

The Harvard Law School Record

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PRICE TEN CENTS

SMITH, DEAN PLAN ACTION FOR ALUMNI

Record Boardmen Attend Dinner To Discuss Move For Coordinated Effort

In keeping with the increased emphasis being placed on the relations among Harvard Law School, its alumni, and students, a dinner was given at the Ritz-Carlton Hotel on Tuesday, July 23, to discuss methods of furthering the project.

The dinner was given by Reginald Heber Smith, LL.B. '14, treasurer of the Harvard Law School Association, and an ardent worker for improved alumni relations. (An interview with Smith concerning this problem appeared in the July 17 issue of the RECORD.)

Attending as guests at the dinner were Dean Erwin N. Griswold, Professors John M. Maguire, Mark DeWolfe Howe, and Milton Katz, Edward M. Rowe, Boston lawyer and member of the Law School Association Council and all members of the HARVARD LAW SCHOOL RECORD board. Among the subjects discussed were the functions of the RECORD in cementing Law School-alumni relations. Professors Howe and Katz, along with Vice-Dean Livingston Hall, who was unable to attend, are members of the faculty committee for advising the RECORD.

Smith keyed the evening's program with a discussion of the advantages of improved alumni relations and methods of accomplishing this end. The RECORD's part in the campaign was discussed from an editorial viewpoint by Charles G. Sweet, Editorial Manager, and from the business angle by Paul F. Hellmuth, Business Manager.

The Law School administration's views on alumni relations were expressed by Dean Griswold.

The RECORD board members attending were Charles O. Porter, President, who at Mr. Smith's request acted as toastmaster, Charles G. Sweet, Paul F. Hellmuth, Charles W. Davis, Rinaldo A. Capone, Robert C. Trump, Herbert Berman, Thomas J. O'Toole, David M. Olds, George N. Leighton, Seymour S. Epstein, and Alan Neil Schneider.

23,465 VOLUMES ADDED TO LANGDELL LIBRARY

Collection Now Reaches 614,194; Includes Many Collectors Items

Deep in the heart of Langdell library below the subdued hush of the reading room lie the inner workings of the tremendous task of acquiring hundreds of thousands of volumes. Spearhead of the constant search is A. C. Pulling, Director of the Law Library, through whose office pass the administrative problems and the collectors' delights. Catalogs from book-sellers of the world are scanned to find the volumes that can add additional data to this collection of legal learning.

The original court papers of the famous John Wilkes trial meticulously handwritten in great flourishing script (from Wilkes' personal file) were acquired by a quick cable to an English bookdealer. The competition is keen and cables make the difference to quick-acting library directors. Mr. Pulling, not to be impartial, had an opportunity some time later to acquire an original of the Crown's case against Wilkes and promptly added that to the vast collection of examples of the early development of the law.

The most recent treasure arrived last week, a worn, musty copy of Papal decrees of the 15th century, a large hand bound tome, the letters meticulously drawn by monks whose initials are still faintly visible on those portions of the text for which they were held responsible.

The library, including the little known collectors' items and the latest edition of F(2d) now contains some 616,194 volumes, reports Mr. Pulling, of which 23,465 are additions of the current year.

Law Wives Functions Keep Spouses Busy As Mates Slave

While Harvard's six hundred married law students bury themselves in their books and labor on Ames arguments, their wives band together to enjoy bridge parties, play-reading and other social activities and to exchange information on everything from butchers to baby sitters, apartment hunting and one-room housekeeping.

The Harvard Law Wives were first organized back in 1929 as an informal social group. During the war the club necessarily was discontinued for several years, but last fall, with the return of the veterans to school, the Law Wives staged a big come-back.

A varied program is featured by the club with bridge parties at least once a month. Play-reading, music and hospitality teas are also popular programs. Special speakers on such subjects as poetry, fine china and glassware, current events and homemaking have been invited to talk to the group. Next event on the club calendar is a discussion on meal planning during shortages scheduled for the July 31 meeting.

During the fall term the club members prepared an information bulletin to help new wives "solve some of the problems connected with settling in a new community under more than somewhat hectic post-war conditions." This where-to-find-it bulletin includes a shopping directory of stores recommended by other Law Wives, a help-wanted department for baby sitters and household help, suggestions for wives interested in volunteer Red Cross or hospital work, a list of places to see and things to do, and other helpful information.

With the start of the last term in February, an Information Service was set up to aid incoming students and their families. Notices were posted during registration and an office maintained by the club in Gannett House. Members of the club were on duty from ten to four each day during registration week to answer such questions as "How do I get downtown on the subway?" "Where can I find out about getting a job?" "Where can I get a baby sitter?" and the inevitable query: "How can I find an apartment?" (Though the Law Wives are not equipped to run a housing agency, they maintain a "clearing house" of information on living quarters and try to help each other out with the housing problem as much as possible.) The Information Service proved so helpful that the Law Wives repeated it during registration for this term in June.

Chief activity of the Law Wives these days is Kendall House, the Law School's social center located on Massachusetts Avenue in back of Langdell Hall, which was opened last May with a reception in honor of Harvard Law School faculty and their wives. A committee of the Law Wives has been helping to redecorate a suite of rooms on the first floor—including a large living room, a card and dining room, and a newly outfitted kitchen. Meetings of the Harvard Law Wives and of other Law School

organizations are held at the house. Private parties may be given there by special arrangement.

For students who bring their lunch to school, a wives' committee provides a milk, soup, ice cream, tea and coffee service at Kendall House every noon Monday through Friday. An average of forty students a day have been taking advantage of this service. As future projects, the club plans to sponsor benefits to raise money to buy garden furniture, a radio and record-player and other equipment to improve Kendall House.

Officers of the Harvard Law Wives are Mrs. Charles Davis, president; Mrs. Robert Parkin, first vice-president; Mrs. Frederick Rogers, second vice-president; Mrs. Horace Kalik, third vice-president; Mrs. John Massengale, corresponding secretary; Mrs. Lambert Turner, recording secretary; Mrs. Frank Jose, treasurer; and Mrs. Hamilton Hoyle, associate treasurer. Heading up the hospitality committee is Mrs. Howard Abbott. Mrs. John Lawless is in charge of Kendall House, and Mrs. Kalik, of programs. Faculty wife advisers include Mrs. Erwin Griswold, Mrs. E. Merrick Dodd, Jr., Mrs. Lon Fuller and Mrs. Milton Katz. Mrs. James Landis, wife of the former Dean of the Law School, sponsored the organization for a number of years and took an important part in guiding club activities.

The Harvard Law Wives represent a wide cross-section of the country with delegations from 36 states, and also from Hawaii, England and Brazil. A poll of the 166 active members of the club last term showed 25 hailing from New York, 24 from Massachusetts, 12 from California, and 10 from Illinois. Also well represented were Pennsylvania, Indiana, Minnesota, Texas, Ohio, New Jersey and Colorado.

Approximately half of the law students are married, and at least a fourth of these have children. Many of the Law Wives have full or part-time jobs. So that the working wives and those with children will be able to attend at least part of the meetings, the club has both afternoon and evening groups. One meeting is held each week at Kendall House, alternating between Tuesday afternoons at three o'clock and Wednesday evenings at eight. All wives of students enrolled in Harvard Law School are welcome to join the club. Information on membership and activities may be obtained by writing or calling Mrs. Marjorie Davis, 35 Shaler Lane, KIRKland 8346.

Mrs. Harold F. Olsen,
Law Wives Correspondent

PHILLIPS BROOKS LAW GROUP AIDS FRESHMEN

Activities Curtailed During War Resumed with Summer Session

In sponsoring a series of welcome meetings for first year students, the Law School Committee of Phillips Brooks House commenced its activities for the summer semester. These meetings are being supervised by Thomas Killifer, who is acting as summer chairman of the Committee in the absence of the regular chairman, John Martin.

Active before the war in sponsoring speakers, conducting charitable campaigns, and providing for student welfare and social activities, the Committee is now seeking to reestablish itself as an articulate, representative organ of the law school student body, and resume many of its former functions. To this end the Committee will conduct the social afternoons for entering students of this summer semester to meet their classmates and professors, and will reestablish the textbook lending library in new quarters in Austin Hall, procuring new and revised textbooks for loans to students at twenty-five cents a semester. Additional projects are under consideration and will be discussed at early meetings.

Recovering rapidly from the forced inactivity (Continued on page four)

HALL TELLS GRADEGROUP DISTRIBUTION

Forty First Year Men Drop Back; Remain Here To Make Second Attempt

Vice-Dean Livingston Hall today quieted speculation as to last term's low grades and high mortality rate by announcing the grade distribution for those completing the second and fourth terms and the graduating class. Out of 278 men completing the second term the man-in-the-middle-of-the-class, or number 139, received a mark of 64. Of seventy-eight men completing second year work man number thirty-nine got 65, and of the thirty-four graduating men, the half-way mark was also 65. Fifty-three men, or less than twenty-percent, of the first year group and two the second year and graduating groups failed to pass.

Rank lists for the first, third and fifth terms are not compiled until figures are complete for full year's work.

Further breakdown of the grades show that those first year men whose marks were better than 67.5 were in the first quarter of their class and those whose grades were 60 or less were in the fourth quarter of their class.

Detailed distribution is as follows:

no. of men	A's	B's	C's	D's	E's
2nd term 278	5	30	136	54	53
4th term 78	3	11	55	8	1
graduating 34	2	6	22	4	1

Forty of the first year students whose marks were below passing availed themselves of the opportunity to return to school in the second term.

Survey by the Secretary's office shows that no inference can be drawn from the grade distribution as to which colleges and universities provide the School with its best or its least good legal students. The A men and the E men come from about equally the large undergraduate schools and the more obscure ones. Scholastic records prior to law school, while always a fair indication of how well students may do in the law school, are by no means conclusive. The examination results indicate that the further toward graduation Harvard Law students were the better their blue books tended to be; thus in the first year only ten per cent had grades averaging A or B, while thirty-eight per cent were in the D or E brackets. At the end of the second year eighteen percent managed to fall among the A's and B's, while less than twelve percent received D's and E's. Of the graduating class twenty-four percent averaged A or B and fourteen percent had D or E averages.

Excluding the men of the first year class who received failing grades, the man-in-the-middle-of-the-class is number 110 and his average is 65, putting him on a par with the middle man in the other two classes.

CHANCERY ENTERTAINS FACULTY AT SMOKER

Newly Elected Officers Schedule Ambitious Summer Social Program

The Chancery Club continued its summer social program with a faculty smoker at The Faculty Club, July 18. The purpose of the smokers, said Frederick M. Adams, '46, president of the club, is to provide for a meeting of professors and students in an atmosphere of congeniality.

