.

Schools Are Local Matter

My second proposition is that the course in Local Government is the proper place in which to deal with the law governing schools. The school is the path up which the child is conducted from the shelter of the cottage or the castle into the wide and windy life of the world. It is of the essence of our civilization that the child should climb

this path accompanied by the kindly guidance, oversight, and encouragement of his parents. He is not to be marched along in military formation under the command of officers whose overriding responsibility is either to the state or the church. This means that the law of schools must continue to be regarded as an aspect of Local Government Law. It cannot be permitted to become the law of any central government bureau nor of any centralized court of appeal.

Civil Service

My third proposition is that the course in Local Government is the appropriate place in which to deal with the problems of tenure of public office and of civil-service employment, problems which vitally effect the fortunes of large and growing numbers of our fellow citizens as well as the conditions under which all of us have to earn our living and provide our children with homes.

My fourth proposition is that the course in Local Government must necessarily be concerned with the providing of public services—not merely the roads, parks, and schools which are of basic importance, but also with water, fuel, and power. The differences between so-called public and so-called private ownership of these services do not, in my view, involve any essential questions of principle. They relate in part to problems of public organization and in part to matters of public finance.

Financing

Finally, I would like to suggest a fifth proposition which is more remote and more speculative, but which I yet think may contain a germ that will grow. This is that the financing of local industries involves possibilities for the future which we have only just begun to explore. It is not without significance that the common law which we have inherited is sometimes called the law of the land. As soon as William of Normandy had consolidated his conquest of England he made a great inventory of all its resources which came to be called Domesday Book. The basic doctrine of the legal regime which he founded was that the King owned the island of Britain and that all its inhabitants were his tenants. There is an element of timeless truth in this doctrine which no settled community can ignore. Notwithstanding our doctrine of private ownership and our democratic policy, it remains true that the community lives off the land and that ownership of productive land and productive machinery is a trust for the community. Local land taxes, like the feudal rents, grow out of the land and can only be sustained by productive use of the land and equipment. It might conduce to greater clarity in our legal thinking if we formed the habit of viewing land taxes on business and industrial properties as the intelligent landlord views his rents.

Interdependent World

The evidence of our newspapers and magazines is that the world now bears much the same relationship to the North American continent that the Eurasian continent bore to the island of Britain in 1066. Technology has made North America into a single industrial Commonwealth—of which the parts are more closely knit and more completely interdependent than the parts of William's Kingdom of England then were. It is hard to see how we can get along without captains of industry or how any part of the economy can wholly cast itself loose from Washington. Just as, after the Conquest, the vitality and the liberties of England were preserved in the boroughs, in the counties, and in the hundreds, so they must be preserved by the institutions of local government, now.

All these thoughts can, I submit, be made a focus on a common purpose; the

Council Dance Sets Gay Yuletide Spirit

The Dormitory Council held its annual Christmas formal last Saturday evening in Harkness Commons. Dancing was featured on two levels, with the Bob Wallace Quartet upstairs and the excellent music of Frank Patton 2L and his orchestra downstairs.

Entertainment

Intermission entertainment was provided by "The Dodos," a quartet composed of Dave Conrad 3L, Harry Downs 2L, Paul Glenn 2L, and Marty Risch 1B. The Dodos came forth with original arrangements of "Blues Stay Away From Me," "Sweet Sue," "The Desperado Song," and "Towel and Razor Medley," as well as with a hilarious travesty on the quartet from Verdi's opera "Rigoletto."

The World Tree was appropriately decorated to give the occasion the air of Christmas in the Atomic Age. Ultra modern Christmas mobiles dangled from the ceiling in Harkness.

Next Dance

The versatile Lenore Bentley performed once more for the 250 couples present by singing several folk ballads, accompanied by Miss Lenore Bentley on the guitar.

The next Dormitory Council dance will be given on January 9.

maintenance of a property system in which the future American, like his ancestor, may, by his labor as a free citizen, support a home in which he can live as a free man. It is not, I think, always realized how tenderly the law of our great industrial empire cherishes the life of the local community even today. The home-owner and the manufacturer, in computing their incomes subject to Federal taxation, may deduct both their local taxes and the interest on their mortgages, if they carry them. It results that the claims of the local community are the first charge on the manufacturer's earnings and that a householder with a wife and two children, and a home worth \$10,000, can earn about \$3,000 free of United States income tax.

Tax Advantage

If the manufacturer invests his profits in the bonds of his municipality to finance the new road or the new schoolhouse, the interest is free of Federal income tax altogether. It is not probable that this state of affairs will soon be altered by any process of peaceful political change. Any Congress which attempted to do so would find itself at war with the deepest loyalties of the American people—their loyalties to their homes and to their countryside.

