

The Harvard Law School Record

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UNIVERSITY FOOD DRIVE COMMENCES

Plan Is To Give Food To European Scholars Who Face Starvation

An intensive food relief drive for the benefit of European students was begun today by distributing leaflets in all classes and enlisting the aid of professional introductory statements to all classes. The campaign will be given added emphasis tomorrow morning by the distribution in classrooms of pledge cards requesting each student to contribute to the limit of his means. This drive is part of an all-university campaign.

Law student members of the Phillips Brooks House Committee in charge of the campaign are Tom Killifer, '46, Daniel Paul, '48, and George Burditt, '48.

"Money collected will be turned over to the Unitarian Service Committee," Killifer said. "This Committee was selected because it is non-sectarian and offers the best assurance against delay and expense due to administrative red tape. The organization permits the earmarking of food supplies purchased for European students, and this procedure provides the means by which funds can be traced so that the possibility of loss and misappropriation of money is at a minimum." The Unitarian Service Committee to date has an excellent reputation and carried out effective relief in many parts of Europe during the war. It is registered with the President's War Relief Control Board which audits its books, and is endorsed by the National War Fund through Refugee Relief Trustees Incorporated.

Some idea of the dire need for food among European students may be gained from a comparison of the reader's daily menu with the Christian Science Monitor's report of the daily menu of a student at the University of Vienna:

- 1/2 ounce of oatmeal
- 1/2 ounce of fat
- 2 1/2 ounces of dried fish
- 1 ounce of peas
- 1/7 ounce of milk powder
- 9 ounces of bread

The above quantities of food total 1160 calories, whereas normal calorie consumption by an American leading a sedentary life is in excess of 3000 calories and something above 4000 if the American is active.

At the University of Florence a day's ration slightly better than the Vienna student's may be purchased for the equivalent twenty-five American cents, and, in general, Florentine students cannot afford such a repast daily.

"We hope," said Killifer, "that the students here will feel that the Harvard Food Relief Committee can make it easy for them to improve the lot of those European men and women who fought with us and who, like young people everywhere, will have to bear the greatest part of the burden of constructing the kind of world to which liberally educated men and women aspire."

The Harvard Committee's goal is \$10,000, which it is hoped will be subscribed within the next month.

The money will be turned over to the Unitarian Service Committee a non-sectarian organization now extensively engaged in relief activities in Europe. The money already spent has been for the purpose of buying food for four groups of students: (1) 1500 members of the Komites der Geschädigten Studenten, a group of disabled students who actively resisted the Nazis and who are now in the University of Vienna; (2) students in the University of Paris; (3) 200 tubercular French students, most of whom were members of the resistance movement or internees of German prison camps, and who are now located at the sanitarium at Grenoble; (4) students of Czechoslovakian universities, who, like the students in the University of Paris, will receive their food through a committee including the head of the University, a

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JUDGE MURDOCK



JUDGE KERN



JUDGE WOODBURY

SEAVEY, HOWE SPEAK TONIGHT AVC To Celebrate V-J Day With Panel Discussion At Sanders

Tonight, to mark Victory Day, a panel discussion will be held in Sanders Theatre, Memorial Hall, at 8:00, for the purpose of ascertaining "Are We Winning The Peace?"

Speakers will present their portion of the overall picture in 20 minute addresses, to be followed by an open forum, all very much in the fashion of The Law School Forum meetings.

Topics to be covered are Atomic Energy, Our Occupation Policy, The China Question, and Franco and Peron. The forum is held under the auspices of the Harvard Chapter of AVC.

Warren A. Seavey, Professor of Torts and Agency, and an old China hand (see last week's Record) will discuss the problem of the Kuomintang and the Chinese Communists, and from his wide background and long interest in Chinese questions he is expected to make some novel and suggestive proposals.

Mark DeWolfe Howe, Professor of American Legal History and Contracts, is perhaps better known as an author than as an authority upon occupation problems. Mr. Howe served as a Colonel with the Military Government in Germany and will speak largely from personal experience in assaying our occupation problems, their merits, demerits, and success. He is expected to comment upon the differences between Russia and the Western Allies as to methods of dealing with the defeated foe, and how well American execution lives up to American policy.

The Peron and Franco problem, less conspicuous in recent months than the German and Chinese difficulties will be analyzed by Felix Cernuschi, a member of the staff of the Harvard Observatory. Mr. Cernuschi is a refugee in exile from Argentina at the present time, and his comments may be expected to be critical of both Peron's and Franco's regimes.

Atomic energy will be discussed briefly and integrated with the other problems confronting world policy makers today, by Dr. Bernard T. Feld, the well known physicist.

Moderator of the meeting will be Professor Herman Finer, an English visiting instructor, and internationally known as an authority on political problems. Mr. Finer is regarded as an unofficial spokesman for the British Labor Party. He will speak briefly at the beginning of the meeting to tie together the several parts of the problem to be discussed and will, as moderator, preside over the open forum which will follow the four prepared addresses.

Chairman of the affair will be Richard Axe (College '46) who is currently Acting Chairman of the Harvard Chapter of the American Veterans Committee. The local chapter is holding this meeting, instead of a parade, as their celebration of the end of hostilities one year ago today. It is emphasized that the meeting is not for AVC members only but for all students, faculty, and persons interested in U. S. foreign

Proposes Coordination of All Social Science Research

In a single issue of the New York Times readers wrote their opinion of the atomic bomb. "It is a stain upon our national life . . ." "It is simply mass murder, sheer terrorism . . ." "Let us . . . dump the whole thing into the Atlantic or Pacific . . . man is too frail to be entrusted with such power."

The Archbishop of Canterbury, Dr. G. F. Fisher, was not afraid of "endless destruction" but he did warn: "Men must become better men. That is the moral of it all."

Radar is another of the fantastic, Buck-Rogersish inventions of World War II. So is jet propulsion.

These dramatic advances, achieved under the fearful impulse of war, have stretched almost to the breaking point one of the most dangerous maladjustments in modern civilization,—the lag of human science behind physical science.

Yet plans are already under way to continue research in physical sciences through a peacetime version of the Office of Scientific Research and Development—to the entire and flagrant neglect of social science.

It is therefore urged that a Committee on Human Research and Development be organized to co-ordinate human research and experimentation on a nation-wide scale. It was with national co-ordination that the Office of Scientific Research and Development produced the atomic bomb

ROOT ROOM PRESENTS QUASI-LEGAL READING

Wide Selection of Books, Magazines, Papers Available; Smoking Permitted

According to the observations of one who has withdrawn his candidacy for Law Review editor and quite frequently has the temerity to forget I. DE S. and Wife v. W. DE S., Year Book, Liber Assissur, folio 99, placitum 60 (1349) in order to refine a little tobacco smoke and peruse the latest issue of Hygieia in the Root Room, the number of vacant seats available leads to the conclusion that either:

(a) I. DE S. and Wife, supra, embodies a nicer question than first supposed (and consequently requires more attention) or,

(b) The average law student has not been sufficiently indoctrinated to realize the opportunities for much-needed rest, relaxation, and good reading afforded by the Root Room.

The apparent infallibility of conclusion (b) leads to the further disclosure that the room, which was opened in 1939 in memory of Elihu Root, is located at the south end of the Langdell reading room, and is open from 10 AM to 6 PM Monday through Friday, and from 10 AM to 1 P. M. on Saturday.

In addition to easy chairs and ash trays, the room is equipped with the latest newspapers, magazines, books on subjects connected with the law (excluding casebooks), and congenial student attendants.

Original impetus to the book assortment was given by the John Chipman Gray collection, established by the Class of 1913. Included among the books now available are all of those recommended by Professors John M. Maguire and Zechariah Chafee, Jr. for reading by men in the military service planning to attend law school, plus a diversified collection of other books dealing with the philosophical, political, and economic side of the law.

The advantage of the magazine subscription list is that it includes a variety not available, as a whole, to the average student, including Foreign Affairs Quarterly Review, Survey Graphic, Saturday Review of Literature, New Statesman and Nation, American Bar Association Journal, The Nation, United States News, Harper's, Atlantic, Fortune, Time, Life, Saturday Evening Post, Newsweek, National Geographic, Reader's Digest, Collier's, New Yorker, Esquire, and Hygieia.

Newspapers, in addition to the Boston dailies, include the New York Times, Herald-Tribune, PM, and the Wall Street Journal.

Management of the Root Room is a student project, handled by a committee appointed by the Dean and headed by Nelson Schwab, Jr. Magazines and newspapers must be left in the room, but books may be charged out on a weekly basis. Student suggestions for new books and magazines may be deposited in the box provided.

The rules are simple: No women, no casebooks or notes, no loud talking, no eating,

and other decisive weapons.

Whatever the final organization of the Committee, it should somehow perform vital functions.

It would "farm out" projects and funds to social research centers all over the country calling for the solution of specific problems. To do this, it would encourage the study of problems such as strikes, depressions, unemployment, government reorganization, the revitalization of religion, race riots, family stability, juvenile delinquency, etc. Thus it would initiate and support scientifically controlled real-life experiments on possible solutions to these problems and eventually secure reliable answers to them.

This applied part of the research and experimentation would go hand in hand with pure or basic research and experimentation, since basic social and psychological laws underlie specific solutions.

Graduate students and teachers in psychology, sociology, anthropology, economics, public administration, and other pertinent fields would work on pure and applied projects sometimes initiated and proposed by themselves, sometimes as directed by the Committee.

It is urged that human research be now put under forced draft and that the advances of the next quarter century in this field be telescoped into a much shorter interval. The physical sciences have already proved that this can be done. Though miracles cannot be expected overnight, the first step must be taken now. The social sciences admittedly lag far behind the physical sciences, but they are nevertheless advanced enough to be useful from the very start. The impressive list of wartime contributions by the social sciences include their achievements in the fields of morale, public opinion measurements,

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CHINESE POLITICIANS HEAR SEAVEY PROTEST Kuomintang Leaders and Leftists Differ in Reaction to Telegram

Chinese politicians heard the protest Prof. Warren A. Seavey and 26 other Harvard faculty members sent to the State Department recently urging withdrawal of support from the Kuomintang unless democratic elements were permitted fuller participation, according to an article in Christian Science Monitor last Saturday.

"Thus far, there has been no general press reaction to the professors' move," the Monitor correspondent in Shanghai wrote, "but three Chinese language newspapers have featured a report of it on their front pages, and the liberal Leftist press professes to see in it evidence of a rising demand in America for political reform in China."

