

The Harvard Law School Record

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COMMITTEE TO STUDY LIBRARY

Bowie Named Head Of Faculty-Student Investigators

By telegram from Springfield last Friday Dean Griswold ordered investigation of the library by a faculty-student commission.

Faculty members, appointed by Dean Griswold, are Mr. Bowie, who will act as chairman, Mr. Maguire who has been faculty supervisor of the library for some years, and Mr. Freund.

The student members, appointed at Dean Griswold's order by Charles G. Sweet, President of the Record, are Willis J. Trafton (Yale '40) of Auburn, Maine, Richard L. Hirschberg (Oberlin '40) of Merrill, New York, and Samuel M. Fahr (Harvard '40) of Minneapolis, Minnesota.

The telegram called for the commission to have reference to last week's Record editorial, which requested such investigation, and directed that the librarian, Mr. Arthur Pulling, be informed of the situation.

Willis Trafton, student subcommittee chairman, made this announcement Monday afternoon:

"The Committee for Library Investigation requests that any student complaints or suggestions for improved service be submitted in writing and deposited for the committee's attention at the desk in the Root Room. These must be signed, but names will be withheld at the request of the writer. We are not so much interested in charges as in the variety and scope of complaint. The committee is considering holding open hearings at a later date."

The editorial suggested that the student members of the investigation body be men of adequate educational background and administrative experience. Fahr, a former commanding officer in the submarine service, ended the war as Lieutenant Commander with 2 Silver Stars and other lesser decorations. He is a member of the Harvard Legal Aid. Hirschberg, a former member of the Law Review, is now writing articles for the Encyclopedia Americana on legal subjects. He was executive officer of an LST during the war, and rose through enlisted ranks to full Lieutenant. Trafton, a former tank commander with the 3rd Division, holds the Croix de Guerre and Bronze Star. He is acting as chairman of the student subcommittee. All three are members of the Lincoln's Inn Society.

Function of Soviet Law Reported: Represses Enemies, Builds Society

John Hazard '34 studied in Russia for three years and received a law degree from the Moscow Law Institute. He is now Professor of Law at the newly formed Russian Institute at Columbia University. This is the first half of a speech delivered by Professor Hazard under the auspices of the Harvard Law School Forum on November 19, 1946.

It is a pleasure to return to my alma mater to discuss the subject with which I have spent most of my time since graduation. When I was in Law School, no one would have dreamed that there was reason to consider Soviet law as more than a curiosity. Times have changed. Not only is Soviet law a matter of concern in its technical details; it is a matter of concern as an element to be studied in following and evaluating events in the country of major concern to the United States in formulating the peace. The Nuremberg and Tokyo war crimes trials brought American and Soviet prosecutors and judges together in a common effort for the first time. There is reason to believe that the relationship of bench and bar in the United States and the Soviet Union will not end with Nuremberg and Tokyo.

Let us start with what the Soviet jurists believe to be the function of law in their society. American lawyers often leave the study of jurisprudence to the end of their legal education, and even then it is considered as an optional subject. The reverse is true of Soviet law schools. Every student begins with jurisprudence so that he may know where he is going. Foreigners will do well to start at the same point. There is ample authority for such an approach in the words of our own Dean Pound. In speaking of the value to be gained from studying the theory of law in various societies, he said, "Accordingly, analysis of these theories is one way of getting at the ends for which men have been striving through the legal orders."

With the aim of "getting at" the objectives of Soviet policy, let us start with the Soviet conception of the function of law in Soviet society. Soviet jurists, administrators and the educated public have a fixed idea. It is rooted in the Communist Manifesto of 1848. This basic Marxist document has only one sentence about law, but this one sentence is this: "Your jurisprudence is but the will of your class made into law for all, a will whose essential character and direction are determined by the economic conditions of existence of your class."

This statement is not just given to the students in the law schools and elsewhere in the Soviet Union to memorize. Soviet political theory is not presented as a catechism which must be memorized and repeated to one and all. It must be known. It must be understood. It must be supported in the student's

mind by the detail which makes it appear to be the essential truth. This support is provided in a vast amount of historical facts from which the Soviet conclusion seems to be the only logical one.

The multitudinous detail offered by Soviet schools relates to the basic thesis. Teachers probe the ancient laws and examine the Code of Hammurabi to find out what class features were included. Students learn about variations in penalties depending upon the wealth or social position of a member of the community, and the position of the person against whom the criminal act was committed. Students even dip into law of feudal societies to examine the nature of justices meted out by lords to their serfs. Since Marx did most of his work in the capitalistic epoch, he studied the law of our time. He was particularly impressed by his findings that law provided a formal equality, while violations occurred, especially with relationship to minority groups and also because of the high cost of litigation. The conclusion is drawn by the Soviet student from the mass of facts—and I have only touched on the barest details, as the course extends over the entire first year of the law school curriculum—the conclusion is drawn that the law of all nations prior to and since the Russian revolution has been a law created and administered in the interests of a class.

Soviet law is, therefore, class law. This means that it is used as an instrument of government in the interest of the class in power. Lenin put it very simply in three words when he said, "Law is Politics." He used the word "politics," of course in the European sense rather than in the sense for which it has become known in the United States.

Now the role of law is dual, and on this aspect, I think much has been overlooked by our Americans in studying the Soviet scene. We have been to see only that part of the Soviet legal system which reaches our newspaper headlines. That is the part which deals with the suppression of enemies. That part is, of course, extremely important, but there is another aspect, and to me an important one. It is the aspect of law which deals with the rules set up as a guide to the development of something new by Soviet economy and society. This is the aspect relating to guidance or leadership—leadership designed to bring Soviet society, including its economic base of socialism, and its accompanying political structure, to such a condition that observance of rules becomes a social obligation which will eventually require no enforcement.

Vyschinsky, who is now famous the world around for his work as Deputy Minister of Foreign Affairs of the USSR, happens also to be the most eminent Soviet jurist. He has stated

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Seated at the head table at the Friday night dinner of the Harvard Law School Forum are, from left to right, John Fischer, Professor Somerville, Jerome Rapoport, Richard Lauterbach, and Professor Karpovich.

HOWE TO EDIT HOMES DIARY

Civil War Writings Of Jurist Soon To Appear

"Touched With Fire, Civil War Letters and Diary of Oliver Wendell Holmes, Jr." is the title of a new book edited by Professor Mark De Wolfe Howe and scheduled to be published December first.