In attendance were Professors Austin W. Scott, Paul A. Freund, Milton Katz, Zechariah Chafee, E. Merrick Dodd, W. Barton Leach, (Continued on page four)

LAW CLUBS OPEN 29TH AMES YEAR

First Term Arguments Currently Underway; 95% Of Class in Competition

For the twenty-ninth time since its inception in 1911, the School's greatest time and energy consumer, the Ames Competition, got under way. First term arguments, commencing on August 5, will follow the second term arguments, which began last Monday; and the Competition reaches its crescendo on August 19 when the qualifying round for the quarter final arguments to be held next term starts.

The top three clubs of the fifteen contestants in the qualifying round are the Grotius Club, Blackstone Club with a score of 141 and Thorpe Club with score of 141.

The Latest Word on the Year Book

A representative of the Warren Press announced late last night that the Year Book will appear in six (6) weeks or about the end of August (1946).

Since publishing difficulties have already occasioned considerable delay this word will doubtless reassure those who feared they might never receive the volume.

LOCAL CHAPTER SUPPORTS OPA

American Veterans Committee Actively Opposing Price Jump

Currently pacing the activities of the Harvard and Cambridge chapters of the AVC is the "Save the OPA" drive sponsored by the New England Regional Office of the American Veterans Committee. The latest move to publicize the results of OPA's downfall was a "buyer's strike" rally and parade which got underway at Cambridge Common at noon on July 23.

On July 16, the AVC re-enacted the Boston Tea Party, 1946 style, as an anti-inflation demonstration. The pattern of the tea party followed that of the pre-revolution affair, with the exception that the latter version had national press and radio coverage.

Beginning with a rally at the Old South Meeting House, the tea party was climaxed by the dumping a bale marked "Taft Apples—\$1 an Apple" and "O'Daniel Flour—\$5 a Pound" into Boston Harbor by AVC members dressed as Indians.

Speakers at the Meeting House rally, which attracted an overflow crowd, were Robert Nathan, onetime economic adviser to President Roosevelt, Dr. Robert Brooks, Dean of Williams College and former head of OPA information services, and Rev. Harold Brooks, head of the Unitarian Service Committee.

The latest social activity of the AVC was a moonlight cruise and dance, July 19, sponsored by the Cambridge Chapter, which was attended by 372 members and guests.

The Harvard Chapter, which has approximately 500 members, is presently engaged in a membership drive with a goal of 1,000 members by fall. Chairman of the membership committee for the entire University is Irvin Kent, '47. William McCann, '48, is chairman of the Law School membership committee.

A number of Law School men are active nationally in the AVC. Arnold Rivkin, '48, is a member of the national planning committee, vice-chairman of the New England Regional Office, and was a delegate to the national convention held in Des Moines, Iowa, in June. Other Law School men who attended the national convention were:

(Continued on page four)

According to William F. Quinn, Student Adviser chairman of the second year facts committee, new type facts are to be used in the qualifying round arguments, while the first and second term facts remain the usual split law situations. The new type facts are designed to approximate realistic court practice more exactly by having the record set in an actual jurisdiction and by representing cases which will require more interpretation of the facts in order to determine legal relationships. For example, a typical set of facts will be one in which the point to be argued is whether the legal relationship is a third party beneficiary contract of a trust.

Ninety-five percent of the first term men turned out for law club participation, seventy-five percent of the second term men continued in the competition and fifty percent of the third term will be among the fifteen clubs seeking to qualify for the quarter finals.

Anticipating the finals argument four weeks hence, Albert L. Goldman, Chairman of the Student Advisers, announced that the facts will represent a federal taxation case and will be decided by a court consisting of a federal judge, a Tax Court judge and one other legal professional yet to be designated.

Each court for the qualifying round this term will seat a professor, a member of the Massachusetts Bar and a student with a high scholastic average.

Members of the prize winning Grotius Club are: Baylor, Hammond, Scott, Bur, Head, Olsen, Witt, and Oldfather, clerk of the court. The Blackstone Club consists of: Kirk, Vaughan, Trump, Paige, Munn, Clancy, Byer, and Leatham, clerk of the court. Thorpe Club members are: Gabler, Dargan, Heyler, Temple, Bland, Ayers, Meisell and Krones, clerk of the court.

BOARD TRIUMPHS OVER BUGLERS

Tallman Trophy Won in Mighty Softball Slugfest; Profs Ump

On a pedestal of three beer cases covered by a GI blanket and flanked by two quarts of beer stood the historic Oscar Tallman Cup, awaiting the outcome of the softball struggle between the Harvard Law Review and the Board of Student Advisers. Promptly at three o'clock on Saturday, July 19th, an imposing array of legal scholars took to the field to observe what the Board had to offer the softball world. For the first two innings the answer seemed to be—nothing, the Board getting but two hits and no runs. At the same time the Review enjoyed a measure of success, totalling 4 runs in the first inning and 10 in the second as 13 men in a row reached base safely. When the parade of law writers finally halted, the Board called a conference during which a nonsuit was seriously considered. The motion was, however, not entered, the advisers choosing instead the alternate expedient of a new pitcher. The wisdom of this decision be-

(Continued on page three)

Veterans Administration Currently Faces Mammoth Task Complicated Procedures Designed To Safeguard Treasury

In March 1946, Esther Ann Hill Morgan died at the age of 88, and the United States closed its books, at least so far as pensions were concerned, on the War of 1812. Mrs. Morgan was the daughter of John Hill, a private in Clark's and McCumber's Companies, New York Militia, and for her father's services at the Battle of New Orleans she had been receiving a monthly pension of \$20.00. As recently as 1906, the last surviving widow receiving a Revolutionary War pension died. At the present time, the Veterans' Administration is disbursing billions of dollars each year to participants and their dependents of the Indian Wars, Civil War and the more recent wars to which the United States has been a party. Payments go to persons all over the world including Germany and Japan, although payments to those two countries were recently temporarily suspended due to circumstances beyond the control of V. A.

After the close of World War II, there were 15,000,000 veterans to be added to the 5,000,000 already being handled by the V. A. and the personnel of that agency has grown until now it has over 100,000 employees as compared with 35,000 a few years ago. This is a far cry from 1792 when claims for pensions were heard by federal circuit judges and certified by the Secretary of War. The Veterans' Administration, as such, was created in 1930 and combined a number of bureaus which had been handling veterans' affairs. Frank T. Hines was appointed Administrator and served until June 1945 when he was replaced by General Omar Bradley.

In brief, the Administrator's job may be

stated in this fashion: he must pension the disabled, hospitalize the injured, readjust the unemployed, pay the employed, train and educate students, lend to the borrowers, take care of dependents, report to Congressional committees, and administer his organization. This is done with the aid and sometimes in spite of harsh criticisms of various service organizations such as the Disabled American Veterans, American Legion and the Veterans of Foreign Wars. To veterans, accustomed to the red tape, delays, and snafus of the services, the V.A. does a surprisingly good job.

As in any governmental agency, the process is started by filling out an application and filing it with the nearest office. It then gets a claim number and the claimant's service records are called for and checked. In general, the benefits are limited to former members of the armed services and members of the Public Health Service and the Coast and Geodetic Survey. A dishonorable discharge is a bar to entitlement. If a veteran is simply asking for educational benefits, the procedure is simple and consists merely of forwarding the certificate of eligibility to the veteran. However, if a claim is put in for physical disability, it must be passed upon by a Rating Board who confer or deny awards. The amount of the awards is subject to statutes which have been summarized in a *Schedule for Rating Disabilities*. This book goes into details and those with macabre tastes may read it and find out how much one is entitled to for "Left leg amputated below knee, above knee, at ankle

... Right hand, one finger missing, two fingers, three fingers. . . ." The amounts are keyed to earning capacities based upon civil occupations and the percentage of disability arising from almost every conceivable injury is listed in table form.

If a veteran is not satisfied with his award he is entitled to one review by the Administrator who has delegated this task to a Board of Veterans' Appeals. Proceedings before this Board have been simplified and a veteran can plead his own case satisfactorily simply by stating it in his own words. However, most claimants call upon one of the service organizations for aid, and a rather specialized bar has grown up. These men are usually called Claim charge although preference is given to members of their particular organization. Very few Officers and will handle all cases without attorneys handle veterans' claims and the fact that fees are limited by statute to ten dollars for any one claim is probably the largest single factor.

It is provided by statute that all decisions rendered by the Administrator of Veterans Affairs shall be final and conclusive on all questions of law and fact and no other official or court of the United States shall have the jurisdiction to review by mandamus, or otherwise, any such decision. A review will not lie even if an award is wholly unsupported by evidence, wholly dependant upon a question of law, or clearly arbitrary or capricious. This

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Harvard Law School Representatives Play Significant Roles At American Veterans Committee Des Moines Convention

The writer of this article, Irvin M. Kent '47, is a member of the Harvard Chapter of the American Veterans Committee and one of its most active members. Mr. Kent served as a delegate to the National Convention, which he here discusses.

The Cambridge delegation to the AVC National Convention at Des Moines, Iowa, included men from both MIT and Harvard, as well as from the City of Cambridge. Chairman of the delegation was Arnold Rivkin, a first-year man at the Law School who was elected during the course of the Convention to the post of Regional Vice Chairman for New England. This carries with it an automatic seat on the National Planning Committee which, between conventions, is the supreme governing body of the organization. Three other Harvard Law men, Stanley Geller, '46, Alfred Schulman, G.L., and Irvin M. Kent, '47, were also included in the delegation. Kingman Brewster, James Lannigan and John Pemberton also were offered places on the delegation, but were unable to go. All three are Law School men who were active in the founding of the Cambridge-Harvard-MIT Chapter.

Here in the Cambridge Chapter preparations for the discussions of the convention began early in February. Everyone realized that there would be a great deal to do at Des Moines and very little time in which to do it: the organization to be put on a permanent footing; a constitution to be drawn up; a platform to be adopted; and the first set of elected National Officers to be chosen. All these were thrashed out in local meetings.

All these problems and decisions, including the drawing up of the Convention Rules by which we would be governed, had to be telegraphed into 72 hours, but the months of preliminary work were not in vain. Difficult problems were met and surmounted within surprisingly short periods of time. We reached agreement on the rules at the opening session and the pace kept up from there.

That opening session provided stimulus aplenty. Bishop Sheil, Roman Catholic Auxiliary Bishop of Chicago, sounded the keynote in an inspiring address. His speech provided the motif, the note on which all went forward. His thoughts, indeed, were forged, point after point, into our National Platform.

His sincerity, enthusiasm, and idealism reached out to each delegate and helped carry us forward through the following three days and nights of unceasing work. Then, after the official speeches of welcome from the Governor of Iowa and the Mayor of the City of Des Moines, Mr. Charles Bolte, National Chairman since the days of 1943 when we numbered 125, gave us an account of our history and growth. The ovation that greeted both him and the founder, Gilbert Harrison, was one that will not soon be forgotten by anyone there.