"Some Rightist elements take sharp issue with the Leftist interpretation, and say the Harvard professors' telegram does nothing more than illustrate the fact that free speech is permissible in the United States."

Dimmitt Offers Helpful Aid In Finding Various Opportunities For Placement

Sooner or later most of us must face the harrowing problem of finding a job. It is helpful to know that we may turn to the "good offices" of Harrison S. Dimmitt, Secretary of the Law School, for guidance and advice before attempting to take that first step into the outside legal world.

For many years the Secretary's Office has maintained an information bureau relating to the placement of Law School graduates. The office works on the theory that it is the responsibility of each prospective graduate to get his own job, but there are many ways in which the School can and does help. Mr. Dimmitt interviews every student when he is in his last term prior to graduation, to determine his future employment status. If a man needs assistance, the agency to which the secretary may refer him will probably depend upon where the student wishes to practice and what sort of work he wishes to do. The larger cities such as New York, Chicago, and Philadelphia, have Harvard Law School associations or clubs which are interested in helping to place graduates in firms. The Har-

JUDGES CHOSEN FOR AMES FINAL ROUND

This issue is the last of the king-size copies. In response to what seems to be a widespread popular demand from students, faculty and alumni, the Record is coming down to the size of our principal competitors, The Wall Street Journal and The New York Times. A last minute rally by those favoring a tabloid size (though not style) was fought off. We are still interested in hearing comments on the format, whether you want to revert to this size once more, stay with the conventional size, descend to tabloid or whatever. Eventually, if the reception and our budget allow, an insert will be added.

AMES ARGUMENT HITS TOP SCALE

Qualifying Round Begins Next Week After Five Years Lapse

With the windup of the first term Ames competition arguments this week, attention will be turned next week to the first "full dress" qualifying round to be held since the war. Although informal quarter-final and semi-final rounds have been held, these were stop-gap measures after the war, and the current series of arguments will be the first in the formal competition.

Briefs for the qualifying round, which will involve 13 clubs, are being turned in this week. Arguments will be held next week, with Rounds I, II, III, and IV scheduled for Monday through Thursday.

The bench for each of the arguments will consist of one faculty member, one member of the Massachusetts bar, and one advanced student. Clubs participating in the arguments this term will be competing for a chance to reach the higher rounds. Additional stimuli to counsel are the Marshall Club and Scott Club prizes for the best brief and the Beale Club prize for the oral argument. Results of second term arguments were, Grotius Club; Garner and Paul v. Marshall and Rausch; 129 to 133½. Blackstone Club; Shipley and Siegmund v. Schaffer and Christie; 142 to 139. Seavey Club; Gately and Shafer v. Gorvine and Kronenberg; 128½ to 121½.

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MARYLAND CLUB HOLDS INITIAL GATHERING

Plans Are Formulated For Future Of New Group; Casner Addresses Meeting

The Maryland Chapter of the Harvard Law School Association held its maiden dinner at the Hotel Continental 6:30 Friday night. Thirty-one students—all native Marylanders—discussed future plans for the organization, which they hope will form the nucleus for an association of Harvard Law School graduates practicing in their state.

Professor A. James Casner and Professor Robert A. Bowie attended the meeting, and encouraged the group in its undertaking. Professor Bowie is a native of Maryland, and Professor Casner taught law for five years at the University of Maryland. Professor Casner spoke extemporaneously of the need of the bar for progressive leadership. He emphasized that the lawyer should assert himself in the new field of labor relations, and in legal fields in which banks, trusts, and title companies are doing jobs for which the lawyer is expertly trained. He urged future members of the bar aggressively to participate in solving the problems for which their legal education prepares them.

Members of the club enthusiastically hailed the success of Friday night's dinner. They point out that they can better serve their chosen profession through friendly association with their prospective fellow members of the bar, since much of the lawyer's work is done out of court.

Carroll Hament '47, of Baltimore, who has been instrumental in organizing the group, states that election of officers will probably be held at the next meeting.

Woodbury, Murdock, Kern, Hear Tax Case In First Postwar Argument

In accordance with the practice of securing outstanding members of the legal profession to hear the final arguments in the Ames competition, a trio of distinguished judges will be on the bench in Langdell court room at 8:00 p.m. on August 29 to hear the first of these arguments to be held since the war, according to information released this week by the Board of Student Advisers.

Chief Justice of the United States Circuit Court of Appeals for the Ames Circuit will be The Hon. Peter Woodbury, judge on the United States Circuit Court of Appeals, 1st Circuit. Associate Justices will be The Hon. John Edgar Murdock and The Hon. John Worth Kern, both judges on the Tax Court of the United States.

Counsel in the argument reached the finals through informal quarter-final arguments, which were held in October 1945, and the semi-finals were held last term. These arguments were organized as a stop-gap measure when the first trickle of students began to return to the school after the war and not as a part of the "full dress" series of arguments now in progress.

The case to be argued will involve the Commissioner of Internal Revenue, Petitioner v. Louise Rockey, Respondent. The petitioner will be requesting a review of a decision of the Tax Court of the United States regarding the taxation of income from trusts. Leading cases on the problem involved is Johnston v. Helvering, 1 TC 228, 141 F. (2d) 208, (CCA 2d 1944), 323 U.S. 715 (cert. denied).

Arguing for the petitioner will be John Canian '46 and George Neves Leighton '46, with Herbert Berman '47 and Daniel Kraemer '46 of counsel on the brief. Representing the respondent will be Charles W. Davis '47 and James D. St. Clair '47, with Thomas P. Ford '47 and Lambert Turner, Jr. '47 of counsel on the brief.

Judge Woodbury, who is a Harvard Law School alumnus, received his LL.B. degree in 1927. He was admitted to the New Hampshire bar in the same year, and served as a municipal court justice from 1928-32. He then served as an Associate Justice of the New Hampshire Superior Court from 1932-33, when he was appointed to the New Hampshire Supreme Court. He left the latter position in March, 1941, to assume his present judgeship in the United States Circuit Court of Appeals.

Judge Murdock received his LL.B. degree cum laude at the University of Pittsburgh in 1921. As a member of the Pennsylvania bar he served as Assistant to the District Attorney of Westmoreland County from 1922-26. Since 1926, he has been a member of the United States Board of Tax Appeals and a judge on the Tax Court of the United States, serving as chairman.

Judge Kern is a Harvard alumnus, having received his LL.B. degree here in 1923. He was admitted to the Indiana bar in 1923, and practiced in Indiana until 1931. From 1932-35 he was a judge on the Superior Court of Marion County, and was mayor of Indianapolis from 1935-37. He also taught at the University of Indiana Law School from 1925-35. Since 1937, he has been a member of the United States Board of Tax Appeals and a judge on the Tax Court of the United States.

LAW WIVES APPROVE CLUB CONSTITUTION

New Rules Go Into Effect Tomorrow; Expansion Is Cause Of Formalization

The new Constitution of the Harvard Law Wives, which goes into effect tomorrow, marks the first written organization of the 17-year-old club.

"From the time the Law Wives began meeting back in 1929 up until the War, they were a small and very informal social group," says Mrs. Charles Davis, President, "but now the expanding size and activities of the club have made an official constitution necessary." At the instigation of Mrs. James Landis, wife of the former Dean of the Law School, a committee was appointed last February to draw up a constitution. The proposed constitution was finally approved July 15.

Chairman of the Constitution Committee was Mrs. Robert Parkin, assisted by Mrs. John Masengale, Mrs. Oren Rabin, Mrs. Robert Bard, Mrs. James St. Clair and Mrs. Charles Davis.

The object of the Law Wives as defined by the new constitution is to promote the social fellowship of its members and to further the welfare of its members and of students in the Law School. Active membership is open to the wife of any student registered in Harvard Law School. Three Faculty wives will be chosen each year as sponsors and honorary members.

So that more members will have an opportunity to hold office, the constitution provides that no member shall hold the same office more than once, nor longer than one year. Officers include a president, first vice-president, second vice-president, third vice-president, recording secretary, corresponding secretary, treasurer and assistant treasurer. The first vice-president will also be Chairman of the Kendall House committee, the second vice-president will serve as Program Chairman, and the third vice-president as Hospitality Chairman. The Executive Board is composed of the eight officers, plus four

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Student Victim of Beating In South Relates Experience

Further details and authentication of this story can be obtained at the Record office by anyone who would like to attempt explanation or denial. The declarant does not desire to have his name published at this time.

The recent mass murders in Georgia held no mere academic interest for a certain student at Harvard Law School, whom we shall call A. The report of the primitive bestiality with which four innocent Negroes were slaughtered by a score of white men recalled only too vividly to A the beating he took at the hands of four gallant Southerners. A, who is free, white, and can document his experience, wishes to remain anonymous, but with permission, his story is printed here as a lesson in southern hospitality.

It happened one peaceful sunny afternoon in South Carolina, in the Spring of 1945 . . . A was driving back to duty at the Naval Air Station, Beaufort, with his wife, his sister, and another female companion. The road was hot and dusty. There were still more than 100 miles to go when A stopped for oil at a small gas station a few miles outside Bishopville.

There were four men at the station, three

whites and a young Negro of about 12. The former appeared to be three generations of the same family, the youngest about 15.

"Pennsylvania, huh?" the grandfather said, noticing the license plates. His lip curled slowly as he spat.

"You a Democrat?" one wanted to know. They lifted the hood and made long preparations for the transfusion. "You a Roosevelt man?" When A did not answer that, the father went on, "Damned glad he's dead, only shoulda died twelve years ago!"

A made another request for his oil. "Put the man's oil in," ordered the grandfather. "Hey, son, get the man some oil," shouted the father. "Guess he needs some oil," said the youngest to no one in particular.

Through their guffaws they heard A's sister ask the young colored boy whether he went to school, and before he could answer the grandfather snapped at her, "Course he don't go to school! Down here, the dumbber they are the better we like it!"

"I happen to be a teacher," she said, "and in

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Editorials

An Open Letter

ATTN: ROBERT P. PATTERSON, LL.B. '15
SECRETARY OF WAR
Dear Mr. Secretary:

Many a veteran, and perhaps particularly Harvard Law School men who have had their eye-teeth jolted by the First Year ordeal, would like to say a few earnest words to you about the Army's Education and Orientation program. Now that the peacetime doldrums have come and the bulk of the Army is made up of youngsters, this activity would seem to be of the highest significance.