While pouring over a box of Justice Holmes' papers about a year ago, Professor Howe, editor of the "Holmes-Pollock Letters," came across a collection of letters written by Holmes to his family during his service in the Civil War and also a diary kept by him during the Wilderness campaign. Since it had been thought that all of Holmes' early papers had been destroyed, this was a significant discovery. The series of letters not being complete, Professor Howe believes it obvious that Holmes in his later years must have gone over them and destroyed the ones that no longer pleased him. Nevertheless, the remaining letters and the diary, which form the new book are of great interest, and "Touched With Fire" should be as distinguished and well received as the "Holmes-Pollock Letters."

The first letter of the collection was written in May, 1861, shortly after Holmes had withdrawn from Harvard College to enlist. The letters, addressed to his father, mother, or sister, often contain cartoons, and sketches of army life. Some of the letters were obviously written on the battlefield. The diary was written in a small notebook, much the size and shape of a checkbook. The writing is minute, often in pencil, and in such a cramped style that it is barely legible. The whole course of the Wilderness Campaign is traced in detailed, hand-drawn maps. Inserted in the diary are a few loose pages, and although of unknown date, they are probably from an earlier diary as they describe the battle of Ball's Bluff in which Holmes received the first of his three wounds. The last few letters explain how, worn out and shattered, he left the service before the end of the War. Although

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PROVOST AIRS NEW DORMITORY PLANS

Plans are now in the tentative stages for the construction of a new dormitory to house about one thousand students of the Law School and the Graduate School of Arts and Sciences according to a statement issued last week by University Provost Paul Buck.

The tentative site of the dormitory is the area north of Langdell, formerly occupied by the Jarvis Field tennis courts, and now the location of a temporary veterans housing development. The housing shortage, however, is not solved for any present members of the Law School since, although preliminary plans have been drawn, the Provost stated that the project is still at least four years away.

Spacious suites similar to those in the undergraduate houses are not to be expected. The plans mainly call for one-room units, with enough room for a bed, armchair, desk, closet, and a wash basin in each. There will be common showering and toilet facilities, and also in the building will be common rooms and other rooms suitable for holding seminars and housing various clubs and activities.

According to present plans, the new dormitory will face the open quadrangle in front of Langdell, with its rear to Everett Street.

U. S. POLICY DEBATED AT FORUM

Attitude Towards Soviet Union Topic Of Varied Analysis

To avoid a future war, America should apply to Russia the same standards she applies in judging Britain. A conflict between East and West will result unless we resist, diplomatically, Russian expansion, and prove to Russia that we will not go fascist. These were the alternative views expressed by the speakers at the second meeting of the Harvard Law School Forum last Friday night at New Lecture Hall.

Proponent of the first view was Dr. John Somerville, professor of philosophy at Hunter College, who said that the reasons for our present unsuccessful relations with Russia lie in the double standard which America uses in its relations with the other two great powers. He feels that we are giving the British free reign, while at the same time blocking Russia at every turn.

Dr. Somerville's solution is the abolition of the double standard in dealing with the Soviet Union. If we maintain equality and unity among the Big Three, there can be no war. Stressing the similarities between democracy and communism, Dr. Somerville stated that only in methods does America differ from Russia. And so, he says, united on the basic objectives of social, political and racial equality, we can abolish the double standard, achieve Big Three unity, and with it, peace.

John Fischer, an editor of Harper's and UNRRA observer in Russia, stated that Russia's actions are motivated by a fear that capitalism in America will lead in the next few years to a great depression which in turn will give a future fuhrer the opportunity to impose fascism on America. This combination of fascism and capitalism will result, according to Marxian theology, in a great conflict between the East and the West. No words of ours, according to Mr. Fischer, can change this attitude. We must keep our guard up, resist, diplomatically, Russian expansion, and ally Soviet fears by proving over the next few years that capitalism can work without wars and depressions. In a generation or so, with the ardor of the revolution cooled, the Russians may come to trust us and realize our sincerity, and thus the powers can go on to more permanent commitments in the cause of peace.

Michael Karpovich, professor of History at Harvard College, pointed out that never before have victors, allied during conflict, been faced at its close with the profound ideological split which lies beneath today's cleavage between East and West. This cleavage has resulted in the great divergence of methods, principles and objectives between the democracies and the Soviet Union. It has become the basis for the major disturbing factor in the present international situation, the dynamic,

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Thurberesque Man of Distinctions Forces Prof. Seavey's Abdication

(With a blush toward James Thurber)

George Priddy shuddered as he dragged himself wearily up the steps of Langdell South. The thoughts of encountering the babbling, jostling mob of students that was exploded out into the corridors between classes was frightening enough on an ordinary day, but today George felt that he would be entirely unable to fight his way through the wave of wild-eyed lawyers into the quieter brand of mayhem of Professor Seavey's torts class. He felt that he might easily be carried all the way back to Austin Hall by the surge of students.

Priddy had had a restless night. He had dreamed that he had taken part in a fantastic radio quiz show that slightly resembled the Truth or Consequences program. There had been a capacity studio audience and the master of ceremonies had looked strangely like Professor Seavey. The idea of the show was that this master of ceremonies was to ask legal questions and for each question Priddy answered

correctly he was to get one sheet of inter-leaving paper. For each question he failed to answer he was required to remove one article of clothing. After only ten questions, Priddy's nudity had matched his ignorance and the audience had guffawed its approval while the Seavey-looking person had stood looking on with a self-satisfied smile. Priddy had awakened in a cold sweat and had been unable to go back to sleep the entire night.

The door burst open and the first person out of Langdell was disguised in tortoise-rimmed glasses, a plaid jacket, white tennis shoes, and army trousers. Casting a disdainful glance at Priddy's steel-rimmed spectacles, blue serge suit, and neatly polished black shoes, he demanded:

"Got a cigarette, Mac?"

"Well," Priddy began, "I only have one left and I thought perhaps . . ."

"Thanks, Bub," the plaid jacket said as he grabbed the cigarette and hurried

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Federal Trade Commission Offers Young Lawyers Wide Experience and Good Advancement Prospect

The following summary of the activities of the Federal Trade Commission was submitted to the Record by the General Counsel of the Commission.