Both Mr. Bolte and Mr. Harrison spoke of the realization of the dream-come-a-reality that is AVC. We have come a long way from a small group of servicemen carrying on a round robin correspondence. As of May, 1946, when the voting strength of the convention was analyzed, there were over 60,000 members in 44 States and many overseas areas. The rate of growth has been topping 2,000 new members a week for many weeks and is still climbing. It was up to us to build at Des Moines the kind of organizational set-up and platform that would attract an ever increasing membership and so

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Editorials

A LONG NEEDED REFORM—

In this issue, as those who read the front page before turning to the Editorial have already seen, we present an account of the grade distribution pattern last term. This article, procured through the indispensable and right willing help of Livingston Hall, Vice Dean, represents the first step in brushing aside the curtain of red tape which hangs between Harvard Law School's public and the mechanisms of petty administration.

In last week's issue of the *RECORD* we printed a letter, submitted by John Early, '47, urging that numerical grades be stated to the individual student. While Mr. Early substantially stated the case for full disclosure of grades, a few points deserve renewed emphasis.

As far as can be ascertained, opposition to the disclosure of numerical grades is based on nothing more substantial than habit. Fairly thorough cross-examination of one of the most zealous defenders of the local rule developed only the somewhat overlapping points of "you just aren't allowed to see your card; it has the grade written on it in numbers" and "we have never given those out as long as I've been here."

No member of the faculty, as far as we can find out, is afraid that he will actually be buffeted into changing the grade of some eager fellow who comes coaxing for just one more point. In fact with the lessened emphasis on "B" or "C" that this change will engender, such pleas should diminish, as the psychological importance of getting one more specific point becomes less.

The administrative employees, among whom are numbered some of the more fervent admirers of the present rule, should favor the change, as it will markedly lessen their work. Disclosure of the numbers themselves, by saving a transcription, should also accelerate grade announcement day. Since the lag here, particularly in the case of those third termers who must drop back, is a cause of some concern, we should imagine that this saving alone would justify the change.

The more obvious advantages of giving the numbers themselves to the student: his knowledge of how he fared comparatively in the several subjects, information to help him select his paper subject, and the like are self-evident and need not be repeated this week. The grade distribution data, showing how "C" grades preponderate and how meaningless is a term that can cover the second through the ninth tenth of the class, reinforces these observations. That informing the student of his exact numerical grade will satisfy his curiosity is true, but hardly a reason, though advanced as one, for continuing a practice that has no other rational justification.

The *RECORD* wholeheartedly endorses Early's proposal, and submits the advisability of the change to the Faculty and Dean, for their favorable consideration.

C. G. S.

BILATERAL SEMINARS—

Our professors are a brilliant lot. Most of them emerged from the School with stratospheric marks, then plunged into the cold, practical world of government and business. After several years of successful work, they returned here to teach. This is a fine process, but it doesn't go far enough. How about the other men, whose marks may or may not have been as good, who also won round after round in their tussles with the kind of world most of us will face ere long? What attempt is made to use their experience in our educational program?

It works the other way too. The School turns a man out with a degree and, save for a subscription to the *Law Review*, that is the last academic connection he will have unless he makes a personal effort; and then he will feel as though he is intruding on the professor's time nine cases out of ten.

The Business School and the School of Public Administration are putting into effect policies designed to make use of this neglected fund of experience which graduates possess and are recognizing the real professional value of renewing academic training from time to time. The use of seminars in such situations is invaluable. Langdell Hall has four rooms especially designed for discussion group. There are twelve hours available, at least, each academic day. Most students want a chance to hear and to question these men of affairs, who themselves might welcome an opportunity to pause a moment to analyze and consider their affairs in an academic atmosphere.

C. O. P.

Letters to the Editor

The *Record* has placed boxes in the lobby of Austin and of Langdell South. These are for your letters, suggestions, comments, and criticisms. A *Record* staffman will collect these regularly; to insure its being printed a letter must be signed as evidence of good faith, but at request the name of the writer will not be printed. Candid comment on our current performance need not be signed.

"HOW TO MAKE A WORLD GOVERNMENT OUT OF THE UNITED NATIONS AND RETAIN THE VETO POWER."

To the Editor of the *Record*, Sir:

Perhaps the argument most commonly used against the idea of a World Government at present is that the Big 5 Powers would never agree to it. While it may be true that they will not give up their veto power, still it is possible to amend the United Nations Charter in such a way that a World Government retaining the veto power will be constructed. A new Article could be inserted between 32 and 33 which would provide that World Statutes binding on all of the United Nations could be enacted by a two-thirds vote of the General Assembly and by a majority vote of the Security Council with the permanent members concurring, *without further action*. The hypothetical country of Nicamala would be bound by a World Statute so passed even though its delegates in the General Assembly voted against it in the minority of one-third or less and even though it was never ratified by the Nicamala legislature in accordance with the terms of the Nicamala Constitution. The Charter could be further amended to provide that if the Secretary-General learned that Nicamala still refused to obey the Statute a reasonable time after it had been passed the Secretary-General should bring suit in the nature of quo warranto in the International Court of Justice. The judgment of the Court would specify which officials of Nicamala were defying the Statute, and if they did not respect the judgment of the Court, the troops of the Security Council would march in, remove the offending officials, and appoint or hold elections for successors who would be obedient. This last provision is

heavy artillery which would be used rarely if ever. The requirement of a two-thirds vote in the General Assembly would prevent any oppression of the small countries, while the retention of the veto power would avoid trouble with the Big 5. It would be highly desirable, although not necessary, to have the various delegates to the General Assembly elected by the people of the respective countries and not appointed by their governments, and for this purpose the country could be divided into districts.

There should be no limitation in the Charter on the field of possible World Legislation. As a practical matter the subjects on which the necessary agreement could be obtained might be limited to those that did not arouse national emotions, but after several years of operation increasing confidence would probably increase the number of subjects legislated upon.

CHARLES W. COBB, JR., '47

July 3, 1946

Sir:

During World War II a primary factor in the qualification for a pilot or combat man (notwithstanding the quantity element of the latter) was age; youth was necessary because of the abandon and recklessness it possessed in accomplishing the mission in which hesitation and caution might prove costly. The setting of policy and what missions were to be assigned were left to the older and more thoughtful minions of the general staff.

In a sound business venture the best arrangement is the combining of experience and mature judgment of the executive with the energy and zip of the junior member. The analogy follows into the ministerial affairs of government; in fact we know too well that Washington, D. C. houses the site of the largest business enterprise in the United States, if not the world. It is a business which has some 140 million shareholders, unlimited capital, and—a debt that wasn't paid off after World War I and which increased after World War II.

After the peace in 1919 youth made a feeble attempt at taking things into hand, if we are to put any stock in the comments and criticism of Charles G. Bolte (of AVC) about the American Legion. Be that as it may, aside from some isolated cases of a hero being sent to his legislature, there was no appreciable shift in the realms of governmental control and as a result WE fought World War II.

Now after hostilities in 1945, youth is again making a feeble attempt through the medium of pressure groups, i.e. AVC, AMVETS, VFW, American Legion, to obtain a voice in the management of its future. But this is not assumption of responsibility, rather, it is delegation and indifference. Assertion of our manifest duty would eradicate the need of such institutions as the pressure group, which is in basic principle anti-representative, not being the voice of the majority. Those well-established groups did not assert their aims for the general welfare and those in their infancy and process of organization are doing little. It becomes evident that the young man who has fought for peace is the self-appointed guardian of that treasure; as such he must exert, in his own community and state, individual active interest, to make himself a part of the government machinery.

The old must make way for the young; the young must make his way with the old—as a team, unbeatable! We have twice fought because of old men mishandling, botching and being selfish; can it be assumed if we who fought were at the controls we would allow World War III to be even thought of!

Lester Feverson '47

July 13, 1946

ED: Who's young?

Sir:

Fellow students: This is summer. It is hot. Evidence is a tough course. I am taking it for credit. If you are only auditing would you do me a favor? Kindly stay the hell out until the regular class gets seated.

Annoyed

July 19, 1946

Sir:

The size of many of my classes excludes the possibility of full classroom discussion to the point where the law of diminishing returns doesn't even exist—it is, for all intents and purposes, repealed. Either the discussion is monopolized by a few who have much to say and little to contribute, or the general reticence of many class drones prevents all of the class from getting a fuller development of the subject. This latter, I attribute to the apparent safe feeling of not being called upon because of the large class. I believe smaller sections would considerably aid the pedagogical process.

New Student

Off the Record

Items suitable for inclusion here, i.e., anecdotes, personals, very brief news notes, humor and the like, may be left in the boxes in Austin and in Langdell South. We particularly want the raw material of law school folklore.

Prof. Chafee's latest Eq-witty: "It's just like a man telling a woman she's the most beautiful in the world. He doesn't necessarily mean it . . . but it helps!"

Recalling that a bailment with an option differs from both a sale and a bailment, but that the three have common points, Pat McGee christened it a "salement."

Prof. Cox's torts class was discussing whether a captain who refused to put ashore a man who failed to hear the "All Ashore" warning could be held for false imprisonment.

The analogous case was put whether one who refused to assist a man out of a well could be held for false imprisonment.

A member of the class declared that it was his experience that if A gets on a train to kiss his mother goodbye and fails to get off before the train starts, not only is he not put off, but he is charged fare to the next regular stop.

"Are you suggesting," asked Cox, "that if the well was on my property I could charge the man rent?"

POSSESSION CONFESSION

or,

Ode Composed After 36 Classroom Hours of Queen v. Ashwell (L.R. 16 Q.B.D. 190, 1885)

I wish that Mr. Cavers

Wouldn't do me any favors

By making things more complicated than they are.

I want a legal maxim

That'll fit my brains, not tax 'em.

Metaphysics won't pass examinations for the bar.

To understand possession

One needs a lengthy session

With the sages, plus the patience of a saint.

I'd much prefer a breezy

"The problem's really easy;

"You've either got possession, or you ain't."

Instead, we must be subtle

Both pro and in rebuttal

On the question as to who has really got the pelf.

With such a great profusion

Of ways to bring confusion,

I could teach this course in Property myself!

Gallery

ZECHARIAH CHAFEE, Jr.—

"I have derived more satisfaction from writing the Federal Interpleader Act of 1936 than anything else I've ever done professionally. But people seem to think of me chiefly as a proponent of free speech," said Professor Zechariah Chafee, Jr. "Important as freedom of speech is, I am much more interested in Bills and Notes."