ETO veterans, for instance, wonder whether the routines they knew have been altered. Is the job of Education and Orientation Officer still a minor additional duty foisted off on a junior officer on the basis of his years in college—which may have been an engineering school? Do these officers still conduct the classes by reading from an officially prepared pamphlet like *Army Talks* for most or all of the hour? Do the men, there under orders, while away the time by reading pocket-books, writing letters or sleeping, unconsciously becoming prejudiced against the ideas thus crudely forced on their attention?

It may be that you knew of the ETO fiasco in this respect but that more pressing matters connected with the shooting part of the war prevented you from acting. You must know, too, that these changes will not come from the lower echelons. General Oscar N. Solbert, the chief of the Special Service Division in the ETO, had this sorry situation called to his attention in England several months before the Invasion. "The State Department wouldn't allow it," he said in response to the proposal that qualified men be sought to conduct the sessions as discussion groups instead of lectures. But Archibald MacLeish, LL.B. '19, then Assistant Secretary of State, flatly denied this contention. Lt. Col. Arthur Goodfriend, who was directly in charge of the Orientation program under Solbert, overflowed with zeal and good intentions, but like the Army policy he premised everything on the unaided power of the printing press without respect to any common sense technique of getting over the very laudable and neatly informative summaries to the men for whom they were intended. Herbert Agar, then in the London American Embassy, felt strongly about this shortcoming. Title V of the Soldier Vote Act kept him silent. Senator Fulbright had a similar emotion, but so far as is known took no action. All this is water over the dam. The problem of providing the young soldiers with genuine education and so utilizing their time to the advantage of themselves and their country, however, is current and urgent.

Some of us learned about the British Army Bureau of Current Affairs and enviously noted how immensely successful it was compared to our counterpart, which was principally due to their recognition of the value of trained leaders and the discussion technique. Professors Mayo, Roethlisberger, Whitehead, Selekman, and others in the department of Industrial Research at the Harvard Business School could do wonders in assisting you in the establishment of a program based on social realities at the company level. P.A.C.'s experiences in this regard are also worth considering.

The rules are simple. Indeed, the high level directives often touched on them and no doubt there were instances where they were creditably applied, but a check with the Inspector-General will confirm the limited extent of their operation at the company level. Principally, the session should be a discussion, not a lecture. One man speaks at a time and he must stay on the point. He doesn't talk too long or too often. The others either pay attention or get out. The leader, in a watered-down Harvard Law School manner, asks searching questions, states and re-states issues, summarizes argument, points up facts. He seeks to show up bad reasoning, emotionalized thinking and uninformed comment—not by directly nailing it but by drawing out the miscreant or setting him up for someone else. Discussion begins by talking about subjects the men want to talk about instead of plunging into topics not readily related their own experiences or too complex for the usual schematic presentation. The Army is awake to the value of promoting research in the physical sciences, but the human sciences must not be slighted in the Army any more than in industry.

Any World War II veteran who read Dos Passos' *Three Soldiers* holds in his mind a vivid picture of the difference five or six years in the general educational level makes in an Army. Methods which serve to obtain cooperation from ignorant soldiers must be altered as their ignorance is dissipated. It should go without saying that the alterations should be the outcome of objective studies of the actual human situation in light of the results sought. The situation is a group of soldiers with a teacher, bound to be together for many hours over many months. The ultimate results should be an abiding respect for our Bill of Rights and democratic form of government, along with a realization of the problems we must face.

The "exposure" or "cram-it-down-there-throats" techniques commonly operate to produce precisely the reverse results. Democracy bears too many crosses as it is without having an Army of soldiers steadily building up attitudes of contempt and indifference in reaction to the unilateral technique universally employed by inept group leaders.

C. O. P.

NO "BELLY AMERICANS" HERE

It's hard to study when you are hungry.

It's hard to think clearly about the world's problems, or anything but your own, when you don't know if you are going to eat tomorrow or the next day.

Without the security of a few thousand sure calories to go along with them, the blessings of liberation look rather insubstantial.

So far much of the exhortation about saving food, sharing a meal and so on, has been rather in nubibus. Woolly (and politically controlled) thinking has marked our national handling of the problem. The realistic answer the food-savers' pleas for gustatory economy with a callous but practical "If I don't buy it, or eat it, someone else will." And after all, if the bread has been baked, one consumer's abstinence isn't going to send it to Belgium but only to somebody greedier.

Now we here in the Law School have a chance to do something about food, something which will be at once practical, generous, and easily understood. Elsewhere in this issue of the *Record* we have given a full account of the current food drive, the drive to collect money and send a specific food package to selected students in particular European universities. This drive gives you a chance, by giving \$5.00 to provide

a package of enumerated commodities, to persons who are appropriate objects of our "bounty." If you are a veteran you can look on this as a necessary part of finishing your job, for hunger is part of Hitler's legacy to Europe. If you aren't, this is a chance to share in some small measure the fruits of victory and your security with others not fortunate enough to live in the richest and fattest country in the world.

LaGuardia has stigmatized those of us who gorge while the world starves as "belly Americans." A one hundred per cent response to the Food Drive will be a conclusive answer that there are no belly Americans in the law school. It's little enough to do, but infinitely better than doing nothing.

C. G. S.

Letters to the Editor

To the Editor of the *Record*

Sir:

Thanks very much for sending me a copy of the August 7 issue of the *Harvard Law School Record*, which contains editorials commenting upon the statement attributed to me which appeared in *Time Magazine*. I read with great interest the two editorials and naturally I agree with Mr. Sweet's point of view.

The statement which appeared in *Time Magazine* was supposed to be based upon my Annual Report for 1945. Actually, the quip about "soubrellies" was based upon a remark I made in oral conversation to a reporter. However, I am prepared to stand by the substance of the remark.

I believe that if you will examine the report of the New York County Lawyers Association on the economic status of lawyers in New York City some ten or twelve years ago, and see what resulted from the action of the law schools in turning out an excessive number of young lawyers during the decade following World War I, you will understand why I have been warning the law schools and the profession against a repetition of the performance.

I am very much interested in the weekly newspaper which you have started at Harvard. I think it is an excellent idea and I hope that you will be successful in keeping it going.

YOUNG B. SMITH,

(Dean, School of Law, Columbia University).

To the Editor of the *Record*

Sir:

One buck will get you ten that the Law School authorities will never rescind the rule against revealing numerical grades.

Why won't they? The letter in your first issue which raised the question unwittingly gave the key to the answer when it said: "Perhaps it (the rule) was to prevent some recalcitrant student from quibbling over a point or two. If so, . . . the efficiency of the method is highly overrated." (Italics mine.)

Could Galileo with his crude telescope calculate the distance to the moons of Jupiter to the closest 1/10 of a mile? Could you time a 100-yard dash at the track meet with a watch having only one hand, and that hand the hour hand? Let me answer. No. And the reason is that the degree of accuracy of the measurement is limited by the inherent crudity of the measuring instrument. Hence, a measurement expressed in tenths of a mile or tenths of a second (in the two cases above, respectively) is, with respect to the supposed accuracy, not only meaningless, but also stupid.

So I ask the question, "Can anybody—even a Harvard law professor—grade several hundred essay-type exams and determine, with any real validity, the numerical grades, accurate to the nearest one point out of a possible 85?" I think it somewhat foolish to say that anybody can, and I believe the profs are wise enough not to be caught trying.

But to any prof who sincerely maintains that he can and does grade law exams accurately to the nearest one point out of 85—or nearest point out of 40, for that matter—I hereby make an offer: for a written statement to the effect that he grades in the above-mentioned fashion and believes it to be accurate, I will give that prof title to a good butter knife so he won't need to waste expensive razor blades in order to shave.

S. S. K.

With their "crude instruments" they computed grades to the second decimal place for Student Board and Bugle positions. If the grades are accurate enough for such reliance, they should be accurate enough to stand the spotlight of mere disclosure to the recipient. Ed.

To the Editor of the *Record*

Sir:

We Americans have heard much recently about the philosophies of pessimism which a whole European generation turns to now as a last means of preserving sanity and life itself. And surely we can understand the predicament of their souls: for fifteen years they have been the victims of an evil plot to prove that the world:

Hath really neither joy, nor love, nor light,

Nor certitude, nor peace, nor help for pain. . . .

Small wonder, then, that these men should study only how to be bravely miserable in a universe so cruelly absurd. It is not for us, who have experienced and suffered much less than they, to presume to teach them, with our voices or pens, a new faith. But may we not reasonably hope, by our actions, to restore to the words good will, and charity, and sympathy, a full content of meaning for a common humanity? And thus, perhaps, may we not help to feed, along with the world's body its spirit too?

Ralph Waldo Emerson, of the Harvard class of 1821, once said, "There are men now—more exactly, I will say, I have just been talking to one man, to whom no weight of adverse experience will make it for a moment appear impossible that thousands of human beings might exercise towards each other the grandest and simplest sentiments, as well as a knot of friends, or a pair of lovers." We, the undersigned, believe that now, at Harvard, there are many men, who hold the same faith as Emerson. We think, too, that Harvard men will give \$10,000 to European students—will be glad thus to exercise the grandest and simplest sentiments.

The Harvard Food Relief Committee

Sir:

Will the eager beavers who take volumes from the shelves have a little consideration. I find many volumes from the state reports missing for several hours being put to the noble use of book rests. Others are being used, and then left on the tables and it becomes necessary to play treasure hunt to uncover their whereabouts. I don't remember it being that bad before the war. Can you, in good conscience, take heed?

Requestfully

Sir:

Is this Law School so large that it needs a newspaper to present its news? As a student at this institution before the war and one who was here last term I found that little concerning the Law School escaped me. The grapevine and rumor mill served as a sufficient fund of Law School news, much of which needed treatment of the type exterminators mete out to insects. The School functioned without a journal of news and opinion for well over one hundred years. Why must we suddenly have an organ of crystallizing clap trap? Is this a Law School or a Journalism school?

Fourth Termer

Sub Judice

A WORD TO ALCOHOLICS****Now it takes will-power to get drunk.