The Federal Trade Commission was created by an Act of Congress approved September 26, 1914. There are five commissioners appointed by the President and confirmed by the Senate for seven-year terms of office.

The Federal Trade Commission Act declares "unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce" to be illegal. It also prescribes the procedure to be followed by the Commission and grants it authority to prohibit such practices.

The Wheeler-Lea Amendment of 1938 added the words italicized above, with the result that proof that a practice is unfair to a competitor is no longer required. This amendment established the act as one for the protection of the public rather than for the protection of competitive enterprise.

The language of the act is very broad, and covers any sort of deceptive trick or scheme that the unscrupulous seller can devise. As a practical matter a very substantial part of the Commission's activity is based upon false advertising and the commodities involved are

legion. The false advertising of foods, drugs, and cosmetics is a very important phase of the Commission's work.

The Commission has authority to enforce compliance with Sections 3, 7, and 8 of the Clayton Act, and Section 2 thereof as amended by the Robinson-Patman Act. These sections cover matters of price discrimination, tying agreements, acquisition of stock in competitive corporations, and interlocking directorates.

The Commission also administers and enforces the Wool Products Labeling Act of 1939. This act requires a proper disclosure of the fiber content of any product which contains or is represented as containing wool. Any product as to which the required disclosure is not made is "misbranded," and the distribution in interstate commerce of misbranded products is declared by the Act to be an unfair method of competition, and an unfair and deceptive act or practice within the meaning of the Federal Trade Commission Act.

The Export Trade Act relates to associations engaged solely in export trade. It extends the provisions of the Federal Trade Commission Act to cover unfair methods of competition in export trade.

Public Law 489 of the 79th Congress, approved July 5, 1946, empowers the

Commission to apply for the cancellation of trademarks and "certification marks" under certain limited circumstances.

The Commission has also developed a Trade Practice Conference procedure for the voluntary formulation by individual industries of rules for the elimination of illegal trade practices and the promotion of fair practices.

Under these various acts the Commission's field of activity covers matters as far apart as a conspiracy to fix the price of some basic commodity and the misrepresentation of a face cream or the giving of a preferential price for sugar and the label on a baby's winter play suit.

The Commission's work requires the services of a substantial number of attorneys. The minimum professional requirement is graduation from a reputable law school and admission to the bar. All attorneys are classified by the Civil Service Commission as "professional" in grades from 1 to 8. The minimum and maximum salaries for these grades are as follows.

	Minimum	Maximum
P-1	\$ 2644.80	\$ 3397.20
P-2	3397.20	4149.60
P-3	4149.60	4902.00
P-4	4902.00	5905.20

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Application for entry as Second Class Matter at Boston, Massachusetts, is pending.

Editorials

At the time of graduation, along with his LL.B. each one of us will receive without cost a membership in the Harvard Law School Association. After two years, to continue membership, one must pay two dollars annually.

The money is used entirely for the benefit of the school, and since 4,000 members belong to the Association, over a period of time a helpful fund is accumulated. Other contributions are accepted.

The Association has paid for several of the portraits of members of the faculty, is currently active in equipping the Treasury Room, and has from time to time met the deficit on the Quinquennial Catalogue of the Harvard Law School. Members receive a copy of each edition of this useful volume.

Now the facilities of the Association are being used to spearhead the placement program, and Association members will largely be active on committees being set up throughout the country to facilitate getting jobs for graduates. The Association holds an annual luncheon at the A. B. A. meeting, which is the only nation-wide Harvard Law School gathering.

It goes without saying that every graduate should take an active interest and part in the Association, both for the professional contacts, and for the opportunity to be of service to the school. The almost life-long devotion of Reginald Heber Smith and Frank W. Grinnell to this law school, as manifested by their work in the Association, is an example of such service, and has been of immeasurable benefit to the law school community.

Most men leaving here, in planning a well rounded career, consider seriously some charitable or philanthropic activity. It is hard to conceive of a successful graduate who does not owe some part of his success to Harvard Law School. The Association devoted to the welfare of the school, should have a claim on the time, efforts, and perhaps in later years, even the pocketbooks of every one of us.

C. G. S.

Letters to the Editor

To the Editor of the Record,

Are there no Republicans in Harvard Law School? On the morn of this great victory for the American way of life and government, I find the majority of Law men evidencing outright grief or, at best, resigned disgust.

Law men should rejoice. America, alone among the nations has turned Right, away from the totalitarian road we were traveling. The evil philosophy of government we have repudiated is one which everywhere has reduced the once proud and fearless lawyer to a mere stooge of the prevailing government. Carried to its logical extreme in eastern Europe, we find the so-called "defense" attorneys assigned by the state actually arguing against their own clients and in support of the prosecution. Individual Democrats may oppose the trend, but their party has led us far along the road.

For we law students who desire to practice law as opposed to practicing bureaucracy, the Republican victory is our victory. Once again the American people have demonstrated their inherent ability to make the right choice at the right time.

ROBERT BRACKEN JR., 1st Term

To the Editor of the Record:

Dean Griswold's explanation of the delay in making grades known failed to make me smile as he had hoped it would. Quite the contrary. Tears as big as the Graf Zeppelin streamed down my cheeks as I read of the touching condition of *Law Review* members. But even more devastating to my normal aplomb was his piteous picture of the harassed, overworked, overwrought, underpaid professors struggling through a mass of bluebooks, papers, countless administrative problems, classes, meals, and Lord knows what else. I had just never thought of it in that way, but the imagery gripped me. I cursed myself for ever having thought a bad thought about these paragons. Each compelling phrase of the Dean's shook me with pitying paroxysms of grief and self-abasement. "How have the mighty fallen," I thought. Drudgery, hackwork, no home life, dyspepsia; are these the rewards of a supposedly lofty profession? No, it cannot be. It must not be.

I resolved to tell the faculty through your esteemed pages that they could hold their grades as long as they wished—nay, forever. I, for one, would not pester or provoke. I saw with Dean Griswold that students were thinking too much about the idle frivolity of marks. They would harry these overburdened Solons into their graves instead of their grades. A halt must be called to this shameless insistence. Millbank, Tweed & Hope will see it this way, so why shouldn't we?

Such a high resolve, so firmly taken, so magnanimously conceived (for I was slightly worried about two or three grades out of three), could not but make me think myself one of the best fellows.