Professor Chafee has taught at the Harvard Law School for thirty years. Born in Providence, Rhode Island, he was educated in the public schools there and in Brown University. For three years after graduation he worked for the Builders Iron Foundry on the foundry floor, and as a machinist, accountant and salesman. He is now chairman of its board of directors.

In 1910 he entered Harvard Law School where, in his third year, he was one of the first Presidents of the Board of Student Advisers. He was one of three or four in his class who were married. For three years after graduation he practised with what is now the law firm of Tillinghast, Collins and Tanner of Providence. In 1916 he left Providence to come to Harvard.

"I liked to spend more time on questions of law than I could conveniently do in a law office," he explained. "Besides, I like Harvard Law School a great deal; it's the only school for which I'd have considered leaving practice."

From the start Chafee taught in the field of Equity. During the First World War a great many cases involving freedom of speech arose under the Federal Espionage Act of 1917. Professor Chafee read them in preparation for his teaching of injunctions against libels. Harold Laski, lately chairman of the British Labor Party and for many years Professor of Political Science in the London School of Economics, was then an instructor in Harvard College and an editor of the *New Republic*. He asked Chafee to write an article for that weekly on the significance of these war cases. This led to a series of articles and speeches. In 1920 these articles were expanded into a book, "Freedom of Speech."

With publication of the book, Professor Chafee became a storm center of criticism. Attempts were made by prominent alumni and others to have him removed from the Law School, but his right to write what he believed was vigorously supported by President Abbott Lawrence Lowell. When a greatly revised edition of the book was published in 1941 under the title "Free Speech in the United States," it was dedicated to Mr. Lowell.

One of the chief causes of attempts to suppress free speech, Mr. Chafee thinks, is the fact that people become worried. Then they try to stop other persons from saying things which make them still more worried. Once people become worried, they tend to personify their anxieties in some special group. For some it is Wall St. bankers, for others it is pro-Germans or Socialists or Communists. Other factors which favored suppression after the First World War were the efforts of some industries to break the labor unions and the fear of workers that they would lose their jobs to aliens. Always, aliens are a good target because they have few friends to stand up for them.

During and since World War II conditions have been somewhat better for freedom of speech, he thinks. The decisions of the Supreme Court have protected liberty, and we have learned a good deal from the mistakes made last time. After every war there has to be a shake-down for a few years, which is quite uncomfortable, but this process now is accompanied by less desire for the suppression of domestic liberties than in 1919 and 1920. Public attention is mainly directed now to uncertainties and dangers outside of the country. There has been less inflation, the unions have grown too strong for hope to break them, and there are fewer aliens. Finally there is less fear of internal radicalism. The country as a whole has moved to the left since 1933, so that the extreme left does not seem so far away from the mass of citizens as it did after the First World War.

"But," warns Mr. Chafee, "freedom of speech is always in danger, and the danger often comes from unexpected sources. It is hard to predict what the situation will be like in the future." At the moment the press is not likely to suffer from interference by the government, but we have become more aware of non-governmental influences which prevent the mass communications industries from serving the whole public as well as the country needs. One of the chief problems concerns the large business organizations which control newspapers, radio and other means of communicating information and ideas to the public.

"We are in a dilemma. To do the job efficiently such a business organization must be large, but this largeness is a source of danger. There tends to be a like-mindedness among the wealthy men who control these organizations which impairs the expression and interchange of diverse ideas," Mr. Chafee explained.

The desire to learn whether freedom of the press is in danger led two and one-half years ago to the formation of the Commission on the Freedom of the Press, composed, among others, of Chancellor Robert M. Hutchins of the University of Chicago, chairman; Professor Chafee; Archibald MacLeish, poet, former Librarian of Congress and alumnus of the Law School; Beardsley Ruml, chairman of Macy's and noted economist; John Dickinson, general counsel for the Pennsylvania Railroad, also an alumnus; and Reinhold Niebuhr, Professor in the Union Theological Seminary. The Commission, financed by Henry Luce of *Time* Magazine but completely independent in its actions, has nearly completed its investigation and will issue its report on about January 1, 1947.

Professor Chafee strongly advises students to use their three years in the School in learning what they can't learn afterwards, except with ever so much more time and trouble. "Don't bother if what is taught you doesn't seem practical. You'll spend the rest of your lives being practical. Don't take time from your courses to prepare for your bar examinations. You can study the law of your state better in your state than you can here, but you can't find out there about Conflict of Laws. This is the last place you'll be in where people are hired to help you learn." It is better to set up a regular schedule of forty-five hours a week and stick to it than to spend more hours in an irregular fashion. "Eight hours for five days and five hours on Saturdays is more than the government allows as a normal working week for moulders and machinists. Work hard while you do work, and be sure you're not just going over the same ground again and again. Then make a clean break so as to enjoy your friends, be with your wife and children if you're married, get out into the country sometimes, and keep happy and vigorous for the exacting demands of practice. Then you'll have time to read something beside law. The more a lawyer knows outside the law, the better lawyer he'll be." The student should do as much outside reading as he can.

To help men in the services who wanted to prepare for this and other law schools, Professor Chafee and Maguire in 1944 prepared a list of books. It is composed of ninety volumes ranging from Dean Pound's "The Spirit of the Common Law" to the Bible and Shakespeare. With a few additions, the compilers recommend the list to law students and graduates. It is available on request from the School.

When Mr. Chafee can find time, he enjoys mountain climbing and sailing, but he seldom gets the chance these days. In addition to his teaching, he is now busy writing "Government and Mass Communications," to be published early in 1947, revising "Chafee and Simpson's Cases on Equity" and hoping to collect his articles on Interpleader for publication in one volume.

At sixty, Zechariah Chafee, Jr., now Langdell Professor of Law, occupies a unique position in the legal profession. Recognized among lawyers as one of the great legal scholars of his day, he is more widely known to the general public for his great gift to preserve freedom of speech. Mr. Chafee's own words in the Preface to "Freedom of Speech in the United States," are perhaps a key to the character of the man:

"I am incapable of speaking calmly about what I believe to be injustice. And of all human sins, cruelty is to me one of the very worst."

H.K.

Sub Judice

UNDERWATER WEALTH State or Federal?

On June 10, 1946 the Supreme Court heard arguments on the pleadings in *United States v. California*, 14 L.W. 3436 and continued the case until the next term. Contrary to some press reports the suit does not involve what is ordinarily referred to as the "tidelands." The government insists that the action involves only that portion of the open sea extending three miles into the Pacific Ocean along the California coast. The case promises to be an important one for the next term.

Since 1921 the State of California, by statute, has asserted rights in the lands underlying the Pacific Ocean. Leases have been granted to exploit petroleum, gas, and other mineral deposits. The United States contends that title to the bed of the ocean within the three-mile limit has never been held by the Supreme Court to be in the individual states. The areas involved in the suit begin at the low water mark and extend seaward for three nautical miles. The suit does not concern any bays, harbors, rivers, or other inland waters of California. Nor does the suit involve those lands which are covered and uncovered by the daily flux and reflux of the tides.

The United States admits that the question is a novel one. The issue has never been presented to the Supreme Court; and the Federal government distinguishes this case from those in which the Supreme Court has held that the states have proprietary interests in bays, harbors, rivers and other inland waters as well as the so-called "tidelands." These cases probably explain the reasons for the court's denial to the Commonwealth of Massachusetts of the right to intervene.

THE LESS MIGHTY DOLLAR Of Inflation the Judges Will Take Notice

That inflation is being noticed in the highest of places was admitted in a recent opinion of the District Court of Appeal of California, *Butler v. Allen*,—Cal. (2d)—, 167 P. 2d 499. Plaintiff, an elderly, cultured lady and professionally trained as a librarian, had been a tenant in an apartment owned by the defendant. She had customarily paid her rent on or before the 3rd of the month. On occasions the rent had been tendered and accepted by the defendant as late as the 8th of the month. But on March 2, 1944 plaintiff tendered the rental money to an employee of defendant. It was refused. Later efforts by the plaintiff to pay the rent proved unsuccessful. As a last resort, the plaintiff mailed the money to the defendant who desired to subdivide the apartment to increase revenue and later claimed that no remittance was ever mailed to him. On March 14, 1944 plaintiff returned to her apartment to find the lock had been changed. She was refused admission to her apartment on the grounds that she had not paid her rent. Plaintiff brought action for wrongful eviction and recovered a verdict of \$4,000. On appeal the defendant contended that the judgment was not supported by the evidence and that the verdict was excessive.

With a sense of realism that speaks well for the California judiciary, Mr. Justice Wilson speaking for the Court rejected the defendant's contentions. Said he: "... The courts will take judicial notice that the purchasing power of the dollar is sixty cents or less compared with ten years ago. Salaries and wages are higher and the cost of living is greater. The value of the sum awarded is to be measured not by the number of dollars named in the verdict but in their comparative ability to furnish the necessities of life . . ."

A HYPOTHETICAL QUESTION AND AN ASSUMPTION Was the Question Improper?

In an opinion handed down by the Supreme Judicial Court of Massachusetts on July 8, 1946 it was held that a hypothetical question put to an expert witness was not improper when there was evidence which, if believed by the jury, would support the assumed facts. *Coburn v. Moore*, 1946 Adv. Sheets (Mass.) 945. Plaintiff brought an action of tort against a physician alleging that the defendant negligently treated her husband for a throat ailment when in fact the patient was suffering from a severe case of Vincent's angina. A second count alleged that the negligent treatment of the throat ailment caused conscious suffering to the plaintiff's intestate whose death was caused by a misdiagnosed case of pneumonia.

There was evidence to show that the patient had all the apparent symptoms of pneumonia. The plaintiff, an experienced practical nurse, testified that she visited defendant's hospital after her husband had been admitted and found his face flushed and that he was coughing up a brownish colored sputum. He complained of being very sick. She told a floor nurse on duty that her husband had pneumonia. It was also shown that defendant was familiar with the symptoms of pneumonia, which is a disease capable of simple diagnosis. Despite these manifestations of a serious disease, the defendant called the welfare authorities to remove the intestate from the hospital. The patient was driven in an automobile sixty or seventy miles to the Tewkesbury State Hospital. On arrival there the examining physician suspected that the patient was suffering from pneumonia. He died that evening.

At the trial an expert witness who was called by the plaintiff was asked whether it was good medical practice for the defendant to order the removal of the intestate a distance of sixty or seventy miles. An objection was interposed to the question on the grounds that it assumed that the defendant knew the patient was suffering from pneumonia. On the objection the trial judge ruled that it was for the jury to decide whether the intestate had pneumonia. Counsel for the plaintiff then added to the previous question the further assumption that the defendant knew or ought to have known that the patient had pneumonia. The defendant objected and saved an exception. In overruling this objection, the Supreme Judicial Court observed that defendant's objection was reasonably understood by the judge to be based on the alteration of the hypothetical question to include the assumption that the defendant knew or ought to have known that the intestate had pneumonia.