To those who have long wondered how to characterize their alcoholic defections, and to those who are seeking additional adjectival ammunition for their charges of modern moral degradation, *United States v. Smith*, 5 F.R.D. 275, at long last seems to provide the long sought answer. The facts there were just a bit complicated. Smith was charged with some relatively minor violation of the Federal Statutes and ordered to appear in court in accordance with the provisions of his bond. He did so and pleaded not guilty and his trial was set for March 25th. Came that day and Smith, as protagonist in that little drama, was conspicuously absent. Immediately a forfeiture was declared on his bond. Shortly thereafter, however, Smith reappeared, changed his plea to guilty and was sentenced for two years. Now the surety on his bond appealed alleging that the reasons Smith did not appear on the day set was that he was intoxicated and had been so for many days. The Federal Rule empowering the court to set aside the forfeiture had been construed by the 6th Circuit Court as not conferring unlimited discretion upon the court but could be exercised only if there had been no wilful default of the principal among other things. Then summoning all the force of judicial disapproval, the court concluded that intoxication was wilful and that the plea of the surety was without merit.

The decision, however, leaves many doubts in the minds of students of Federal Jurisdiction. As defined by Black, "wilful" implies a conscious motion of the will. And we are puzzled by the problem of when intoxication takes on the further ignominy of wilfulness. Does wilful in this sense mean failing to appear for trial simply because one is drunk? If so then the decision is somewhat unrealistic. Suppose a man has been drinking for many days. In the middle of his "lost fortnight," the day of his trial arrives. Surely one could never contend that he was being wilful in not appearing; indeed, he probably wouldn't even remember his name at this point. There is little doubt that the clearest case would be that of a man who on the eve of his trial decided to drown his sorrows in a flood of rye. Surely then there would be sufficient justification for the court's nomenclature but the situations in-between are giving us a great deal of trouble. The best thing to do is to sign the pledge, we suppose.

THE FOURTH AMENDMENT****A note from the Supreme Court.

For those young in the study of law in whom there still remains a conviction that there is some substance in the democratic freedoms under the Constitution apart from the verbalizing of the Supreme Court we recommend *Zap v. United States*, decided on June 10 of this year.

Zap, the defendant, had a contract with the Navy Department under which he was to do some experimental work on airplane wings and to conduct test flights. He was to be paid on a cost-plus basis. He arranged with a pilot to pay him \$2500 and he charged the Navy \$4000 for it. The Navy had a right under both Congressional enactment and the particular contract to inspect the books of the defendant. This right was duly exercised while the defendant was out of town and the check with which Zap had paid the pilot was taken without any right and used in a subsequent trial against Zap. He objected to this, saying that it was a violation of the 4th Amendment in that it was obtained by an illegal search and seizure.

The court, seeking through Douglas, J. seized upon the word "and" in the Amendment. The Court said that there was little doubt that the check had been illegally taken but there was no evidence of an illegal search. Apparently the court felt that the two must co-exist in order for the evidence obtained to be ruled out. Here the Navy Department was lawfully on the premises and obtained lawful access to the document in question. No force or threat of force was used, the inspection was made during the regular hours of business at the place of business, and the inspection had the consent of Zap's staff. All these factors were mentioned by the court to show that there was authority to search and that was enough for them to take the case out of the interdiction of the 4th Amendment.

The only thing that can be said about the case is that if the check were crucial and had great effect in aiding the conviction, you were a sap, Mr. Zap.

HUMAN INTEREST DEPARTMENT****Two sides to every story.

The Supreme Court of Arkansas had before it recently in *Feigenbaum v. Feigenbaum*, 194 S.W. (2d) 1012, a set of facts that could easily have been hatched in the vivid imagination of a pulp novelist. The parties in question once married had been divorced and having remarried under very odd circumstances, the husband brought suit to annul the second marriage. After disposing briefly of the problem of

jurisdiction since the parties were residents of Missouri but had married in Arkansas, the court went on to discuss the case on its merits.

The husband sought the annulment on the very interesting grounds that he had been coerced by the defendant's threats of suicide and also that he had been drugged and had not known what he was doing. After their first marriage had come to grief, the parties had maintained very amicable relations but the husband complained that every time he took his ex-wife out, she refused to leave him and would carry on about being "depressed." On occasion she took sleeping powders just to illustrate her avowed determination. At one time in this interim period, the husband sustained an injury to his jaw which necessitated his taking drugs. It was under the influence thereof that he claimed to have made his decision about remarriage. There was no allegation that the wife had administered the drugs but just that he was "dopey" and drowsy, but had a feeling that everything would be all right regardless of what he did." After the marriage the parties did not cohabit at all which may have had some evidentiary value as to the state of the husband's mind. At the close of the evidence, the husband added as if as an afterthought that his wife was sexually impotent.

The wife countered this with facts showing that at the time of the remarriage, the plaintiff had discussed a business deal in a very coherent manner with the Justice of the Peace who was performing the ceremony. At that time he seemed very much in possession of his senses. Besides it seemed quite strange to her that he could have driven all the way from Missouri to Arkansas if he were "dopey." And just to clear herself of the charge of pursuing him, she pointed out that once when she found a woman in his apartment clad merely in her own skin and his robe, she stopped any explanations on his part with the reminder that: "We are divorced. You are entitled to live your life."

The learned judge after recounting all these facts denied the annulment and concluded somewhat disappointedly:

"We are left to conjecture what influence the existence of the other woman may have had on his actions."

And with that we are forced to agree. If we were writing up this script . . . ah, record, we would have played up to a greater length the role of the "other woman." Well, it's too bad, your honor, better luck next time.

Off the Record

The other night, with Frank W. Grinnell, Esq. on one hand, and a highball in the other, we listened to a very enlightening discourse on "Liquor and the Law." We intend to go into that subject more fully at a later date, but it led us to thinking of other attempts to brighten the legal world, such as poetry. Professor W. Barton Leach, the author of "Langdell Lyrics of 1938," is our local authority on this subject. To the few who may not be acquainted with Harvard Law School's learned expert in Future Interests, we offer the following little poem which will serve as a thumbnail description:

Ah! Here's Bart Leach,
The man with a reach,
His clients are rich as old Croesus.
The rumor goes 'round—
And it's probably sound—
That he wrote the last will of Jesus.

As those students taking Evidence this summer know well, Professor Maguire taught the first seven weeks, while Professor Morgan will teach the rest of the course, give the exam, AND grade the papers. In order to make the point that the required material must be covered before Professor Morgan took over the class, this poetic advice was given the class:

Like one that on a lonesome road
Doth walk in fear and dread,
And having once turned 'round, walks on
And turns no more his head,
Because he knows a frightful fiend
Doth close behind him tread.

The Evidence class is now walking bravely on, turning not its head, and feeling the hot breath of that blue book on the back of its neck.

Among the sections in the casebook that the Criminal Law class skips each year is the one entitled "Rape." One of the problem cases takes up the point as to whether consent will be presumed if a girl forebore to make such resistance and outcry as would normally be made under circumstances because she was afraid of breaking a jug of gin which she had with her. The judge in this charming little English case sums up the required resistance by stating that it ". . . must not be the coy resistance which every woman makes under such circumstances, even when she consents." As we remember it from overhearing the older boys discuss it, the man was convicted . . . and Pope wrote a couplet:

Whether the nymph should break Diana's law,
Or some frail china jar receive a flaw,

Gallery

Professor Merton L. Ferson is a slender man of medium height with graying hair, alert eyes behind glasses, and a jaunty bow tie. He is surprisingly active for his seventy years, rising often in class to walk to the side of the room from which a question has been asked and then returning to sit down behind the desk, only to rise again as the discussion becomes more heated.

He asks and answers questions in a low, penetrating voice, edged with a tang of the Midwest where he has spent most of his life, which surprisingly reaches the last row clearly. No question goes unanswered. Once as several students gave their views a crossfire of comment arose. As the discussion gained speed and heat Dean Ferson's smile became broader; he was obviously enjoying himself immensely. Finally, with a quiet, "Gentlemen," he brought it to an end, summarized the different views, pointed out defects in reasoning, and tied up all the loose ends. Then the class went on to the next case, the student rising as he began to recite.

Later, in his office in the library behind LSM, Mr. Ferson talked of his life as a teacher of the law. "The men in my classes in Agency 1 and 3 are the finest students I have ever taught," he declared emphatically, leaning back in his chair, a smile crinkling the corner of his eyes. "They are more mature, alert and industrious, I suppose, than any student body anywhere. I have always loved teaching law, but these men make it a truly delightful experience."

Professor Ferson has, during his legal career, taught at the law schools of George Washington University, University of Iowa, University of Missouri, University of North Carolina, University of Cincinnati, Cornell University, Stanford University and the University of Washington. He has been dean of the law schools of George Washington University from 1914 to 1923, the University of North Carolina from 1924 to 1926 and last month retired as dean of the University of Cincinnati School of Law, a post he had held since 1926. He has specialized in teaching Agency, Contracts, and Sales, and was an advisor for the American Law Institutes Restatement of the Law of Contracts, being

associated with Professor Williston in that work. At the present time he is president of the Association of American Law Schools and was recently president of the Cincinnati Bar Association, a measure of the esteem in which he is held by the practicing attorneys of the city where he has lived and worked for the past twenty years. He is here for the summer term, teaching the two sections in Agency. In October he expects to return to Cincinnati, but will continue to teach at other schools.

When he began to talk of the Harvard Law Faculty, his face lit up. Not only are its members leaders in the teaching of law who set up standards which other schools follow, but, he explained:

"Members of the Harvard Law Faculty have rendered a helpful service to practicing lawyers of the United States. There has been, in recent years, an increasing demand among members of the bar for instruction in new phases of practice. Institutes have been set up to meet the demand and Harvard Faculty men are frequently called on to lecture in these Institutes. Among the ones who have come to Ohio to deliver such lectures are Dean Griswold and Professors Seavey, Powell, Williston, Leach, Scott, Morgan and Casner."

Dean Ferson, speaking from his forty years of teaching experience, thinks it is important that students concentrate as fully as possible on law for the three years which they spend here. The student must get a firm foundation in the theory of the law here, because he will never get it otherwise. The more practical side of law can be picked up in a relatively short time in practice.

"The office boy in a large law firm probably knows more about legal forms, filing and other such matters than anyone else in the office. The difference comes in ten years. He is still an office boy; the man who starts with a sound basis in legal theory is a well established lawyer by then," he explained. "Better let outside activities go and get all the law you can while you're here."