But just when I had reached the heights, I plummeted to the depths. What should confront me on page two of your estimable publication but a letter from Charlie Davis. I suppose it was my emotional state, but I was again af-

fected to tears. "Here's poor old Charlie Davis," I said. "Got acid stomach or something over these beastly grades. Lord knows you wouldn't know it to look at him, but there it is. He's got it. Wonder if Griswold knows about this?" A great sob escaped me. I saw that there was less to Dean Griswold's brief than met the eye.

Well, you can see the dilemma that's posed. Here are these run-down professors fighting against overwhelming odds on one side, and Charlie bilious on the other. I said to myself, "My boy. It looks to me as though your mind were in that rare state called equilibrium. Leave it that way for a week or so; give it a good rest; and then come back and attack this problem anew. You'll have plenty of time. And why don't you drop over to Charlie's with some Pepto-Bismol?"

I did.

PUBLIS

To the Editor of the Record:

Recently I had occasion to read the Negotiable Bills of Lading sections of *Vold on Sales*, R 6 at the reading room desk. On nearly every page were ugly evidences of prior readers. Pens carrying green, red and blue ink had been applied liberally. Rarely have I used a volume in Langdell Hall's fine library without observing this evidence of juvenile thoughtlessness.

It seems reasonable that those who choose to reduce the value of the volumes in the library by underlining should be required to pay for their acts. Say five to ten dollars depending on the extent of the defacing per occasion. Moneys thus acquired could well be used for book replacement. . . .

THOMAS E. BENNETT, 4th Term

Off the Record

Recently, Professor Leach posted a notice calling for several volunteers of Third Year vintage to do a paper on "Loopholes in the Law of Fraud." Comes now our brother R. W. C. with his comment:

AH NOW BART, TAKE HEART
(Is there a 68 man in the house?)

Hast thou found a loophole hunter,
A determined lad to be your runner,
Some third-year man to be the scholar
Working for the unearned dollar?

Perchance a lad with loathsome morals,
To whom the Law means merely laurels
For seeing luscious loopholes gaping
Whilst lesser breeds just take a raping.

Will cross your threshold and inquire
With eyes of steel well rimmed with tortoise,
And learning what your program's port is,
Will search the cases; never tire.

Mayhap we'll read of him tomorrow,
And reading, feel a twinge of sorrow
As off to prison he is lugged.
Too late he learned the loophole's plugged.
R. W. C.

GRID-IRONY

The football experts tear their hair
Benumbed by upsets everywhere,
While salegirls in a downtown store
Correctly diagnose each score.

Never let it be said, however, that a Langdell lad made obeisance to the employees of Messrs. Filene, Stearns, et al. Legalistic logic, with an assist from mathematics, shall be our only equipment as we tackle the matter of selecting the winner of Saturday's Yale-Harvard game.

Those uninitiated into the rites of reasoning would be content to glance at the comparative scores the teams amassed in downing their four common foes. Harvard torpedoed Coast Guard 69-0, while Yale won 47-14. Yale's margin over Dartmouth was 33-2, while Harvard won 21-7. The Elis smacked Princeton 30-2, while the Crimson eked out a 13-12 win. Yale downed Brown 49-0, while Harvard notched a 28-0 triumph. The Bulldogs have scored a 141-point edge over these teams; over the same squads, the Cantabs have a 112-point bulge. Compare the comparative scores, and you see that Yale should triumph by 29 points.

After proceeding thus far, many a prognosticator would be content to sit back at his desk, call in to the little woman for a short beer, and survey his work with deep satisfaction. But, those of us who have weathered the "try-for-55-or-better" quiz programs of Profs. Seavey, Morgan and the others realize that we are merely scratching the surface. There are untold ramifications yet to be explored!

Harvard defeated Connecticut 7-0. Thus, Connecticut should have downed Coast Guard by 62 points; it won by 14. Shall we say this is an exception to the general rule? Shall we say there were extenuating circumstances? We must carefully consider the facts of this three-sided problem in the same manner as if it were a pre-statute common law feoffment by A to B for the use of C.

And, how about the question of Holy Cross? Harvard won 13-6. Dartmouth defeated the Crusaders 3-0. This should have meant a four-point victory for our side—at least, it was within the *res gestae*.

The Crimson topped Princeton 13-12. Princeton lost by a scant seven points to the same Cornell team which tied Yale. Princeton, in addition, had exploded the myth of Penn's prowess, and had conquered the same Rutgers eleven which had defeated Harvard. On the basis of these facts, the Tigers were conceded an even chance of beating Yale. See what happened, though. Could there have been negligence? Was the result within the foreseeable risk?

Pesky Rutgers presents still another problem. It scored 13 points more than Harvard's zero, but lost to Columbia 13-7. This would favor Columbia over the Cantabs by 19 points. Columbia stopped Yale 28-20, which would, if allowed, give the enemy an eleven-point edge. However, there is strong authority maintaining that comparative scores, like holding companies, should be cut off at the third tier.

After such a thorough analysis, developed in a logical, mathematical manner, we are ready to proceed with the forecast. Take the scores pointing toward a Harvard victory, and those favoring Yale; add three points to the former because the words "Harvard" and "Crimson" have three more letters each than the words "Yale" and "Blue", put on a low flame, stir slowly—and wait till I get back. I'm grabbing the next subway to Washington Street.

—N. B. T.

Gallery



LIVINGSTON HALL

"I hope you feel you've been seduced rather than raped" Livingston Hall said, as his visitor left, after some appeal or other had been denied. Vice Dean Hall who generally agrees with anything moderately rational to make his students happy, generally manages to send them away from the office happy anyhow. No one else in the law school can say 'no' so agreeably.

Vice Dean Hall has a variety of problems, mostly concerned with student welfare, dropped in his lap every day, and seems to solve them to general satisfaction of all hands by his amused and imaginative methods. No inflexible, throw-the-bik-at-them authority, he tries hard to see the problem, where some executives would snarl and others just quote an applicable regulation. If there is no reason for the rule, he changes it, when he can and if the exercise of constructive imagination can put the case outside the rule, he shows an almost uncanny aptitude for bending the law to the barnyard equities of the case. If there is a reason for the rule, as is true sometimes even in the law school, the opposite party generally goes away convinced, although sometimes scratching his head. Most of these problems concern housing, dormitories, discipline, veterans adjustment, forecasting the size of the school, and untangling the scrambled schedules of interrupted legal educations. But he also gets the cases where landlady and student have proved incompatible or where the Captain of the Head has negligently misperformed vital services.