RUGGUTTING ON CHARITY A Jitterbugging Marine is a Liability

Perhaps the Japs would agree that even while dancing a Marine is a dangerous hombre. So too would agree a voluntary hostess who brought suit against the Hollywood Canteen for injuries she sustained while dancing with a jitterbugging Marine. She suffered a dislocated coccyx, wrenched vertebrae in the lower spine and severe shock. *Edwards v. Hollywood Canteen*,—Cal. 2d—, 167 P. 2d 729. Plaintiff, a professional dancer and radio actress, was requested by a federation of artists to assist in entertaining enlisted men of the armed forces. She volunteered to act as a hostess giving her services gratuitously as a contribution of the local entertainment industry to the war effort. Defendant maintained a dance floor and furnished recreation for enlisted men; and while on duty there she consented to dance with a member of the Marine Corps. He immediately began to "jitterbug." Despite the plaintiff's protests and screams for help, he went into "wild jitterbug antics." After dancing three or four minutes during which plaintiff vainly tried to get away, the Marine whirled or spun plaintiff around, letting go of her completely. Plaintiff flew into the air, fell and was seriously injured.

As a defense to the action the Canteen contended that plaintiff was an employee and as such had her remedy by applying for workmen's compensation. The defendant also contended that it did not owe plaintiff any duty to protect her from boisterous conduct of third persons. Traditional defenses of contributory negligence, assumption of risk, and the immunity of charities from tort liability were advanced.

The Supreme Court of California affirmed the judgment holding that the plaintiff was not an employee of the defendant. A contract of hire or employment was necessary to establish the relation of employer-employee within the definition of Sections 3351, 3601, 3706 Labor Code of California even though pecuniary remuneration was not. By what, at times appears to be a *tour de force*, the Court plowed through all of the contentions made by the defendant, nimbly sidestepping an obvious inconsistency in holding that although plaintiff was not within the statutory protection abolishing the defense of assumption of risk in actions for employees injuries based upon employer's negligence. The rule in California was, the Court said, that one who did not derive a benefit from a charity could recover for torts committed by it.

The Witness Stand

The Question: Do you belong to a veteran's organization and if not do you plan on joining one?

1. Sidney M. Gunther, Chicago, Ill.
2nd Term
Married
No, I don't. I may possibly join the AVC. The doctrine it stands for appeal to me and it is the most desirable of all from my point of view. I'm most sympathetic to its political, economic and social aspects.

2. J. S. Welch, Logan, Utah
2nd Term
Married
No. I'll probably join the AVC. I like the way they operate for one thing; they favor price control and so do I and they aren't reactionary as far as sticking to the status quo with regard to veterans for veterans sake. I say this in spite of the "Boston Tea Party."

3. J. G. Shapiro, New York, N. Y.
1st Term
Single
No. I haven't particularly decided on whether I'll join one yet or not. I suppose I'll join one eventually. I don't have any particular one in mind. I haven't thought about it very much.

4. Richard Weld, Marblehead, Mass.
1st Term
Single
No. I do plan on joining one but I don't know which one.

5. Howard Marshall, Baltimore, Md.
1st Term
Single
I'll probably join the AVC but I haven't definitely decided. A lot of my friends in Baltimore belong and it sounds like the best one as far as I'm concerned.

6. Warren L. Ashmead, Jamaica, L. I., N. Y.
1st Term
Married
No. I haven't given it much thought. I find myself busy with other things and haven't tried to weigh one against the other. I think I'll just let it remain in limbo. My thoughts are mainly in Law School and anything else is secondary to me at present.

7. W. P. Muther, Boston, Mass.
2nd Term
Married
No. I may possibly join the AVC. Their policies attract me. The other organizations are all set and can handle a veteran's case better but are not interested in the overall social conditions which have got to be improved if the veteran is to improve at all. They aren't interested in aiding veterans except out of someone else's pocket.

8. S. F. Mullen, Providence, R. I.
6th Term
Married
No. I plan on joining one out not until I get out of School and have a chance to give it more attention. The only ones I have given any thought to have been the American Legion and the AVC but I have made no definite preliminary judgments. I have an open mind on the matter.

9. H. C. Gaebe, Desloge, Missouri
2nd Term
Single
No. I have planned to join one but haven't gotten around to it yet. The Veterans of Foreign Wars is one I have in mind since several of my friends are members. That's the only outstanding reason for picking that one though.

10. Jack E. Hanthorn, Cincinnati, Ohio
6th Term
Married
No. I've thought about it and thought I'd probably wait a while until I got out of here and then perhaps I'd be able to take a little more active part in things. When I do get into one I want to be using it myself and not have it use me as just one more member. Some of these newer ones are pretty controversial and it isn't clear what they stand for.

SOFTBALL—(Continued)
came apparent when the *Review* batters for the last six innings of the game were able to make only two hits and no runs.

With John Scott '47 doing their pitching, the Board suddenly became a team. They whittled away at the *Review*'s 14 run lead, finally tying it in the sixth inning. Three runs in the first extra inning sent the *Law Review* to defeat.

Softball rules of procedure were stretched beyond their limits by the *Review* team after their collapse in the third inning. The strategy adopted brought forth fourteen changes in the lineup through the balance of the game, Sargeant serving in four different places in the batting order, Bundy, Creighton, Weber and Mallory (Hard Drivin') Smith two. The Board, using the same team throughout except for the change in pitchers and being satisfied with the result of the trial, took no exception to the legally questionable strategy of the Reviewers.

The umpiring was done by Professors McLaughlin and Katz. Doubtful decisions by the former brought forth no more than subdued mutterings through which the word "Sale" was plainly audible. Professor Cox was also present, cooling his arms in a barrel of ice water which coincidentally contained a generous quantity of bottled beer.

At the conclusion of the game following brief Rah-Rahs for each other, Jimmy Wilson, President of the *Law Review*, presented to Al Goldman, President of the Board of Student Advisors, the coveted Tallman Trophy. After this ceremony the members of both teams, joined by their wives and friends, turned to cleaning up the remaining refreshments.

The final results of the game were:

	Runs	Hits	Errors
BOARD	17	19	5
REVIEW	14	12	3

Alumni Notes

LL.B. '19—John M. Russell was elected vice-president and became executive director on July 1 of the John and Mary Markle Foundation established in 1927, which provides limited research grants in the field of medical and physical sciences. Russell was assistant to the late Dr. F. P. Keppel, president of the Carnegie Corporation from 1930 to 1940; from 1940 to 1942 he was President Conant's assistant at Harvard. He recently had two years' service on the staff of General MacArthur, and was then executive director of the Joint Army and Navy Committee on Welfare and Recreation.

LL.B. '29—Ernest R. D'Amours has been appointed as Attorney-General for the state of New Hampshire by Governor Charles M. Dale.

LL.B. '30—Ralph F. Bischoff has announced his resignation as Executive Secretary and Assistant Professor of Government at Wesleyan University, Middletown, Conn., to join the Faculty of New York University of Law. He will become Associate Professor of Law and Librarian at the latter institution.

LL.B. '33—John Benson has been released from active duty with the Naval Reserve and has resumed the practice of law as an associate member of the Columbus (Ohio) law firm of Hedges, Hoover and Tingley. Benson was a member of the City Council from January, 1943 to May, 1944 and a director of the Columbus Junior Chamber of Commerce in 1939. He was formerly a member of the Faculty of the Columbus College of Law.

LL.B. '34—An Oak Leaf Cluster to the Legion of Merit has been bestowed on Lieutenant Colonel Robert R. Bowie for his work with the Military Government in Germany. An accompanying citation, which commended Bowie's services as confidential adviser to the deputy military governor said: "He was most successful in handling the delicate and complicated problems in coordinating plans for the administration of military government by detachments in the field separate from the security forces of the armies." Bowie, a member of the Baltimore law firm of Bowie & Burke, is assistant to the Deputy Military Governor, Office of Military Government for Germany (U. S.).

LL.B. '36—President Truman has named Charles R. Denny, Jr., as acting chairman of the Federal Communications Commission. He is the youngest chairman in the history of the Commission and also the youngest man presently at the head of any major Federal agency. He is a former general counsel for the Commission. After two years in practice in Washington, he entered the Justice Department, Lands Division, where he became successively, attorney in the appellate section, assistant chief of the section and finally chief.

LL.B. '37—Max R. Lepofsky, A.B. (Dickinson Coll. '34), has been relieved from active duty in the Army. As a Captain, he was in charge of a section on the Inquiries and Information Branch of the ODB. He has returned to Norwalk, Conn. to practice law.

LL.B. '39—Captain Thomas J. Miller, AUS, was married March 30 to Miss Edith Bull, daughter of Mrs. Ernest M. Bull of Montclair, N. J. After 22 months in the European Theater, Miller was assigned to the Office of the U. S. Chief of Counsel in the Nuremberg trial. Before he entered the Army, he was an attorney in the U. S. Tax Court.

LL.B. '41—John Ottaviano, Jr., was recently relieved from active duty as a Captain in the Army and has resumed his law practice in New Haven, Conn. While in military service he was attached to the Office of Dependency Benefits, Newark, N. J.

LL.B. '38—John A. Moeke has returned to the practice of law in Detroit, Michigan following 40 months with the Army Air Force in Miami, Florida, Washington, D.C., and on Guam. He entered the Army as a Private and was released to inactive duty with the rank of Captain. He is now associated with the legal department of the Ford Motor Company.

LL.B. '39—O. Vincent Bruno entered the Army as a Private in 1942 and was released in March with the rank of Captain. He was assigned to the Ordinance Department.

LL.B. '40—Virgil G. Bond and Swift C. Corwin (one time head of the Pitney Club) have been relieved from active duty with the Army's Office of Dependency Benefits. They each held the rank of Captain. Bond will return to the Cleveland law firm of Harrison & Marchman, while Corwin will resume private practice in Toledo, Ohio.

LL.B. '41—Recently returned from duty as a Captain in the United States Army in counter-intelligence duties, Thomas Myles has decided to leave New England and practice in Reno, Nevada. Bryce Rhodes, LL.B. '40, and William Cashill, LL.B. '40, are also in practice there.

LL.B. '40—Roland C. Roeschlaub, has resumed practice in Los Angeles, with offices at 1004 Brockman Bldg., and is also teaching Business Law at the University of California at Los Angeles School of Business Administration.

LL.B. '38—Charles W. Steadman, founder and first chairman of the Harvard Law Book Exchange, has formed a new firm, Hollington, MacDonald and Steadman, with offices in the Guardian Bldg., Cleveland, Ohio.