Far from being a distraction or a hindrance, marriage, in his opinion, probably makes for better law students.

"The men don't fritter away their time chasing after women in a miscellaneous way,"

he laughed. "They are a good deal more settled and therefore better able to carry on their studies."

As to the outlook for lawyers, in his opinion, it is good right now and should remain so for a time, at least. Conditions seem to be repeating themselves. During and after World War I there was a great demand for lawyers, more than the law schools could supply. Then, from the late 20's until World War II, times were very lean indeed. Now, again, there is a large demand. But, the law schools are all packed and will eventually pour out more men than can be absorbed. The men now in school should not have too difficult a time getting established, though.

"Look at it this way," he said earnestly, folding his hands carefully on the desk in front of him. A good lawyer will always get along in the law. During the time to come the men who succeed are really going to have to be better than ever to do so."

Dean Ferson recommends that graduates strike out for themselves or at least go into a small office where they can get broader practice and an eventual partnership. Too often, he thinks, men go into large offices as clerks and remain for the rest of their lives as clerks. The large office may pay more at the beginning, but a man will probably end up better in the long run, both economically and in enjoyment of his work, if he practices alone or as a member of a small firm.

The man at Harvard is not at a disadvantage when it comes to taking the Bar Examination in his home state, he stated. Probably some study of the procedure in his state would be helpful, but very little more is necessary. He went on to say that the character of the Bar Examinations has changed a great deal in the last ten years, citing Ohio as an example. There the law schools and the examiners have conferred regularly with the result that the questions relate, to a much greater extent than they used to, to what has been taught in the law school. Where ten years ago the examiners too often asked for definitions, now they tend to test a man's legal ability. There is a growing tendency throughout the United States to give this type of examination.

H. K.

The Witness Stand

The question: Would you patronize a Law School or University sponsored Dining Hall for Law Students?

1. George C. Denney, Greensburg, Pa.

1st Term
Married

No, I find present eating facilities adequate at this time. My noon meal is the only one I eat in the immediate vicinity and I find that Kendall House is more than sufficient for my present needs.

2. William J. Bruckel, Rochester, N. Y.

2nd Term
Married

If I weren't married I would. I think it is a good idea. I live down at "Splinter Village" and find no need for it at this time. I think my wife and I might patronize it if it were set up, but only occasionally. There are times when even a married man might find it useful.

3. C. C. Marden, Chestnut Hill, Mass.

1st Term
Single

Yes, I think that I might. It would be a place where you could go to meet upperclassmen and people in your own class. The unification possibilities appeal to me as much as anything. It would also simplify the eating question. You are apt to find yourself eating the same food; and the places are too far away which consumes too much time.

4. J. F. Grindle, Jr., Washington, D. C.

4th Term
Single

I eat at Cowie Hall now and would only use the Dining Hall if I were going to use the library. However, only a few Law Students eat at the Business School and there probably would be a need for something of that sort for the rest of the Law School.

5. Marshall A. Levin, Baltimore, Md.

4th Term
Single

Yes, I find the present eating facilities inadequate in the vicinity. This is principally due to the short rations served and the great variance of prices with the quality of food served. There is also an uncertainty with reference to sanitary conditions.

6. H. T. Stutman, Wilmington, Del.

5th Term
Single

Yes, provided the meals are at least as economical as they are at the Union. The Union will not be able to handle the increased demand in the Fall and there would be a definite place for a separate Law School dining common. As a matter of administration probably a better plan would be to establish a separate graduate school dining hall. Before the war there was a successful co-operative graduate school cafeteria which would seem to indicate a precedent.

7. John B. DeVine, Ann Arbor Michigan

3rd Term
Single

Yes, I think I would. I have been eating most of my lunches at the Union and do not find it completely satisfactory. I'm living at the Business School and I eat my other meals at Cowie Hall. However after the summer there won't be any Law Students living there and it will be quite a problem. I think there is a very definite need for something of that sort for the Law School.

8. George McClintock, Minneapolis, Minn.

2nd Term
Married

No, I wouldn't. I'm married. I live fairly close and eat practically all of my meals at home. There wouldn't be any need for it from my point of view. If I were single I think I would prefer an eating place where the rest of the people had common interests. At least that is preferable to eating alone.

9. Charles Mayer, Washington, D. C.

4th Term
Single

Yes, I already patronize Kendall House which is a Law School sponsored eating place. I would patronize a Law School sponsored Dining Hall if, as I assume, the food would be better and the prices cheaper than the present restaurants in the vicinity. A condition precedent to my patronage would be proximity to the Law School.

10. John D. Pemberton, Jr., Rochester, Minn.

4th Term
Married

No, not very often because I am married. I might patronize it for lunches. Present facilities at Kendall House are good but they look like they are becoming overtaxed. My impression is that nothing better than the Union could be set up. Eventually it might be a good idea for the proximity and convenience but restricting it to Law Students doesn't seem particularly appealing.

FOOD DRIVE (continued)

student representative, and a representative of the Unitarian Service Committee.

At present, the average number of calories in Vienna is somewhat under 1000 per person per day. The Harvard Food Relief Committee has received letters dated July 1 which state that 900 calories is a more accurate estimate. (The Food and Nutrition Board of the National Research Council estimates that a man weighing 150 lbs. living a sedentary life needs 2500 calories daily, and 4500 calories daily if he is a very active person.) In France and Czechoslovakia, conditions are somewhat better, but university students in particular are still greatly undernourished, according to Unitarian Service Committee representatives in those places.

Harvard is the only group now helping the Vienna anti-Nazi students and the Czech students. Other American Colleges have sent some money and food to France. However, within the groups that the committee would like to help there are 50,000 eligible who fulfill the three prerequisites, (1) students, (2) in need of food or medical supplies, and (3) with a history of active Nazi resistance, to the best of the knowledge of the field representatives.

Alumni Notes

The contributions by alumni and others of items for this column are welcomed at the Record office, Austin Hall.

Taking an active part in the current imbroglio in Central Falls, R. I., where four rookie policemen, overseas veterans, had the audacity to make an unauthorized raid which resulted in the seizure of illegal slot machines and the subsequent dismissal of the quartet from the police force, is Charles P. Sisson LL.B. '14, who has been enlisted with other prominent Rhode Island lawyers to assist the veterans.

Central Falls, a city of some 26,000, has long been dominated by one political machine, and under the benevolent protection of this group gambling has been wide open. After the action the four policemen, who made the seizure in accordance with a standing order posted on the station bulletin board, but strictly for effect only rather than for action, were criticized by the local court which ruled their seizure was illegal since they lacked search warrants. Subsequently they were suspended from duty, and local civic and veterans' groups quickly rallied to their support.

Protest meetings were organized and some 4,000 local citizens enthusiastically called for a city-wide cleanup, and when the son of the local political boss appeared and attempted to belittle the combat records of the quartet, the crowd turned to the more immediate job of cleaning him up. Only prompt rescue by the impugned veterans themselves saved him from fatal injury. Meanwhile the horse bourse and bookmakers have been inactive, the gambling machines throughout the city have been placed in hiding, and the city officials have seen themselves hung in effigy.

Reacting to the aroused ire of a large proportion of the city's population, the four policemen were returned to active duty. However, it appears that the horse has been stolen and the political machine may now try in vain to lock the barn door, for the sentiment in favor of a civic housecleaning continues strong. The four veterans apparently do not intend to let their reinstatement end matters, and they and their legal advisers have yet to be heard from at hearings which may result ultimately in broader and more far-reaching reforms than the vindication action which caused the furore.

Charles P. Sisson '14, is former Attorney General of Rhode Island. Before the matter is finished, the present Attorney General of Rhode Island, John H. Nolan '18, may enter the picture inasmuch as a complete investigation of the city government has been called for by the four policemen and their supporters.

LL.B. '14—Charles P. Franchot, who served during World War II as a Captain, USNR and who was assigned to duty as Special Assistant to the Judge Advocate General, Navy Department, has formed a partnership for general law practice. His partners are William B. Dessner and Harold B. Corwin. The new firm, under the name of Franchot, Corwin & Dessner, succeeds the firm of Franchot & Dessner. The new firm maintains offices in New York City and Washington, D. C.

LL.B. '15—Chester A. McLain (S.J.D. '17) announced his retirement, effective August 1, from the firm of Cravath, Swaine & Moore of New York City. He is undertaking new duties as General Counsel for the International Bank for Reconstruction & Development.

LL.B. '30—Orrin G. Judd and Murray I. Gurfain, both graduates in the class of 1930, have formed a partnership under the name of Judd & Gurfain. Their offices are in New York City. Judd is the former Solicitor General of the state of New York. Gurfain has recently returned from active duty as a Lieut. Colonel in the Army of the United States.

LL.B. '32—Announcement has been made recently of the engagement of Anne McLaren of Montclair, N. J. to John Stevens, who has just been discharged from the Army with the rank of Lieutenant-Colonel. He expects to resume the practice of law in Philadelphia in October where he was associated with the firm of Winterstein and Williams.

LL.B. '33—Henry Brayton Gardner, Jr., a resident of Providence, R. I. and in practice there before the war, was killed in action while serving with the Navy in April, 1945. At that time he was serving as C-I-C Officer on board the USS Hazelwood, a destroyer which was attacked by a Japanese suicide plane.

LL.B. '33—Earl F. Morris has recently returned from military service and has entered the firm of Arnold, Wright, Purpus & Harlor. The firm name has been changed to Wright, Harlor, Purpus, Morris & Arnold. Offices of the firm are in Columbus, Ohio.

LL.B. '41—Robert F. Magill has been serving as an attorney in the office of the Tax Legislative Counsel, U. S. Treasury Department, Washington, D. C., since January 1, 1946.

LL.B. '41—Francis X. Reilly Jr., Lieut. Comdr. USNR, formerly on duty in the Office of the General Counsel, Navy Department, has been released from active duty. He is now associated with Vaughn, Esty, Clark & Crotty in Worcester, Mass.

LL.B. '41—William C. Schmeisser Jr. is working with the firm of Curtis, Mallet-Prevost, Colt & Mosle in New York City.

The \$15,000 which the Harvard Food Relief Committee hopes to raise will be sufficient to make a real contribution rather than the token gift which has already been made. Every resident of a college dormitory will be solicited in person, and those living at home will be solicited by mail. The Committee points out that a \$5.00 contribution will provide one fellow-student in one of the four places named above the following amounts of food: 5 lbs. Crisco (concentrated and inexpensive form of fat); 2 lbs. powdered milk; 4 lbs. dried prunes (sugar in an unadulterated form); 2 lbs. coffee; 3 lbs. corned beef hash; 2 cans sardines; 1.46 oz. can orange juice.