He has ideas on the study of law, and the running of a law school which are far more human than would be expected from a Vice-Dean in the abstract. That office, he feels, should provide the flexible element in administration, and assist in making the many adjustments needed under today's chaotic circumstances. He does not subscribe to the study fourteen hours a day school of thought, and frankly admits, nay even proclaims, that under normal circumstances every man has a range of a few points only, no matter how great his effort. As he sees it, the function of the class room is merely to point out areas about which people should know something.

Hall does not think that the crowded conditions in the law school lead to a lessened legal education, and he doesn't babble any of the bromides about the veterans' right to go to law school to prove his point. He is concerned however with the change in attitude some men show: as applicants seeking admission they are undaunted by the difficulties in housing, library facilities, class crowding and so forth, but as soon as admitted and established, they start to complain, "too many using our bathroom" "too many in this dorm suite" "too noisy in the library." It's just human nature, so a Vice Dean can't do much about it, except to remind the objectors of their old position when a particularly ironic estoppel arises.

Hall was born in 1903; his father was Dean of the University of Chicago Law School, and he rather naturally went to college there, graduating in 1923. Surprisingly he was puny then, but was a shark on the water basketball team, winning his C in that minor sport on a team which took the Big Ten title. After winning a place on the Bugle here at the end of his first year, Hall's eyes failed and he was unable to live the Reviewman's stack life. Merely keeping a 78-79 average not being a sufficiently full life, he entered on a program which anywhere else but Harvard would be that of a Big Man on Campus. He headed the Student Board, was treasurer of the Legal Aid, served as chairman of the Law School Committee of PBH, and was active in the Parsons club. Had he known then that as vice-dean he would someday exercise a vague but useful supervision over student activities, he could hardly have planned his law school career better.

Upon graduation he entered the office of Root, Clark, Buckner, and Ballantine, where he remained for 4 years, working for much of the time directly for Grenville Clark. For a year then Hall was an Assistant United States Attorney for the Southern District of New York. There he had a hand in the first of the numbers-racket-busting cases 60 F (2d) under George Medallie. In the course of this litigation [U. S. v. Miro 60 F (2d 58)] he first worked with Tom Dewey, for whom the Vice Dean has a great admiration, and opposed the well known Dixie Davis. Hall speaks in glowing terms of Dewey's executive ability, administrative skill, and implacable efficiency. He didn't say about Davis.

In 1932 Harvard Law School beckoned and Hall came, not without regret at leaving the anti-racketeering crusade. He has pretty consistently taught Criminal Law, Torts, and Agency, but at one time or another has also occupied the box in Procedure, Contracts, and Labor Law. In 1938 he succeeded Calvert Magruder, now Circuit Judge of the First C.C.A., as Vice Dean.

During the war Hall worked first for the OPA for 18 months and then made off for the comparative peace and safety of the Southwest Pacific. He acted as Regional Price Attorney for New England, and then as Enforcement Attorney for New England. Under his direction was prepared the first criminal meat case to reach the U. S. Supreme Court, U. S. v. B. Rottenberg Co. (well known to students of Administrative Law by its companion Yakus v U. S. 321 U. S. 414). Highlight of litigation to Hall, though perhaps not mentioned in the headnote to the case, is the long night before the first trial, spent in a room in Hotel Bellevue with a shaking and trembling star witness, threatened with death by the meat men if he testified, and only kept available and articulate for the next morning's damning testimony by the Vice Dean's night long vigil.

Shortly thereafter the Professor put a use to his life-long interest in applied science and went to New Guinea

Sub Judice

THIRD YEAR MEN ONLY****Upon removal of a case to federal court an order of remand to the state court is not appealable.

It would appear from recent recitations in Conflict of Laws that some students are losing their grip on some of the fine points of Federal Jurisdiction. A case involving the estate of a restricted Seminole Indian may serve to revive their fading memories on one point in the wonderland of removal jurisdiction.

After death of the Indian, letters of administration were filed in the courts of two counties in Oklahoma. One was removed to a federal district court which sustained its jurisdiction and was reversed on appeal. (140 F. (2d) 602). The United States, pursuant to statute, intervened in the other state court proceedings and removed to another federal district court. Upon the administrators' motion the case was remanded to the state court and the complaint of the intervenor dismissed without prejudice.

The United States appealed to the Circuit Court of Appeals and also instituted there an action in mandamus to compel the district judge to retain jurisdiction of the cause. The Court of Appeals passed the mandamus question to the Supreme Court as a certified question. The latter court (66 S. Ct. 835) ruled that the remand order was not reviewable by mandamus.

Under section 28 of the Judicial Code an order of remand to the state court because of improper removal may not be reviewed by appeal or writ of error. The appeal from the remand order therefore presents nothing for review. *United States v. Merrell*, 137 F (2d) 62 (C.C.A. 10th, 1946).

INSOLVENCY DIVIDENDS, PREFERRED STOCK, & LIMITATION OF ACTIONS****

Plaintiff's testator sold a building in December, 1936, for the defendant-corporation, but was unable to collect his commission. The executors brought suit in May 1938 and obtained judgment in January 1942 for \$9,333.69, upon which a demand was made on the corporation on April 22, 1942, without result. In the years 1937-1939 the corporation received from the sale of its building an assumption of a large mortgage and also \$50,000 in cash. That sum was sufficient to pay all of the corporation's debts, including the debt to the plaintiff. It was found by the trial judge in this cause that the corporation became insolvent on December 31, 1937.

This suit in equity was brought on February 27, 1945, against the corporation and two directors to enforce directors' liability for debts of the corporation. In the trial court plaintiff recovered \$11,544.21 with costs against the directors. On appeal the Supreme Judicial Court of Massachusetts modified the final decree to require both directors jointly to pay to the plaintiff \$1,335, with interest from the date of filing of the bill, and costs. *Moseley v. Briggs Realty Co.*, 69 N. E. (2nd) 7 (Mass., 1946).