LL.B. '41—After service in the Navy with rank of Lt. Comdr., George W. Cregg has accepted a position with Melvin and Melvin, in Syracuse, N. Y.

LL.B. '37—James M. Swift, prominent in Massachusetts circles, died in Boston, July 12, 1946. He was born in Michigan and received his A.B. from the University of Michigan. After graduation from Harvard he went into practice in Fall River, Mass., and was appointed Asst. District Attorney of the southern Massachusetts Judicial District in 1899. In 1902 he was made District Attorney, in which position he served until 1911, when he was appointed Attorney-General of the Commonwealth. Mr. Swift has been engaged in private practice in Boston since 1913.

VETERANS ADMINISTRATION—

(Continued)

has been upheld by the Supreme Court who stated in *Van Horne v. Hines* (314 U.S. 699) that Congress has the power to make the decisions of the Administrator final and conclusive. The theory behind this view is that veterans' benefits are gifts which Congress may withhold, deny or subject to any conditions they deem fit. In other words, Congress has said to the veteran, with the backing of the Supreme Court, "Don't look a gift horse in the mouth." The service organizations, however, look upon the benefits as rights which a grateful country should bestow on those men who have served in the armed forces as its defenders. These two divergent points of view are constantly meeting head-on and the resulting friction appears in the newspapers and magazines.

Many applicants whose claims have been rejected by the Veterans' Administration turn to their Congressmen for aid. The normal procedure is for the Congressman to contact the liaison offices which the V.A. maintains in the House and Senate Office Buildings and ascertain why the claim was denied. His action from that point is determined by a number of intangible factors, among which are the importance of the claimant in his community or to the Congressman, the presence of a strong interest by a service organization, and the merit of the claim. Now, with the veteran and his family constituting one-third of the nation's population, Congressmen are likely to heed this not so still and not so small voice of so many voters.

If a claimant can convince his Congressman that he should receive some benefit which the statutory provisions, or the V.A., or both deny him, then the usual procedure that follows is the introduction of a private bill in Congress. One famous case in Congressional and V.A. annals is the Case of Jerry Tarbot. The claimant had been denied a pension by the V.A. because no record of his service could be found. However, he insisted that he served with the U.S. Marines in France in 1918 and produced several Marines who remembered seeing him at Belleau Woods. A willing Congressman from his district introduced a private bill and was quite chagrined to learn that a fingerprint check disclosed that Tarbot was known by twenty-four other names, was wanted by the police of a number of states, had once been committed to a State insane hospital. To crown this set of facts, it was further learned that Tarbot was not even an American citizen.

Similar private acts have been vetoed because pensions were proposed for a veteran who lost his leg because a street car ran over him while he was lying intoxicated on the track, another for a veteran guilty of desertion, and one for self-inflicted injuries incurred in an attempted suicide. The V.A. is often inclined to view Congressional interest in a claim merely as part of the political game of "ring-around-the-rose," but any questioned case is reviewed by the Administration, although the decision is rarely changed.

In addition to the hundreds of statutes relating to veterans, the employees of the Veterans' Administration must deal with large numbers of procedural regulations, substantive regulations, circular letters, Administrator's decisions, Administrator's office service letters, all station letters, and supplemental directives issued from time to time. This great mass of rules and regulations is not indexed or correlated and are constantly under revision. Attempts in the past to bring some order out of this welter of do's and don'ts has resulted in the addition of more laws, regulations and rules. Perhaps General Bradley may decide to rear back and pass a miracle . . . which would mean persuading the Committee on World War Veterans Legislation that the time has come to re-write the laws relating to veterans and to provide for their correlation with V.A. rules and regulations. Congressman Rankin of Mississippi is Chairman of this Committee and an excerpt from the testimony of Edward N. Scheiberling, 1945 National Commander of the American Legion, before the committee is reproduced here. No comment is necessary.

Mr. Scheiberling: " . . . I hope you will be spared, Mr. Rankin, for many years to continue your fine work on this committee."

Chairman Rankin: "I have never found a finer committee . . . than the Committee on World War Veterans' Legislation. . . . We have simply tried to do the best work for the country and for the men in the service."

Mr. Scheiberling: "That is the way we feel about you. You are Americans, too."

Chairman Rankin: "That is right . . ."

Bernard M. Baruch, in a report to General Bradley, stated that the satisfactory readjustment of returning servicemen was the core of the entire problem of national post-war re-orientation, and that the solution of veterans' problems could not proceed divorced from the social and economic problems of the nation. 'The Veterans' Administration bears a heavy responsibility in these critical times and it is hoped that their policies will serve to remind veterans that they are citizens first and not a group to be set off from the rest of the nation. A.N.S.

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DES MOINES CONVENTION—

(Continued)

become an ever increasing force for progress in this country.

The preliminary speeches over, the solid work of the Convention began. Plenary sessions, committee meetings, and caucuses that lasted all night were the order of the day. The Cambridge delegation was all over the place, literally and figuratively. We had our instructions from the Chapter as to the kind of constitutional platform that it wanted, and it was up to us to see that that was what came out in the final drafts. In the main we found ready agreement on nearly every point. The Chapter decisions, reached also, independently, by most other chapters, became National AVC policy. The final tabulation of the votes which has just been made public confirms the fact that the Cambridge decisions were an accurate barometer of AVC opinion nationally.

It would be fruitless to try to reproduce here several printed pages of platform. However, a few of the highlights might not be amiss. On Atomic Energy, AVC endorsed the Acheson-Lilienthal report and the Baruch proposal to the United Nations. We agreed that the veto power should not extend to this authority. Famine throughout the world was scored as an enemy, and our Government was urged to take all steps necessary to meet the emergency, including rationing. Further implementation of the Potsdam Declaration was our answer to the problem of occupation of Germany and Japan.

On the national scene, housing, price control, rent control, health and education, and discrimination and civil liberties were among the many topics covered. We endorsed the Wagner-Ellender-Taft Bill for long range public housing, the Wagner-Murray-Dingell Bill for national health insurance, the FEPC, and the continuation of a strong, vigorous, uncrippled OPA.

The only untoward incident of the Convention gave us an opportunity to put theory into practice. On Saturday night, one cafe manager refused to serve a Negro delegate. Within seconds every AVC man had left the restaurant; within minutes a 150-man picket line was in front of the place informing one and all that "Jim Crow Must Go". Attorneys Oren Root, Jr., and Franklin Williams (of the NAACP) pressed charges and the Des Moines authorities took prompt action, under an Iowa statute forbidding exactly that sort of discrimination. Although all of this happened during the final session of the Nominating Committee where tension was at its highest, the news of the incident brought an abrupt halt to the proceedings as the delegates went to join the picket line. As soon as the manager had been arrested and the cafe closed, the picket line was withdrawn. There was no violence and no rowdiness. A collection was taken to place a full page ad in the Des Moines papers thanking the city and its authorities for their cooperation generally, and in this incident in particular. The ad was written by delegate E. J. Kahn, Jr., of New Yorker fame.

On Army and Veteran Affairs, the delegates favored unified armed forces sufficient for National Defense and fulfilling international commitments, and backed the continuance of Selective Service until sufficient volunteers could be obtained to meet these commitments. Peace-time universal military training, however, was rejected. Every resolution favorably mentioning in any respect a Federal bonus was voted down overwhelmingly. This by no means covers the entire platform, but it is some indication of the trend of mind of the Convention as it represented the over 500 chapters and the thousands of members-at-large.

The work of the Convention on policy matter was considerably aided by the constructive suggestions of the many noted guests who spoke at our Thursday and Friday evening forums. Among them were Secretary of Commerce Henry A. Wallace, former Governor of Minnesota Harold Stassen, a prominent member of AVC, Congressman Mike Monroney, co-sponsor of the Congressional Reorganization Bill, and labor leader Walter Reuther of the UAW-CIO.

Each delegate's vote was weighted in proportion to his share of his chapter vote strength plus such proxies as he held. The largest number of votes cast by any individual delegate was the representative of the Berlin chapter with some 2100 votes. The delegates from the Tokyo chapter was runner up. This was true both of the votes on policy and on officers. Only in the matter of convention rules was the vote cast on a one-per-delegate basis.

It was over the men to carry out the decisions, to translate policy into action, that the real fight developed. Cambridge had decided in an open chapter meeting to oppose the domination of the organization by any small political faction either of the right or of the left. Cambridge wanted a strong progressive veterans' organization that could and would include all men of good will and liberal opinion, so long as they could work sincerely for our "Statement of Intentions," for our desire for a stronger, more prosperous America and a more stable world.

To insure that such men would be elected, the Cambridge delegation decided at a pre-convention caucus to take certain steps: a letter to be sent to all other chapters decrying the tendency towards factionalism; the decision to send an advance party to the convention city for preliminary contact work; personal contacts with the leaders we wished to back; the solidification of all the Massachusetts, and if possible

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(as materialized), of all of the New England delegations behind this program; and the preparation of two mimeographed handouts for distribution at the Convention. Each of the delegates was assigned certain phases of this program. Since the Convention was to start officially Thursday morning, June 13, it was felt that the advance party should be there not later than Monday evening, the 10th. It's a long jump from a Labor Law exam on Saturday morning to a first caucus in Des Moines on Monday afternoon (with a stop-over Saturday night in New York for some last minute conferences there), but it was made. The initial advance party consisted of Tom Stubbs, an undergraduate at the College, and the writer, (Ed: Irvin M. Kent) followed a day later by Alfred Schulman, a graduate student at the Law School.

In the interim, those who were to follow by chartered plane did their jobs here in the East. All was done as scheduled—the contacts made, the leaflets prepared, final tactical decisions covered. Our two preliminary leaflets were distributed before the appropriate sessions of the Nominating Committee. A third and final Cambridge handout with our choices for all offices (based on those finally reported out by the Nominating Committee) was prepared in the very early hours of Sunday morning and distributed just in time for the final balloting.

The National Planning Committee wisely put two mimeographed machines, stencils and paper at the disposal of all. They were so widely used that someone quipped: "A new, fifth freedom has been born here—Freedom of the mimeograph."

The planning, the effort, the persuasion and the hundreds of caucuses in the traditional smoke-filled rooms were not in vain. Our candidates for National Chairman and Vice-Chairman, Charles Bolté and Gilbert Harrison, respectively, were elected, the former with but one dissenting vote, the latter after a close race, by a three thousand vote majority. Seven of the eight regional Vice-Chairmen whom we had hoped would be elected were chosen by their respective regions. Of the members-at-large on the National Planning Committee, an overwhelming majority of those elected were men whose names had appeared on the third and final Cambridge leaflet. Among them were Franklin D. Roosevelt, Jr., who by his speeches and personal work at the Convention proved that he had inherited far more than a name, Oren Root, Jr., of 1940 Willkie for President fame, Michael Straight, Editor of the New Republic, Merle Miller, Editor of the ETO edition of Yank, Cord Meyer, Jr., another member of the Cambridge delegation, Marine Aide to Stassen at the San Francisco Conference, and many others. Amble of its new Constitution; able to hold its head high and fight its way forward for all veterans, for all citizens. AVC can now take the lead as an honest, independent Veterans' Organization, owing allegiance to no one and no thing, except to the memory of those who once marched with us, to the honor of those who have returned, and to the future of those yet unborn.