Every Harvard student will be given the opportunity to designate which of the four groups he wishes to receive his food; the committee has arranged to keep careful track of these requests and to honor them.

CLOAK AND DAGGER

The apparent maturity of American diplomacy and participation in foreign affairs has become another myth, suddenly exposed by a series of paradoxically front page but none-the-less obscure events. The pattern is most easily traced by reference to the national diplomatic position immediately after World War I and following it through the recent conflict, which in retrospect makes the intervening peacetime years seem like a lengthening of November 11, 1918. Our diplomatic and military intelligence was not what it was cracked up to be.

Immediately after the cessation of hostilities in the period of the first peace pact negotiations, it was recognized that we must keep tabs on the inside doings and derring doings of the great powers. The E. Phillips Oppenheim cloak and dagger method was of significant appeal. That method, long used in the Concert of Europe, was dabbled in by the United States but, except for times of war, was never wholeheartedly adopted. One of the chief aims of the clandestine and, by American standards, revolting practice was the interception of military and diplomatic messages of other powers. This meant "cracking" the codes, thereby making it possible to learn much of the secret business various nations have with their embassies and legations. The value of this information is obviously inestimable.

To the surprise of many, the United States maintained a special secret bureau to do that very work during the 1920's. Its value was proved time and again and served to make our State Department one of the best informed agencies on inside diplomatic affairs. The man who ran the bureau, often referred to as the "American Black Chamber," claims to have broken the Japanese diplomatic code and obtained information which enabled the United States and Great Britain to impose the famous 5:5:3 naval ratio on Japan at the Washington Naval Conference. The nature of the subject precludes official affirmation or denial but the sequence of events at the time gives considerable credence to the claim. How reminiscent is that code cracking event with the one preceding Pearl Harbor. In the one case it was used to stop Japan cold and in the other it remained just information.

Yet, in 1929, when we rode the crest of the wave of a new era of good feeling, it was decided that such a secret diplomatic bureau was not in keeping with our American Way of Life—or Diplomacy. The "Black Chamber" was dissolved. We resumed our childlike belief that everyone would follow the League of Nations. Our military and naval departments kept small sections to analyze some foreign military codes and ciphers—and for that we here praise the deities—but the large scale coverage which would have been of immeasurable value was dispensed with. Our military and naval attaches were supposed to supply us with foreign military and naval information. Our foreign intelligence program was reduced to comic opera proportions. Even when information of value was dispatched it was, more often than not, pigeon-holed since the domestic staffs we maintained were generally too small to cope with it.

Though in general a fiasco, the Pearl Harbor investigation revealed that intercepts of Japanese code messages were piled up and delayed in decoding—even after we had "cracked" the Japanese code and had merely to solve by a straight dictionary definition method—because of the inadequate staffs. The blame is not on the Navy or Army but on the lack of foresight in the Congress who controls the appropriation.

LAW WIVES (continued)

directors from the membership at large, two to be elected each term.

The membership fee for the Law Wives is one dollar per term, due within the first six weeks after the beginning of each new term. Meetings are held on alternate Tuesday afternoons at 3:00 p.m. and Wednesday evenings at 8:00 p.m. Two regular meetings of the Executive Board will be held each term with special meetings to be called by the president.

JEAN OLSEN
Law Wives Correspondent

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for them. The tenor of the already decoded messages showed the necessity for speeding up the process but the armed forces were powerless to act. Our general policy had been to decry this "underhanded" method of gathering information. Why, it was nothing but "downright spying!" Never mind that England had its well established Signal Intelligence Service; that was *their* way. In peacetime we didn't do such things.

In typical American fashion, after the declaration of war in 1941, we expanded our intelligence services to the opposite extreme. Recent publication of the OSS shows ample evidence of just one chapter in the drama. The end result was that flushed with success and with a full realization of the need for keeping our diplomatic and military agencies well-informed the Government acted. The terror of the atomic bomb, probably at the heart of the situation, was a secret we possessed and for the time being had to keep. More important, it was necessary for us to know whether it was a kept secret or not.

As a result, the OSS was liquidated and in keeping with our American subordination of the military to the civil, a State Department information service was set up which was in effect a combination of the "cloak and dagger boys," the "black chamber" and a general "spy" coordinating center. An experienced military intelligence chief was placed in charge and we determined to drop our naive approach once and for all and play the game according to the rules, which meant no rules at all. The general satisfaction throughout the State Department was never boisterously announced but there is little doubt that it was there. Our success during the war showed that we would at least continue to have every possible means of military and diplomatic information.

But as a nation we are as fickle as a woman. As important as this was to our national safety and well being, both immediate and future, as much as we recognized that every major and practically every minor power used such methods we once more backed out. We profess world cooperation, this time we joined the world organization; but we emasculated one of the chief means at our disposal to enable us to cooperate on an equal basis. We denied to our government services what we demand for our personal selves—information!

Congress has cut the appropriation for the State Department to the point where this information bureau will have to fold up. The experienced intelligence chief who had charge of coordinating the bureau has resigned. Once more we are to suffer the torment of the international scene appearing in the glass darkly if at all.

The subject itself is of such significance it is kept under wraps. Its intimate details may not be revealed and as a result the public has little or no information from which to judge its relative, much less ultimate importance.

Muckraking columnists and commentators seem fully familiar with the situation but evidently are blind in their usual lack of news proportion or are under pressure to keep silent. The news that the State Department's source of accurate inside information will be destroyed draws little or no comment. How the situation may be remedied is the immediate difficult problem. Perhaps another Pearl Harbor will be our enlightenment.

S. S. E.

LIBRARY CATALOG IS PROBLEM TO MAINTAIN Thousands Of Volumes Are Recorded To Set Up Efficient Research System

One of the major problems of the Langdell Library which the average library user never sees is the maintenance of the tremendous cataloguing system necessary to efficient recording of the thousands of volumes, pointed out by Mr. A. H. Pulling, Director of the Law Library. Over 23 thousand volumes were catalogued this year requiring the preparation and proper filing of some 130 thousand cards.

The unit of cataloguing system is the file cards containing a complete record of each individual book listing, author, title, summary of contents, publishing date, number of pages, and the like. Cards are filed on each volume in author, subject, and title files. Each volume requires some three to ten cards depending upon the number of subjects under which it must be recorded.

Many books are temporarily catalogued, a system which holds them in an interim status until additional information is acquired, final cataloguing completed, or in cases of some volumes for which there is a standard Library of Congress filing card, until these specially prepared printed cards are obtained. The effort is always made to follow the file of the Library of Congress where possible.

Binding of books is an important item in the budget of the Law Library and in the past year over thirteen thousand volumes were bound. Major binding work is periodicals, and a considerable portion is the binding of foreign volumes, most of which are published in paper covers.

For the information of its readers, *The Record* will from time to time publish a list of the new books added to the Harvard Law School library. New books received as of July 1, 1946 are:

Burby, William E., "Law Refresher"; Clevenger, Joseph R., "Annulment of Marriage"; "I Did Penal Servitude," preface by Faclair, Scan O.; "Hine's Insurance Counsel"; "Law Notes—Selected Articles," published by Law Notes Publishing Offices.

Leonard, Larry L., "International Regulation of Fisheries"; Hawley, Gesner G., "Atomic Energy in War and Peace"; Hutt, William H., "Plan for Reconstruction"; de Huzzard, George B., "New Perspectives on Peace"; and Teague, H. F. J., "Real Property in a Nutshell."

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STUDENT VICTIM (continued)

my class there are both whites and Negroes."

"Then you're no better'n they are," the father retorted, adding some abusive language.

"He's just as good as you are," A declared rising to his sister's defence, "and he's just as good as I am. The fact that he isn't educated makes no difference!"

The trap was baited. Each of the men stuck his face close to A's in turn, and blew out, "You're a ————!"

The youngest disappeared and returned promptly with a rifle which he levelled straight at A. His sister screamed.

"He's just bluffing," A tried to reassure her. "He won't shoot."

"He won't eh?" It was the grandfather again.

"He'd just as soon shoot as look at you!"

"That was the last thing that any of the men said, or A heard them say, for the next instant a club landed upon his head. Again the old man.

Something must have warned A not to do anything but take it. He took it. He took it so badly that he will carry the scars of that afternoon for the rest of his life. He took it so badly that his uniform, from visor-cap to shoes were soaked with blood. He took it so badly that his wounds took 6 months to heal. He took it so badly that the doctors later declared it a miracle that he was able to take so much and retain consciousness. He took it all because he defended a colored boy against a rifle, a club and three Cro-Magnon monsters.

A remembers that he was able to get into the car at one moment only to find his sister wrestling with the boy who had the gun. He got out and the blows started again, while the father heaved rocks at him.

He remembers that at one time he yelled, "Aren't you satisfied?"

Urged by the Captain of the Beaufort station to prosecute the thugs, A and the station legal officer went to see the District Attorney at Bishopville. "You were smart not to raise a hand against the old man," the D. A. drawled. "One move from you and the boy would have killed you!"

It appeared that the gas-station family had killed and beaten others before, but the "law" hadn't ever bothered them. "Prosecuting them won't get you far," the D. A. advised, "what with a home-town jury and a new judge who's anxious to please folks."

"Besides, your case would most likely come right after a nigger who's being tried for rape. He should be sent to a sanity trial downstate, but sentiment around here is to keep him and try him first, so that's what we're doing. The town's mad and anything can happen. You wouldn't want your case to come along right after that, would you?" I think that you had better forget about the whole thing."

Forget about the whole thing . . . Yes.

DIMMITT (continued)

graduate, but also most of the men who are two terms away from commencement. The latter group has been advised to utilize the last vacation between terms to canvass law firms. Of the seventy-six candidates for degrees this coming October, about twenty of them already have been definitely placed in jobs and many others are on the verge of deciding upon one of several offers.

Among this year's prospective graduates, the trend seems to be for most of them to return to their home areas to practice. According to Mr. Dimmitt, the School has always advised men to decide first where they wish to live, and then seek positions in that locality. Sometimes, of course, the type of work which a student is interested in doing will force him to a particular city. But whatever a man's problems are with regard to placement, and regardless of what term he is in, Mr. Dimmitt wants every student to know that he may call upon the Secretary's Office for advice, guidance and assistance.