The defendants' first defense was grounded upon a provision in the agreement of association of the corporation as follows: "No real estate or machinery of the company shall be sold or otherwise disposed of unless replaced with other real estate or machinery of at least equal value in the opinion of a majority of the directors or the proceeds applied to the retirement of the preferred stock." It was not necessary for the court to decide that in the absence of statutory authority an agreement of association cannot give preference to certain stockholders over creditors. Contracts for such priority are subject to an implied limitation against rendering the corporation insolvent. The court construed this agreement as not purporting to give the preferred holders a right to the sale proceeds when such would leave creditors unsatisfied. Massachusetts law makes directors liable jointly and severally for corporate debts if they declare dividends which render the corporation thereby insolvent or bankrupt, to the extent of the dividends declared. This case falls clearly within the statute.

The statute of limitations saved the defendants from having to pay the larger sum recovered in the trial court based on the early and large liquidating dividends. The six year statute bars recovery on any cause of action that accrued in May 1938 when suit to recover the commission was brought. After the cause of action which accrued in May 1938 there were dividends paid which rendered the company further insolvent. These later dividends could not form part of the earlier cause of action, but they did form part of the cause of action which accrued in April 1942 when demand for payment was made. Recovery was, therefore, limited to the dividends paid since July 5, 1938, a total of \$1,335.00.

One of the defendants had received \$14,810 in liquidating dividends, and the plaintiff sought to impose liability on him beyond the statute on the theory that his receipt was in fraud of creditors. However, all but \$1,855 was paid to this director before the company became insolvent. The cause of action on this lesser sum accrued when it was paid in April 1938. So far as the theory of recovery rests on fraudulent conveyance, it, too, is barred by the statute of limitations. The fact that the plaintiff did not discover the facts about the liquidating dividends until shortly before this suit does not avail him. A cause of action is not fraudulently concealed by the failure of a wrongdoer to disclose what he has done, in the absence of a fiduciary relation.

where he was Deputy Chief and then Chief of the Operations Analysis Section of the 13th Airforce, and its successor echelons. This was a position of coordination and directing of research, and involved higher-than-technical level supervision of many hushhush developments. Subsequently he received a commission as Lieutenant Colonel in the Army Air Force. For his work in a civilian capacity he was awarded the Medal for Freedom, an unusual but highly valued decoration.

Hall is currently active in the affairs of the Town of Weston, and has been twice Moderator of their town meeting. He is a Republican but decidedly not one of the purple jowls on the country club porch, "I hate That Man" variety. He is a connoisseur of administration, which perhaps accounts for his admiration of Dewey. The common quip 'you have to know Dewey really well to dislike him,' Hall, who knows Dewey well, brushes aside contemptuously.

It is impossible to escape the suspicion that someday his party may find a valuable use for this administrator-professor-gangbuster-scientist-soldier. A not inconsiderable quantity of the kind of charm some writers call 'omph' reinforces Hall's political availability. It's well summed up by one of the secretaries who said 'Mr. Hall's going to be a problem, I hope.'

C. G. S.

The Witness Stand

The Question: Do you think the U. S. should have a "carry the big stick" policy in its relations with Russia?

1. *Ashby Sutherland*, San Antonio, Texas, 1st Term

Yes. Such a policy seems the only way of meeting the present Russian attitude. I think Russian diplomacy is based on asking for as much as they can possibly ask for even though they don't necessarily expect to get it. We have to put the bars up somewhere and the Russians will respect us more if we have such a policy.

2. *W. M. Summers*, Shaker Heights, Ohio, 1st Term

I'd say a firm stick. For example, the proposed armament program should be carried out whereby we lay down gun for gun. The Reserve Officer's Naval Service is probing the identical question at this time which shows the varied elements who feel concerned. The idea of giving Russia what we did during the war was ridiculous. Based on what I heard at the last Forum Russia has cause to be wary but they have an oriental mind which makes it hard for us to meet them on a mutual basis where the barriers would be down. The present time calls for such a policy.

3. *T. P. Wall*, Nashville, Tennessee, 4th Term

Yes. It is apparently the only policy they will understand. They are not interested in ideals and are only capable of understanding realism. They understand firmness and though they should be given consideration we shouldn't retreat from any of the principles we theoretically fought for. I don't think we fought for Russia to have the same right to dominate or oppress small nations such as we condemned in Nazi Germany. After all, it doesn't matter whether the fascism is red or black. Our strong policy will do more to promote our democratic ideas which are something the Russians have little true concept of.

4. *Newton Kalman*, New York, N. Y., 3rd Term

I think we ought to have a "big stick" behind our back and not show it. There has been a lot of strong talk urging the United States to wave a big stick, but it seems obvious to me that we can't bludgeon Russia into cooperating with us. Cooperation depends on perception of the goals to be attained. Once realizing the direction which we are seeking, if we need anything from Russia we will only get it by making them realize that it is to their interest to cooperate with us. The big stick philosophy, though not irrelevant in a bellicose world, is irrelevant in the world of the United Nations.

5. *Irauin Schneiderman*, New York, N. Y., 2nd Term

I think our present foreign policy, if we have one, is failing due to the fact that there is too much talk of the next war. A strong UN can control the smaller nations, but will fail if any of the major powers refuse to get along and decide that the UN has nothing to offer. That is why the question of the veto power is purely academic.

6. *G. H. Eckhardt, Jr.*, Boston, Mass., 4th Term

Yes, I think we ought to be firm in our relations with Russia. At least we ought to keep them in line with what the majority of the UN members agree on. In general I approve of the present U. S. foreign policy, but we must use extreme caution to be sure that we identify our interests with those of the UN and not make the struggle a personal one between the U. S. and Russia.

7. *Leonard L. Silvester*, Scranton, Pa., 2nd Term

I believe the U. S. should pursue a fair but firm course, supporting international cooperation through the UN. However, we must not sacrifice our own safety until the same measure of cooperation is assured from the other participating nations. Certainly there must be give and take, but this must necessarily involve mutual concessions and not concessions by the U. S. alone.

HOLMES—(Continued)

most of the details of Holmes' war record were previously known, this is the first complete and accurate account of them.

In many ways, this book should be of greater interest to military historians than to lawyers, because in the letters and diary, Holmes doesn't demonstrate the slightest interest in law. There is, however, a suggestion of his youthful philosophy towards life, death and God, which gives a clear indication of the philosophy of uncertainty and Godlessness which was to appear in his later work.