This is not to infer that Cambridge accomplished this alone, or that it was the only delegation striving to put into office those whom we considered best. Almost every delegation came somewhat similarly prepared; all were intensely active and vigorous. But it cannot be denied that the position of leadership assumed by the Cambridge delegation early in the Convention remained a potent force and one that was eminently successful.

This was a strange gathering to the citizens of Des Moines. The people had never seen a convention that worked so hard all night every night. The police department reported that we were the first non-religious convention to leave town without a single delegate's being booked on any charge. And the tavern and amusement-place owners wanted to know what kind of an outfit this is anyway—a convention in town and no increase in business.

The Monday morning issues of the Des Moines Register headlined, "CONSERVATIVE WING WINS AVC." That's the first time some of us have ever been called conservative, and we weren't sure that we liked it at all. Then we sat back and thought of what that headline would have looked like if we had lost—so we relaxed and smiled. Actually, the news story below was more accurate than the headline. It described us as the moderate progressives—moderate in contrast to a few others at the Convention, progressive in contrast to certain other Veterans' Organizations.

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Calendar

The Record will print items of general interest submitted at the office by Saturday noon for the next week's issue. We urge all offices of the School having announcements to inform the Record, phone 133, for inclusion here.

THE LEGAL WORLD

LAW WIVES

July 25, Mrs. Griswold is giving a tea for all wives of Harvard Law Students, 4:30 to 7 p.m. at Kendall House. There will be a discussion of plans for activities of the law wives' group at 5 p.m. and again at 6:30 p.m. for those who can't be there at the earlier hour.

July 31, 7:30 p.m. at Kendall House, Mrs. Lilian P. Dunbar, Director of the Home Service Dept., Cambridge Gas and Light Co., will speak on *Planning Meals During Shortages*.

For law students who bring their lunch; soup, drinks, ice cream served in Kendall House from 12 to 1 p.m.

CLASS CHANGES

Judicial Remedies, Professor Katz; First term, second section will meet at 11 a.m. in LNM instead of LS, for remainder of term.

Sales, Professor McCurdy; Third term, second section will meet at 11 a.m. in LS instead of LNM, for remainder of term.

Due to circumstances within our control there were errors in the CLASS CHANGES of last week's column. We wish to apologize for our oversight, and we assure you that it won't happen again.

AMES COMPETITION

Third term facts will be available July 29 in the Board of Student Advisers office.

VETERANS

All veterans are requested to return their white book authorization slips to Weld Hall immediately.

CLINIC

The Law School Clinic is open in Austin Hall from 9-12 a.m. and 1:30 to 4:30 p.m. Mondays-Fridays, and from 10-12 a.m. on Saturdays.

POSITIONS

Graduates in October and February desiring positions with the Civil Aeronautics Board see Mr. Dimmitt for details.

CHANCERY CLUB

July 25. Weekly luncheon, 1 p.m. Piccadilly Room, Hotel Continental.

August 10. Dance, ballroom, Hotel Continental. Members and guests.

THE UNIVERSITY WORLD

DANCING

Folk Dancing, July 26, 1946 at 9 p.m. in Congregational Church, Garden and Mason Streets, Cambridge. Sponsored by Harvard Folk Dance Society.

Square Dancing, July 25 and Aug. 1, 8 to 11 p.m., at Phillips Brooks House. No admission charge.

LECTURE

Prof. Joseph Fletcher, "Social Ethics and the Industrial Conflict," 7:30 p.m. Sunday, July 28, at Phillips Brooks House.

MUSEUMS

Fogg Art Museum. Now featuring through Aug. 18, a photographic exhibition prepared by the Editors of Life Magazine, on the work of the Allied Armies in preserving and salvaging western Europe's historic monuments and works of art in combat areas. Open Monday-Friday, 9 a.m. to 4 p.m.; Saturdays, 9 a.m. to 1 p.m. Closed Sundays.

THE OUTER WORLD

PLAYS

Cambridge Summer Theatre on Brattle St. Through July 27, "Burlesque" with Bert Lahr. From July 29 through August 3, "Goodbye Again" with Roger Pryor and Phyllis Brooks.

Boston Summer Theatre in the New England Mutual Hall, Clarendon St. near Copley Square. Through July 27, "Goodbye Again" with Roger Pryor and Phyllis Brooks. From July 29 through August 3, "They Knew What They Wanted" with June Havoc.

MOVIES

University Theatre July 25 through July 27, the Marx Brothers in "A Night in Casablanca" and "Badman's Territory." July 28 through July 30, "Her Kind of Man" and "Peril's Holiday." July 31, Review Day, "Christmas in Connecticut" and "Molly and Me" with Gracie Fields.

Esquire Theatre, at Symphony Hall Station, "Henry V" with Laurence Olivier.

Tremont and Majestic Theatres, Ben Hecht's "Specter of the Rose."

BASEBALL

Braves play Cincinnati on July 25. July 26 is open date. On July 27 the Cards arrive with a night game that date, and games on July 28 and 29 (night). Pirates on tap July 30 (night) and 31.

The Record still has available a few positions, both Editorial and Business, and solicits candidates for these. If you are interested come to the office, Austin Upper, any afternoon between 2:00 and 5:00.

IS NAVAL JUSTICE JUST???

The author of this article served as a judge advocate or defense counsel in over one hundred general courts martial, served on as many more as member, and while legal officer of several different organizations in the Marine Corps had an opportunity to observe the workings of Naval Law in many ramifications. His views, somewhat at variance with those generally held in civilian life, are presented as conclusions of the author and are not necessarily those of The Record.

Several of the daily newspapers, particularly ones whose editorial policy seems conceived in contemplation of circulation figures have clamored conspicuously for revision of the so-called GI Justice. While the Army has perhaps borne the brunt of this attack, Naval law, too, has come in for its share of criticism, and, in some cases, abuse. Many of these articles exhibit a somewhat venomous tone, although they could in softer language, condemn the alleged evils more persuasively and perhaps with a greater show of reason. It is hard to be accurate while screaming but since the headlines above these stories promise shocking revelations such must perforce be proffered. Seldom has the tyranny of headlines in manufacturing public opinion been more despotically or capriciously exercised than in the tabloid assault on military justice.

Unfortunately, the issue of the suitability and fairness of our military justice has become confused with the dispute over the privilege of rank, and consequently one is led to believe that sitting as a member in General Court Martial is another mark of "caste," like whiskey at the officer's club. While it is true that the issue of saluting, over which so much heat and so little light has been shed in recent weeks, includes elements of the two, still it is advisable for our purposes to look at military justice as a problem in law rather than in "caste." Even if ex-General Holdridge has his way and rank is eliminated it is presumed that some system of military law will continue, even if only to protect the public from the no-rank, no-bars army he proposes.

The foundations of any system of military law rest on a need for discipline, a fact which distinguishes this problem from more lofty systems of law. Only a Fascist talks about discipline generally. Only a long-haired or madman can seriously imagine large armed forces with no system of control. From the agitation these recent months it would seem that the old adage about smoke and fire would have some relevance. But let us look at some of the specific complaints.

Perhaps commonest is the complaint that sentences are too severe, and, in general, the sentences for AWOL bear the brunt of the attack. Naturally the relatives and friends of those men who are actually sent to naval prison object. This deed, absenting oneself from work, is not normally an offense in civil life. Assuming the draft, however, or at least a valid contract of enlistment, some method of requiring attendance at formation and presence for duty must be found. The mere docking of a few days' pay has not met with conspicuous success in the Merchant Marine. The general appeal of patriotism did not prevent a certain degree of absenteeism in the war plants. It is historically demonstrable that (perhaps because of the onerous nature of military service) a penal sanction always has been found necessary in the past.

If the necessity for the presence of the men for duty and the use of criminal mechanism for compelling this attendance be granted, we then are faced with the problem of making such mechanism effective. There has been repeated demonstration by penologists and sociologists that severity of punishment is less important than certainty in producing compliance with the law. From this, and the humanitarian impulses of the age, many persons have concluded that less stringent penalties for absence would secure the desired result without the human hardship of long confinement. The crime of absence is unlike all other crimes in that its detection is almost certain, and the culprit realizes this at the time he goes absent without leave. It may be attributing a less than noble motive to the delinquent to say that he bargains his time of "freedom" against his "brig-time," but such frequently seems to be psychologically true. Therefore if the penalty is to prevent, rather than solely to punish the offense, it must be unpleasant enough to deter the potential absentee.

Those familiar with the system will realize that this discussion is not concerned with the three or four hours overleave problem at this stage—the extended prison sentences complained of in the bold face type are not imposed in such cases. The offender here considered, and the one whose sentences have invoked so much beating of breasts in newsprint is the 20-50 or even 100-day absentee. Indeed it is submitted that in many instances the sentences were too short, and the enormous number of men absent for over 24 hours at any one time in 1944 reported to be in the neighborhood of 50,000 is evidence tending to prove not that the system was harsh but that it was too easy.

Well meant suggestions have been made that absence is the fault of the officers, of the poor food, of ignorance of the consequences, and the like. These if true, would call for corrective measures, but it seems unlikely that reduction in sentences of long-time absentees would prove helpful in improving the officers or the food. The sentences of general and often summary courts martial are published aloud to the troops, and any man who is not deaf should soon know that penalties are exacted for absence. This argument should not therefore be invoked in support of lighter sentences, but if anything, of heavier ones.

Sentence policy in the naval service is not always fairly interpreted to the public. When guilt is proved, but mitigating or extenuating circumstances are present, the court normally adjudges a sentence commensurate with the clemency of the reviewing authority. He can decrease but normally cannot increase punishment, and in an enormous number of cases the reviewing authority, the immediate superior in command, or even the Department, do decrease sentences. Yet the public press and oc-

casional letters to the editor often treat the sentences of courts as final products, not subject to review and reduction if excessive. This is less than candid, or informed criticism, and it is hardly a defense of the validity of the criticism that it is uninformed. Even less accurate is the occasional tendency of superficial writers on this subject to regard a reduction of sentence at the higher levels as a reproach or correction to the court below. Clemency is a function of higher authority and its exercise at the trial is often castigated as usurpation.