AMES RESULTS (continued)

Webster Club; Logan and Hennessey v. Romanow and Atkinson; 129½ to 121½. Dodd Club; Duncan and Madden v. Spaeth and Brown; 133 to 135. Cardozo Club; Sacks and Weinstein v. Mishkin and Brownstein; 136 to 130. Parsons Club; Goldschlager and Goldschlager v. Hoban and Marmorstein; 67½ to 66. Dodd Club; Anderson and Davis v. Alexander

and Shreber; 130 to 135. Warren Club; O'Connell v. Johnston and Browell; 139 to 131. Griswold Club; McGrath and McMahon v. Stone and Weil; 132 to 132. Tancy Club; Cunningham and Welch v. Franklin and Couture; 137 to 127. Holmes Club; Bartlett and Homans v. Choate and Johnson; 137 to 140. Stone Club; White v. Brown; 136 to 140. Cox Club; Hess and Lord v. Axelrad and Mims; 137 to 142. Langdell Club; Richfield and Butler v. Mintz and Fenderson; 130 to 135. Fuller Club; L. S. Munson v. Default; 132. Casner Club; McComb and Madden v. Kimmel and Bledsoe; 132 to 135. Braucher Club; Rogers and Bouvier v. Bevins and Seddon; 131 to 133. Pound Club; Rothman and Myerson v. Bronston and Shames; 125 to 135. Stone Club; White v. Brown; 136 to 140.

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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

Class Change

Prof. Howe's class in American Legal History, scheduled for Thursday, Aug. 22, will be held instead on Monday, Aug. 26 from 3-5 p.m., in SR 4.

Torts Review

Prof. Cox's second term, section 3 torts class will have a review Wednesday, Aug. 21 at 2:15 in LNM.

Law Wives

Informal dance, Saturday, Aug. 17, 8 p.m. at Kendall House. Donations of 50c per couple will be asked.

Regular meeting Tuesday, Aug. 20, 3 p.m. at Kendall House. Robert K. Shellaby of the *Christian Science Monitor* will speak on Pan-American Relations.

Clinic

Men ordered to report for physical examinations at Austin Hall clinic between Aug. 19 and Aug. 23 must bring notices of appointment with them.

Scholarships

Scholarship application forms are available now at the receptionist's desk.

UNIVERSITY WORLD

Lecture

Harvard-Radcliffe Chapter, Inter-Collegiate Zionist Federation of America, meets Friday, August 16, 8:15 p.m., at Phillips Brooks House. Louis Fieser, professor of organic chemistry, will speak on Palestine which he recently visited on a scientific mission. Everybody is welcome to attend this meeting.

Phillips Brooks House Summer Program, Sunday, August 18, 7:30 p.m., Professor Lewis Ridenour, University of Pennsylvania, will speak on "Atomic Energy and the Future."

Outing

Harvard Outing Club. Bike trip to the Cape, weekend of August 17. Details announced as of our deadline; see bulletin board at Sever Hall.

Harvard Wives

Trip to Provincetown, Sunday, August 18. Meet 9 a.m. at Foster Wharf, Atlantic Avenue. Bring your own picnic meals. Tickets, \$3.00 per person.

Tea and Lecture, Wednesday, August 21, 4 to 7 p.m., at Cambridge Y.W.C.A. Admission, 25c. R.S.V.P. two days before each event—Kirkland 1102 or Mrs. Erwin A. Sittig, 7 Temple Street, Cambridge 39.

Museums

Fogg Museum of Art. Exhibiting a series of photographs prepared by the editors of *Life*, to illustrate "Fine Arts under Fire." August 17 is your last day to see this exhibit.

Dancing

Square Dancing, Wednesday, August 14 and August 21, 8 to 11 p.m., at Lesley College Auditorium, Everett and Oxford Streets. Jack Powelson calls the shots.

Folk Dancing, Friday, August 16, 8:15 to 11:15 p.m., in Congregational Church, Garden and Mason Streets, Cambridge. Special instruction to beginners from 7:45 to 8:15. Refreshments, folk songs, and demonstrations by nationalistic groups.

Student Dance, Friday, August 16 8 to 12 p.m., at Trinity Church, Copley Square. Free to all students.

V-J. Day Rally

AVC, Harvard Chapter, Sanders Theatre, 8 p.m., Wednesday, August 14. Panel discussion "Are We Winning the Peace?" Seavey, Howe and others to speak.

OUTER WORLD

Plays

Cambridge Summer Theatre, Brattle Street. Libby Holman in a pre-Broadway try-out of the musical, "The Best of Friends," through August 17. James Dunn and Julie Haydon in "The Time of Your Life," August 19 through August 24. Boston Summer Theatre, New England Mutual Hall (air-conditioned), Clarendon Street, near Copley Square. James Dunn and Julie Haydon in William Saroyan's "The Time of Your Life," through August 17. Mary Boland in "Meet the Wife," August 19 through August 24.

Museums

Boston Museum of Fine Arts. Exhibition of original drawings by two Boston cartoonists, Frank Dahl and Gluyas Williams.

Boston Public Library, Dartmouth Street at Copley Square. Current exhibitions of etchings, coins, art and from the field of industry. Open daily including Sundays.

Baseball

August 16, 17, 19 (doubleheader), the Red Sox take on the Yankees; then play the Browns, August 20, 21.

Movies

University Theatre. "Cluny Brown," and "Western Approaches," from August 14 through August 17. Claudette Colbert in "Without Reservations," and "The Falcon's Alibi," from August 18 through August 21.

BAR ASSOCIATION PLANS STUDY OF PROFESSION

Proposal To Review Economic Status Of Lawyers Awaits Final Approval

A thorough going study of the profession of law will be conducted by the American Bar Association if a recommendation approved by the House of Delegates becomes effective. The study will cover the present standards of admission to the bar, the numbers of men seeking admission annually as compared to the opportunities in the field, the financial remuneration that may be expected, and the like, with a view to achieving an over-all picture for the benefit of those men planning a career in law, and of the law schools in the further development of curricula.

ARMY INJUSTICE

This article is intended to present some personal observations of Court-martial procedure at an Army Air Base in the European Theatre of Operations over a period of approximately one year, from May 1944 through June 1945. Because it is written from memory, there may be some errors in exact details.

On paper the system of military justice looks good. It requires careful consideration of the evidence before charges are filed, investigation by an impartial officer, and a trial before an impartial board of officers at which the accused may be represented by counsel of his own choice or that provided for him. In practice, however, the system is often unfair.

The Commanding Officer of the Air Base, a Colonel, was appointing authority for both Summary and Special Courts-Martial. The Summary Court consisted of one Officer who was empowered to impose a maximum sentence of one month imprisonment and forfeiture of two-thirds of one month's pay on enlisted men. The Special Court consisted of three or more Officers, a Trial Judge Advocate and assistant and a Defense Counsel and assistant. It was empowered to impose a maximum sentence of six months imprisonment, forfeiture of two-thirds pay for six months and reduction to the grade of private.

The Commanding General of the Air Division, which consisted of about fifteen Air Bases, was appointing authority of the General Court-Martial. It consisted of five or more Officers, including one who acted as law member and ruled on points of law and admissibility of evidence, a Trial Judge Advocate and assistant and a Defense Counsel and assistant. This Court was empowered to impose any sentence including death.

It was required that before a case could be tried by a General Court it must have been investigated by an impartial Investigating Officer. This was not required for a Special Court but was usually provided.

Defendant was not entitled to counsel until the case had been investigated and charges served on him. Thereafter, Defendant could choose any counsel he wished, civilian or military, or elect to be defended by the regularly appointed defense counsel. In all cases, sentences were reviewed by the appointing authority who could reduce, but not increase, any sentence.

The Articles of War contain both the substantive and procedural law. The Manual for Courts-Martial amplifies and explains procedure and also contains a Table of Maximum Punishments covering all types of offenses.

One apparent defect of the system is the failure to provide the accused with counsel as soon as he is brought in and before preliminary investigation begins. He is presumed to know his rights but seldom does. Most men were first offenders and badly frightened. In an atmosphere heavily charged with military authority the accused was questioned by Military Police. While physical coercion was rarely used, the threat was there. The accused might be informed that he had a right not to incriminate himself, but he was urged to make a statement on the promise that his sentence would be lighter if he did. The statement was written by the questioner and often so worded as to be most damaging to the accused, who then signed it. At the trial that questioner would swear that the statement was taken down word for word and that no coercion, threats or promises had been made. In at least seventy percent of the cases observed the accused could not have been convicted had he had proper advice and declined to make a statement.

After the Military Police had turned in all the evidence, it was up to the Investigating Officer to seek out the truth of the matter. The job required a great deal of skill in questioning of witnesses, in judging the value of testimony and in reporting to the Appointing Authority in such fashion as to give him a comprehensive picture of the entire case on which to base his decision as to further action to be taken.

Seldom was a competent Investigating Officer chosen. This duty was placed on the Duty Roster along with Officer of the Day, Liberty Run Officer and other routine duties. The civilian occupations of some of the officers who performed this important duty at least once were: college sophomore, high school science teacher, clerk in a state highway department office.

Too often the preparation for the investigation consisted of a twenty minute study of the Manual for Courts-Martial. Next came interviews with the accused and witnesses. Finally the Base Legal Officer was consulted as to recommendations in similar cases and these were usually followed in the report. Independence was not favored and pressure was sometimes applied to make the recommendations conform to what headquarters considered necessary.

The record then went to the Commanding Officer of the Base. If he decided that there would be a Summary or Special Court Martial the records were kept on the Base and the trial was held there. If he thought a General Court-Martial necessary the records were forwarded to the Air Division Judge Advocate. If a trial was considered warranted, it was so ordered by the Commanding General.

Members of the Special Court were usually chosen because of their availability rather than for their qualifications. The President of the court, during the period under observation, was a major who was known to be close to the Commanding Officer. He completely dominated the rest of the members.

The Trial Judge Advocate was in every case a man who had been a practicing attorney in civilian life. He was usually the Legal Officer on the staff of the Commanding Officer. While the accused could designate any counsel he chose, he usually did not know of any, so that

the defense was conducted by the regularly appointed defense counsel. As an example of the quality of the defense, following were the civilian occupations of defense counsel and assistants during the period covered: bank teller, science teacher, automobile salesman, office clerk, filing clerk, law student and a law clerk from a large New York law office.