Alumni Notes

Alumni are especially invited to forward contributions to this column to the Records office, Austin Hall, Cambridge 38, Mass.

Benjamin Ferencz, LL.B. '43, was recently appointed Chief of the Berlin Branch of the Office of Chief of Counsel for the War Crimes trials.

His new duties, as Ferencz described them in a letter to Professor Sheldon Glueck, consist of "assembling evidence from document centers and moulding the briefs against the accused." At present the Office is preparing cases against lesser Nazis, including leading members of Nazi Ministries, members of groups such as the SS, and Nazi industrialists. This work is being carried out under the supervision of Brigadier General Telford Taylor, LL.B. '32, who succeeded Justice Jackson as head of the American prosecuting staff in Germany.

Ferencz' interest in criminology began during his third year at the law school, when he wrote a paper on crime preventive techniques which was later used in a study by the Committee on Crime Prevention of the American Prison Association.

After serving in the Judge Advocate section of the Third Army during the War, Ferencz was discharged, and accepted a position with a corporation law firm in New York. However, when offered the opportunity of returning to Europe to help prosecute the War Criminals, he quickly resigned his New York job.

Ferencz has paid tribute to his former professor's influence on the prosecutions. The theory of the prosecution is that worked out by Professor Glueck and Justice Jackson (as explained in Glueck's books "War Criminals" and "The Nuremberg Trial"), and many of the procedural methods were also established by Professor Glueck. Ferencz reports that evidence evaluation forms in use in Germany are still known as "Glueck Sheets."

Ferencz expressed concern over the apathy of Americans and Germans toward the trials, and added, "in the new trials we hope to generate enough interest to give them some social significance."

The prosecutors will try thousands of Germans in the next few months, under a policy allowing prosecution for membership in certain Nazi military and political organizations which have been established as criminal by the recent decision of the Nuremberg Military Tribunal. Thus, for example, Germans proved to be members of the SS are subject to punishment, unless they can establish that they did not know of the character of the organizations, that they were merely non-participating underlings, or that their acts were carried out under immediate and unavoidable compulsion.

Well-known as Chairman of the Tennessee Valley Authority, *David E. Lilienthal*, LL.B. '23, was named recently by President Truman as Chairman of the five-man Atomic Energy Control Commission, one of the most powerful commissions ever appointed in the history of the United States government. Lilienthal was co-author with *Dean G. Acheson*, LL.B. '18, of the original report on the use of atomic energy, which has been made the basis of the Baruch plan for control of the atomic bomb.

Lilienthal, born in Morton, Ill. in 1899, received the degree of A.B. from DePauw University in 1920, and an LL.D. degree from the same university in 1945. After graduation from Harvard Law School he was admitted to the Illinois bar in 1923, and practiced law in Chicago for about eight years. After a brief period as a member of the Wisconsin Public Service Commission he moved to Tennessee, became a director of the Tennessee Valley Authority in 1933, and its chairman in 1941.

LL.B. '05—*Alvan Waldo Hyde*, who was a partner in the firm of Gross, Hyde & Williams of Hartford, Conn., died on October 25.

LL.B. '16—*Maurice F. Devine* recently was named president of the New Hampshire Bar Association.

LL.B. '25, S.J.D. '26—Announcement was made on November 1 that *Melbourne Bergman* has become Vice President and General Counsel of C.I.T. Financial Corporation in New York City. Bergman has been a member of the firm of Lauterstein, Spiller & Bergman. He was earlier associated with the firm of Root, Clark, Buckner & Ballantine.

LL.M. '29, S.J.D. '35—*Lynn D. Coffman*, formerly with the University of Nebraska College of Law, is now connected with the General Electric Company's Legal Department in Schenectady, N. Y.

Ex-'38—*Alexander K. Lawrence* was married on November 9 to Miss Frances G. Tiedemann, in Plainfield, N. J. A former Marine captain, Lawrence is now with the War Department in Washington.

FORUM—(Continued)

revolutionary foreign policy of Stalin's Russia.

In meeting the Soviet's expansionism and its "diplomacy of civil war," according to Dr. Karpovich, the United States must endeavor to construct a temporary *modus vivendi* with Russia, and, building on this expedient, work with the resurgent constructive forces of the world in the post-war years towards the ultimate objective of a solidly based international organization. The present insufficiency of the organization of the United Nations is frankly recognized by Professor Karpovich, and he urges that America take the lead in moving toward greater equalization of the rights of participants, and the eventual abolition of the veto. Liquidation of armaments, gradual independence of colonial peoples, and denial to Russia of spheres of influence in eastern Europe, the principle of international co-operation in areas such as Trieste, and general support of the present foreign policy of Mr. Byrnes were approved by Dr. Karpovich.

A quaint interruption of the usually orderly question and answer procedure of the open forum came late in the evening when a bushy-eyebrowed character in a tweedy suit, waving a thorned stick in the air, and looking every inch a comic strip John Bull denounced the speakers and demanded to be heard at length. Jerome Rappaport, president of the Forum, shut him off, but after the meeting the stranger had his inning as several dozen persons clustered about him, first inside the building and then on the steps of the New Lecture Hall to hear the interloper's exposition of his dazzling views. To put it mildly, he doesn't like Stalin. No one seemed to know him, but he distributed cards "Frank T. Samuels" and told his hearers he was a well-known author and publicist.

After the question period, the moderator, Mr. Richard Lauterbach, awarded the prize for the best question of the evening to Miles G. Wedeman, a first term at the Law School. Mr. Wedeman's question was, "With the accession of the Republican Party to power in the United States, will Russian fears as to America's position be aggravated, resulting in an even more aggressive 'and by the Soviet Union'?"

A portion of the proceedings was broadcast by WHDH, which has undertaken to carry future forum meetings on the air from 9:00 to 9:30 in the evening, as a public service.

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PRIDDY—(Continued)

on before Priddy even had a chance to offer him a light.

Priddy braced himself, took a deep breath, fought his way into Langdell South Middle and sank exhausted into seat No. 215.

"Sorry fella, but that's my seat," said someone whose face was hidden behind a bow tie.

"But my seating card says . . .," Priddy began to protest mildly.

"I can't help it, Bud. I've got a special brand of astigmatism and I can't even see the platform from anywhere but this seat. Look, there's a nice seat down front. Why don't you take that one?"