This series of reviewings, each with their power to decrease but not to increase the penalty adjudged is one of the essential protections of the accused in the system of Naval Law. The summary and general court offender gets at least two and sometimes three reviews, without the necessity of having to prosecute an appeal himself. It is unusual, to say the least, for newspaper attacks, of the lower sort, against sentence policy, to explain this. Such deliberate failure on the part of the critic to disclose relevant and easily obtained information reflects rather unfavorably upon impartiality.

Sentences for the ordinary common law felonies are given by naval courts in compliance with the limitations of maximum punishment of the U. S. Code, with certain exceptions in time of war, and do not seem to be markedly greater, if at all, than civilian punishment for assault, rape, manslaughter, burglary and the like. Since Naval Courts were not, during the war at least, driven by publicity-seeking district attorneys and re-election craving judges, there is reason to suspect that their sentences represented the best judgment of the members, unaffected by personal considerations. Nor are newspapers continually pressing the Naval Court to end the crime wave—such pressures as there are tend toward minimization of sentence.

It is fair to assume that much of the adverse comment upon such sentences is special pleading. In courts martial overseas, the court members are there themselves, and well realize the frustrations and bitterness of overlong stay upon coral atolls and in jungle camps. The courts knowing the actual circumstances of the unit in which the offense occurred can and does give intelligent sympathy and is in a position to distinguish between the veteran of Melbourne and the veteran of Bougainville. To the daily press in praising the offender, all overseas veterans are heroes, and they seem to urge that each alleged offender should receive the gratitude the Nation owes men who actually saw combat. A great deal of sentimentality has recently been wasted upon an Army private who was convicted of wilful murder in the first degree in Japan, and at least four stories which appeared in the Boston papers implied the murderer had been taught blood lust in the Army. Neither the man nor the unit had been in combat, as close inspection of his listed "awards" showed (buried at the end of the story) but public sympathy and feeling were inflamed in an attempt to secure the release of this "hero." Finally the President announced the reduction of the sentence to 30 years.

In the course of a naval trial the accused is permitted to introduce evidence of his previous good character. If convicted he can introduce other evidence in mitigation or extenuation: his overseas time, his combat participation, solicited testimonials of his commanding officers, and the like. These furnish the court with the wherewithal to base an intelligent recommendation for clemency if such be justified. After conviction, his previous convictions are also available to the court. Previous conviction is admittedly relevant in determining sentence policy. Recently a national chain of newspapers made rather a to-do about a Massachusetts veteran, a private of seven years service, who was awarded a seemingly harsh sentence. Realizing that something must be wrong with a private who was unable through the 1938-44 expansion to acquire at least one more stripe, a weekly news magazine investigated. The results showed that his character in whose behalf the Army courts were reproached on a nationwide basis, had been in trouble continually since his first enlistment, and had more brig time than overseas time. Yes, criticism was proper as to why such a man was permitted to wear the uniform so long, but no word of this man's criminal record crept into the newspaper stories, nor was any conspicuous retraction printed after a more responsible journalism had ferreted out the facts.

We are apt to forget, so enveloped we become in this sea of journalistic hogwash, that the citizen has duties as well as rights. It is a singular conception that the obligation runs from army to soldier, or that enlistment terminated a duty to comply with the law, but such may easily be the state of mind of the publicists whose lucubrations are germane, and even of some few of those whose offenses have caused this problem.

Among former servicemen the criticism is sometimes voiced that the makeup of courts is fundamentally bad in that the members do not know enough law and that enlisted men are excluded from membership. These criticisms examined separately might seem to have some validity but as simultaneous objections they seem as well suited as the occasionally conjunctive view that we should demobilize the Army quickly and take a firm stand against Russia on all subjects while so doing. Assuming for a moment a board that is to be judge and jury at once. There seems no way to reconcile these criticisms unless lawyers were to be inducted and retained in an enlisted status for that deliberate purpose. So far as has been noted this Jekyll-Hyde approach has not yet been advocated (although in a hysterical moment it may have been printed somewhere). Or possibly the enlisted contingent would function only in the juror capacity; this would help very little in the acquittal column and bring more denunciations of inequality.

To have a body who can act as joint judges it is necessary to teach some law to those who are to serve, or to utilize men already trained therein. It seems doubtful if we should relegate the services of thousands of lawyers to court martial duty exclusively when the members of

the bar have so amply shown their capacity for a multitude of staff and command assignments. Nor in most commands is such service a full-time job for any but elderly or recalled retired officers. Hence it seems probable that in any system we develop certain personnel will be trained in Naval law. Since officers would have to be so instructed for the purpose of carrying out their command duties anyhow, an obvious economy in instruction is achieved by using them on court too, as needed and as they are available. Most officers in the Naval services already have an educational background on which the necessary legal instruction for intelligent court martial participation can be ingrafted easily. The study of Naval law comports well with general instruction in the regulations of the service. The hours in officer training devoted to this instruction might well be increased if improvement is really sought.

Intense study of the ultimate niceties of procedure and evidence is not really requisite. If the proceedings follow the fundamentals of due process which are thoroughly safeguarded by the form of conducting a Naval trial, if the atmosphere is impartial and just, and the evidence admitted is first-hand, relevant, and honest we have a decent and American trial. Will these ends, to which general lipservice at least is manifested by the loudest complainers, be furthered by placing enlisted men on courts?

In the first place, the standard of legal learning among the men, if no special training were provided, is not sufficient for any marked improvement over the present system. It would be a great waste of time to try to qualify all enlisted men for court martial duty, and to admit any less than all would not secure the representative quality of courts purportedly sought. Evidently what is really desired by the critics is some sort of jury system. Surely they cannot believe that if the courts composed of officers who have received some training in Naval law and who usually have acquired familiarity with the workings of the system and of the intricacies of the regulations by years of service, are not well enough informed on the law the addition of enlisted men, chosen presumably by lot and wholly untrained would work an improvement. (Commissions selected by lot to enforce the law through a hearing or trial are not common enough in the Anglo-Saxon world to venture any statement as to their success, but if any such has ever existed scholarship should rescue its records from oblivion to ascertain the results achieved.) The conclusion is that the recommendations of enlisted participation in courts martial are inconsistent with the notion of a commission and that no perceptible gain in technical skill of the body would result.

But then our reformers say, why not a jury system? The first answer, and admittedly not a very good one, is that even the House subcommittee, investigating specific injustices in an election year, did not go so far as to recommend it. The second is that no army, as far as can be determined, not even those of patriotic revolutionary movements where the need for discipline was the least, such as Lee's Confederates or Cromwell's New Model or Washington's Continentals has ever attempted to use a jury for the punishment of military offenses. Nor can the vociferous advisers on the extreme left find inspiration for their suggestion in Soviet practice in this regard.

Another objection to the use of the jury system is the need of enormously complicated and careful rules of evidence to keep the jury from hearing what they should not hear. The possibilities of procrastination, capricious acquittal, and grandstanding in court are not serious in civilian life but could be most baneful, particularly in isolated garrisons, fast moving units or troops with uncertain morale. And this too: evidently military service is not popular with Americans so some serve involuntarily . . . could we trust such men, disliking the Service and resenting their place there to act sincerely as jurors, with justice and not reprisal in their thoughts? The State, as much as the accused, is entitled to an impartial jury. Would 12 men, mostly enlisted and not a few drafted, unanimously vote for conviction in clearly proven cases of disrespect, violation of regulations, AWOL, or direct disobedience? If not, could

discipline, especially under conditions of monotony, or great temptation for loose conduct, sustain itself?

To assess these problems is to answer the jury query in the negative, if the inquiry is prosecuted with the best interests of the country at heart, and with an intelligent realization of the actual problems to be met. We are therefore driven to reject the jury solution as we have already rejected the mixed commission. (To be concluded in the next issue.)

CHANCERY CLUB—

(Continued from page one)

A. James Casner, Archibald Cox, Robert Braucher, and Merton L. Ferson.

The Chancery Club, which has been conducting an aggressive rushing season campaign, plans an ambitious social program for this summer and fall featuring a series of faculty smokers, a picnic, and a dance at the Hotel Continental on Saturday, August 10.

The Chancery Club eats weekly at the Piccadilly Inn of the Hotel Continental Thursdays at 1 p.m. and holds its business meeting at the same time.

In elections at the end of the last semester the following officers were elected: Frederick M. Adams, '46, President; Charles G. Sweet, '47, Vice-President; John R. Carr, Jr., '47, Secretary, and Eugene H. Cavin, '46, Treasurer. Members of the Board of Governors were Adams, Sweet, Carr, Cavin and Kennedy Smith, '48, James J. Doherty, '48, and Wilbur L. Newstetter, '48. Carr heads the rushing committee of the organization and Sweet the social committee.

The Chancery Club was reconstituted, after a 3 year hiatus, this February from members of pre-war years, seventeen of such returning to the School after military service.

AUSTIN—

(Continued from page one)

horribly addicted to the weed, smoking may again be permitted (The Dean has yet to comment).

The sag? Oh sure, it is in the floor. O'Duffy says that an I-beam will fix it fine.

The library will contain materials normally required by first and second year men, the standard reporters, usual periodicals, treatises and search books. The Braille books will be kept in Austin.

Although the plan has not been approved as yet it is hoped that the two rooms connected to the library may again, as before the war, be used on an hourly basis by groups of students who feel the need of study (not exclusively Bull) sessions.

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AVC—
(Continued from page one)
tional convention were Kent and Alfred Schulman (LL.M. last term).
In the planning stage is an AVC auxiliary for the Harvard Chapter, the moving force behind which is a number of law wives who are interested in the organization.
Offices of the Harvard Chapter are in Phillips Brooks House on the second floor. The office is open from 12 to 5 p.m. daily. The chapter meets every two weeks on Wednesdays at 8 p.m., dating from the meeting of Wednesday, July 24. Offices of the Cambridge Chapter are at Room 304, 1416 Mass. Avenue.

LAW SCHOOL COMMITTEE—
(Continued from page one)
of the war years, the Committee reorganized in February of this year, and hopes to be in full swing with a varied range of student activities by September. The Committee serves as an unofficial student council representing the Law School student body in the social and welfare activities of Phillips Brooks House, and in relations with the faculty. While the latter function has lapsed to a great extent, it will be stressed during the reorganization period with every effort being made to secure a committee that will fully represent and be responsive to the attitudes of each class.
Present members and classes are: Barnard Ferguson, Daniel Hannon, Martin, Torbert McDonald, Norman Witt, third year; Robert Trump, William Haines, second year; Gene Emory, Daniel Paul, Martin Wegman, first year second semester; George Burdette, first year second semester. The Committee is currently incomplete and additional members will be named to bring the total membership to sixteen. Law school wives are represented on the Committee by two ex officio members.

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