Obviously, defense counsel were under a tremendous personal handicap as to legal knowledge and experience and a general handicap due to the attitude of the court. Despite instructions to the contrary, the members persisted in the attitude that the accused was guilty or he would never have come before the court. Often the best counsel could do was to make a deal with the Judge Advocate to plead guilty in exchange for a promise to go easy in the case. Usually the maximum sentence was imposed.

General Court-Martial procedure was similar to that of the Special Court in most respects. There the most important was the Law Member who ruled on points of law and admissibility and sufficiency of evidence. His rulings were final. The Manual for Courts-Martial Sec. 4e provides that:

The authority appointing a general court-martial shall detail as one of the members thereof a law member, who shall be an officer of the Judge Advocate General's Dept., except that when an officer of that department is not available for the purpose the appointing authority shall detail instead an officer of some other branch of the service selected by the appointing authority as specially qualified to perform the duties of Law Member.

The pre-war occupations of the Law Members of the General Court during the period covered were: a regular army master sergeant without any legal experience; a 22 year old former music student; a salesman; a practicing attorney. The last held the position for about two months.

The first two men were chosen from a Base where there were at least ten qualified attorneys, including a former municipal judge from an eastern city. In the six Bases covered by this court it is safe to say that there were at least sixty men with legal educations, of whom probably more than thirty had been practicing attorneys in civilian life.

Appointed defense counsel and assistants were on a par with the Law Members. These included a former junior accountant, a law student with one year legal education and an officer whose legal education was gained through attendance at the movies. There was a standing joke in the court to the effect that the best way to be relieved of the duty of defense counsel was to win a few cases. The Trial Judge Advocate, as in the Special Courts-Martial, was invariably a man who had been a practicing attorney in civilian life.

The Appointing Authority could not raise the sentence imposed by the General Court. But he could, and several times did, severely reprimand the Court for its leniency, which did not improve the Court's attitude toward the next defendant to come before it.

The military organizations covered in this report were located in Eastern England. Within the same area were perhaps 200,000 English civilians. It was not really a combat zone, the only enemy activity being infrequent night air action. Duty on the Bases compared favorably in most respects with duty in the United States, yet sentences imposed were much more severe. An M.P. was court martialed for falling asleep on his post where he guarded the entrance to a bomb dump which had four other entrances, all unguarded. He was placed on duty in a tiny enclosed hut barely large enough to hold him and a coal stove. His tour was from midnight to 6:00 A.M. He was sentenced to dishonorable discharge, forfeiture of all pay and one year at hard labor. In essentially similar circumstances, a guard was sentenced to three years imprisonment at hard labor.

A man who, in the words of a witness, "was drunker than any man I've ever seen in twenty-five years as a pub keeper" was sentenced to dishonorable discharge, forfeiture of all pay and one year imprisonment for cutting a man who had knocked him down.

A mess sergeant was sentenced to dishonorable discharge, forfeiture of all pay and five years imprisonment for having thrown away \$1500 worth of food, some of it spoiled. He had never had any training for his job and testified that he thought he was doing what a good mess-sergeant should. There was no evidence that he had ever gained any personal advantage from what he had done.

Two men were each sentenced to dishonorable discharge, forfeiture of all pay and thirty years imprisonment in a federal penitentiary for assaulting and robbing three other soldiers.

There was little consistency in sentences, both within the same court and between different courts of the same grade. One month the Special Court under observation sentenced a man to six months imprisonment for overstaying his pass eight days. A few months later it sentenced three men to six months imprisonment for overstaying their passes from two to four days.

A short time after the mess-sergeant mentioned above was sentenced to five years imprisonment, a combat gunner was court martialed in a different court. He had been instructed many times not to charge his gun while on the ground. He violated these instructions and his gun accidentally fired into a loaded bomber which caught fire. The bombs exploded destroying six other bombers and endangering a bomb dump containing three thousand tons of bombs. Total damage was estimated at two million dollars. The gunner was demoted and restricted to the Base for thirty days.

Probably the unfair feature was the discrepancy in the treatment accorded officers and

that given enlisted men. An officer was seldom tried unless his offense was so bad that it could not be covered up. This was especially true of absences without leave. Investigating officers tended to emphasize the more favorable evidence and forget about the other kind. The Commanding Officer tended to impose light fines and a reprimand rather than to recommend trial. A good illustration of this is the case of the mess-sergeant mentioned above. The Mess Officer who was his immediate superior and whose duties included inspection supervision and actual physical checking of rations, was given a reprimand and \$100 fine.

Even when tried, the tendency was to give officers lighter sentences for similar offenses. An illustration of this tendency is a pair of cases which came up in different courts at about the same time. A technical sergeant, engineer-gunner, with about twenty-five missions to his credit overstayed his pass eight days. His combat record was superior, and it was his first offense. He was sentenced to be demoted to private, removed from flying status, fined two-thirds of his pay for six months and imprisonment at hard labor for six months. It is estimated that the total cost to him was \$1000, plus a continuing loss of \$130 per month during his remaining service due to loss of grade and flying pay. At the same time, in another division, a First Lieutenant was tried for being absent without leave for three days, his third offense of this type. He was fined one hundred dollars per month for six months and reprimanded.

Detailed recommendations for changes in the system of military justice can only be made by qualified experts after long study. A few of the more obvious changes which occur to the writer can be noted here.

1. The accused should be permitted the services of a qualified attorney as soon as arrested and before interrogation.

2. The Investigating Officer should be appointed from officers not within the command of the same Commanding Officer as the accused. They should be required to be thoroughly experienced in this type of work.

3. A permanent court should be appointed to travel from base to base hearing cases. The law member should have been a practicing attorney in civilian life.

4. Defense counsel should be required to have had legal training and experience as practicing attorneys. They should be attached to some command other than that of the appointing authority of the particular court.

5. A special legal branch of the Inspector General's Department should be established. This should, in war time, be composed of outstanding men from the law schools and the Bar. Their jobs would be to make unannounced inspections and reports of abuses. To make their work effective, commanders should be required to take action to rectify errors and remove incompetent officers.

6. Finally, much greater effort should be spent on teaching military law when training officers. It should be emphasized to them that a court-martial is not a substitute for leadership nor an effective means of enforcing discipline. It should be emphasized to commanders that no man has a right to condemn another man before he has had a fair trial, and that to apply pressure on the court to conform to the commander's notion of punishment is to defeat the very purpose for which the system of military justice was set up.

In any case, the entire system of military law is due for a complete overhaul. A very small segment of the Army has been covered, yet it is apparent that injustice has been done. From other current reports it is also apparent that there have been malfunctions of justice in other sections of the Army. Tolerance of a system of law which has within itself such possibility of injustice is hardly fitting for a country whose flag, we are told, stands for "one nation, indivisible, with liberty and justice for all."

Harvey Karlin, 3rd Term

CHANCERY CLUB HOLDS FIRST POST-WAR DANCE

Large Gathering Of Faculty And Students Revel At Continental

After a five year interval, the Chancery Club held its first dance at the Hotel Continental last Saturday night, music being provided by Bob Norris's orchestra. The dance was a nine to twelve affair attended by forty-odd members of the club, their wives, Professor A. James Casner and Mrs. Casner, Professor William E. McCurdy and Mrs. McCurdy, Professor David F. Cavers and Mrs. Cavers. Also present were Professors Archibald Cox, Lon L. Fuller, Merton L. Ferson, and Robert Broucher.

According to Frederick Adams, '46, Chancery Club President, the dance was a successful reminder of the pre-war social glory of the old Chancery Club, which was once the vehicle for the Law School's gayest collective social activities.

"The Club was hard hit by the war," said Adams. "We lost our house to Sargeant School, and we couldn't find another, although we had a line on one at one time this Spring before a real estate agent got the same line. We tried daily luncheons at the Cock Horse Inn with only fair success. Currently we eat together once a week at the Hotel Continental and it was not until this party that we have really revived."

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RESEARCH (continued)

food habits, consumer habits, spending and saving, radio and communications, national psychology, personnel selection, rumor control, race tensions, etc.

The Committee would fill its fundamental purpose when it makes its findings known to the public, to the nation's leaders, and to its future leaders. This it must do as rapidly and steadily as possible, carefully avoiding the propagation of half-digested or undependable social knowledge. Funds might most logically be obtained from a Congressional appropriation, though contributions by philanthropic and research foundations should be accepted as well.

Government officials, unions, factories, churches, farm bureaus, consumer organizations, veterans' groups, and educators could submit problems to the Committee through their group representatives. The Committee would then consider the proposed projects, select those of widest concern, and assign them to the proper research and experimentation agencies.

The Committee as such would have no power (other than the assignment of projects and funds to its researchers and the publication of their findings). However, it seems desirable to steer away from having a committee of public spirited but powerless individuals offering unwanted advice to uninterested administrators. That is why it is suggested that the Committee members be actual organization heads who so far as possible have the executive power to put new solutions into effect in their own organizations if they so desire.

To summarize:

1. The Committee will enable human science to overtake and ultimately control the soulless instruments of physical destruction to which the 20th Century has given birth.

2. The Committee will prove to the world that a democracy can solve its problems without resorting to regimentation. It will show that

free men can courageously and efficiently obtain security and happiness without taking refuge in arbitrary, State-imposed solutions.

3. America's leadership for peace in world affairs depends primarily on national unity, which can be strengthened immeasurably by a Committee facilitating the realization of common national goals and ways of achieving them.

4. Not only would the Committee's program aid our powerful military and political leadership toward peace, but it would provide a free and invigorating atmosphere for human progress in the cultural and spiritual fields.

5. The Committee's work would recapture the spirit of the American town meeting. Communities which participated in the experiments and projects would be taking a personal part in the progress of knowledge and in the control of their own destinies.

6. The need for an undertaking such as the Committee on Human Research & Development has penetrated to the humblest citizen. Now is the time to encourage his interest and request his cooperation.

Readers interested may write to John Munda, Yale Law School, New Haven, Conn., or to C. Joseph Clawson, 508 North D Street, Madera, Calif. Clawson, formerly Vice-Consul in Peru, was graduated from Harvard College in 1941 and is now doing graduate study in Economics at the University of Southern California.

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