So I submit that the course in Local Government Law has a future, and that that future need not be subordinated to the notion that all the other courses in the curriculum must be left as they are. I believe that the course has an integral character and is capable of exerting an integrating influence on the future curriculum. And I do not think that it is too soon to begin.

CHERCHEZ LA FLAMME

BARBER SHOP
EIGHT EXPERT BARBERS
21 DUNSTER ST. EST. 1898

LAW SCHOOL BOOKS USED AND NEW

Law Outlines—Books of All Kinds
HARVARD BOOK STORE
1248 MASS. AVE. TR 6-9069

LOANS—(Continued)

student continues in regular course), and 4 per cent after that date. Beginning with next January 1, these new rates will be applicable to outstanding loans as well as loans hereafter made.

Loans ordinarily mature three years after graduation, but there is no difficulty in arranging extensions and terms for payment, in the case of borrowers who show that they are acting in good faith to discharge their indebtedness as they can. In many cases, the loans are paid off within a few years. In other cases, payment is not completed for as long as 10 years. There is great flexibility in the actual administration of loans, and every effort is made to meet the needs of the borrower, while, of course, welcoming the repayment of borrowed money so that it may be made available to later students.

Experience with student loans has been good, but not startlingly good. Over the past 30 years it has taken about 1½ per cent in the interest rate on borrowed money to cover the amount of losses on loans which are not repaid. Thus, the new rate of 2 per cent during the period before graduation is one which will do little more than maintain the loan funds without loss.

The Financial Aids Office, under Assistant Dean Toepfer, is prepared to give financial assistance and advice to students. In many cases, Mr. Toepfer can help as to the amount of the loan which the student needs, and arrange for loans to be made at convenient times throughout the year. He is always glad to assist with such matters. Special funds are available in cases where students need short-term loans to tide over a special situation, and a considerable number of such loans are made each year. In proper circumstances, short-term loans are made without any interest charge.

Through its scholarship and loan funds, made available by many generous donors, the School seeks to give as much assistance as possible to students in working out their financial problems. The School likes to think of all of these funds as "revolving funds" which are made available to present students with the hope and expectation that they will themselves, after they are established in practice, provide similar funds for the assistance of later generations of students.

AT LAST!**THE Portable Constat**

The rapid dry processor for use with the

CONTOURA PORTABLE COPIER

Copies anything anywhere and fits in your briefcase.

Research Model \$39.00
Legal Model 59.00
Constat Rapid Dry Processor 55.00

Crimson Camera Exchange
— Exclusive Agent —

1300 MASS. AVE., CAMBRIDGE
UN 4-4296 UN 4-4777

Ideal Christmas Gifts
UP TO 25% ON ALL LP's

Radio • Records • Television

MINUTE MAN RADIO CO., INC.

28 BOYLSTON STREET
HARVARD SQUARE, CAMBRIDGE
ELiot 4-2183 ELiot 4-2183

FREE
GIFT
WRAPPING

"JOE" KEEZER**PAYS MORE FOR YOUR USED CLOTHING**

See Joe Before You Go Home—Sell Your Old Clothes

Call KI 7-2455 or bring your clothes to

HARVARD COMMUNITY EXCHANGE

1094 MASS. AVE.

CAMBRIDGE

Longest "Old Clothes" Man at Harvard University

23 YEARS — "AT YOUR SERVICE"

ELBERY MOTOR CO., Inc.

FRANK ELBERY

Sales



Service

Complete Service Including Body, Paint & Fender Work
Our Monthly 'Specials' Will Save You Money

Now Is The Time To Winterize

DRIVE YOUR CAR DOWN — WE WILL GET YOU BACK

GUARANTEED USED CARS

JUST 2 MINUTES VIA MEMORIAL DRIVE

360 RIVER STREET, CAMBRIDGE KI 7-3820-21

Enjoy the Finest
Italian-American Food
and Delicious Pizzas
—AT—

SIMEONE'S

Pizza — Spaghetti — Ravioli — Cacciatore
Steaks — Chicken — Chops — Clams

All Our Full Course Dinners Not Over One Dollar

1 BLOCK FROM CENTRAL SQUARE

21 Brookline St.

Telephone EL 4-9569

(Open Every Night till Midnight)

● OPEN SUNDAYS

STORYVILLE

COPLEY SQUARE HOTEL

ELLA FITZGERALD

Appearing over Xmas and New Year's
New Year's Party — \$3.50 per person
Including Fun and Noise Makers
Dancing After 1 A. M.
Make Your Reservations Early

SQUASH RACKETS

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