"Perhaps," thought Priddy, "if I keep my head down and write furiously the entire hour I can sit down front this one time without being crucified."

As Priddy squeezed into his seat in the front row, Professor Seavey was already asking, "Any Questions?"

Priddy slumped into his chair, put his chin in his hand, and pretended to be—in fact was—deep in thought.

A dead silence hung over the room. Suddenly a murmur of excitement buzzed through the class. Priddy's hand was going up! The great George Priddy was going to tangle with Seavey again. The students were tense with anticipation and lifted their pens to be ready to transcribe anything Priddy might say, and perhaps a few of the things that Seavey would say.

But Professor Seavey was not so eager for battle this time. He had encountered Priddy before, and after thirty-odd years of leaving those students who were foolish enough to dispute a point with him gasping for breath and groping for words, it was a bitter pill to come up against an adversary like George Priddy.

Priddy, of the incisive, clean, killing logic and of the sharp, witty tongue with perhaps a touch of scorn, bided his time. Seavey looked desperately and almost pleadingly throughout the room for another upraised hand while Priddy leaned back in his seat, stifled a yawn, and lifted his upraised arm still higher.

A few seats away from Priddy, Robert E. Beaver, President of the Law Review, and John Moot, President of the Board of Student Advisers were sitting in on the class to see if there were any likely looking prospects among the first year men. Priddy was just able to make out what they were saying to each other.

"That's George Priddy, you know," whispered Beaver. "We've been trying to get him to write an article for us but he says he's going to be pretty busy."

"Yes, I know," said Moot. "When we asked him if he would address the next incoming class he said that he was going to devote most of his spare time to a little project that has caught his fancy. I understand he's translating Black's Dictionary into Russian and translating some of our Harvard Professors' casebooks into English."

Professor Seavey finally resigned himself to his inevitable fate, and, tightly gripping the arms of his chair, said, "I believe you had a question, Priddy?"

Always the showman, Priddy waited a few seconds for the students to edge forward a little in their seats, and

finally, when the room had become so quiet that the only sound that could be heard was Professor Chafee's voice coming from Austin West, Priddy began to speak.

"If A is juggling dynamite in Harvard Square, and B, in his automobile going 95 miles an hour in the wrong direction, hits and kills a Newsboy, C, thus throwing *Boston Daily Records* all over the Square, the headline on which so infuriates A that he throws his dynamite at D, causing him to drive his bus through the front door of McBride's, killing four diners and twelve bus passengers and ruining six kegs of beer, will B be liable to A for the loss of his dynamite?"

Professor Seavey loosened his collar, ran his hand through his hair, and tried bravely to smile.

"Well," he began, "I feel that—"

"What!" interrupted Priddy. Only it sounded more like "Whaaaaat!" "You feel! I'm not interested in what you feel, Sir. I may be slightly interested in your thoughts, but hardly in your emotions, so let's confine ourselves to thinking and forget the visceral reactions."

An appreciative chuckle rolled around the classroom and came to rest under Justice Brandeis's portrait.

Reddening slightly, Seavey cleared his throat and began again: "Well, if the actual cause . . ."

Priddy was at him at once. "Oh, I see; I see, you mean actual cause as distinguished from cause. Perhaps you can discern a distinction there but I'm sure I can't."

This time the class was more outspoken in its approval and admiration. "Whattaman Priddy," someone whispered. "Bravo," another shouted. "Hear, hear," rang out still another. A smile tugged at the corners of Priddy's mouth and he raised his hand to still his admirers.

Gamely, but with the look of a man who knows there is not much hope.

Seavey tried once more; "But the . . ." Sensing certain victory, Priddy plunged in for the kill. "Just what do you mean by 'THE'? We'll have to be more careful of our terminology, Professor."

The rout was complete and the class knew it. The man on Priddy's right could not resist clasping Priddy's hand in a warm, respectful handshake, while the man on his left asked if he might borrow his notebook sometime. Priddy gave him a paternal smile and said, "Sorry, lad, but I never take notes. Keep it all in my head. It's much neater that way, you know."

The rest of the class, being too far away for personal adulation, merely stamped their feet and whistled.

Rising to his feet, Professor Seavey quieted the class and made the noble gesture by paying a glowing tribute to Priddy.

"He's being such a good sport about the whole thing, I'm sorry now that I was so ruthless. I'll go a little easier next time," Priddy promised himself.

"Gentlemen," Seavey was saying, "in all my years of teaching, I had never met a man who could stay on the same field with me when it came to splitting a hair or distinguishing a distinction. Today I met a man who did. His name is Mr. Priddy."

"Mr. Priddy," Seavey's voice boomed out, "if Mr. Priddy is here will he please state the next case?"

"Hey stupid, isn't your name Priddy?" the student sitting in back of Priddy asked, punching him smartly in the back at the same time just to give force to his question.

George Priddy shook himself, sighed sadly, and mumbled, "Unprepared, Sir."

K. G. WEINBERG.

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Calendar

THE LEGAL WORLD

Grades

All remaining grades, except in Criminal Law, will be mailed on Thursday.

Law Wives

Progressive bridge tonight at 8 P.M. Kendall House. Meeting next Tuesday, November 26, at 3 P.M. at Kendall House. Mrs. Kenneth W. Guymont of Bigelow Kennard Co. will speak on *China and Crystal Today*.

Jobs

Mr. Dimmitt would like to see any men in the February or June 1947 graduating classes who are interested in practicing in Chicago.

Dance

Harvard-Yale Law School Dance, Memorial Hall, Saturday, November 23 from 8 to 12. Informal. No tickets sold at the door. Get yours at the desk in the South entry of Langdell. \$3.00.

Legal Aid Meeting

A meeting of members of the Harvard Legal Aid Bureau will be held Friday, Nov. 22, at 3 p.m. in Kendall House.

Nursery School

Provisions can be made for caring for several more children, between the ages of two and five, at the Nursery School being conducted daily by Mrs. D. W. Ewing, in the first floor of Walter Hastings Hall. Classes are from 2-5 p.m., and the charge is 25c daily.

Correct Addresses

All students who have changed their addresses, or who have not given their addresses to the Receptionist in Langdell Hall are urged to do so immediately.

Ames Competition

First term: Brief exchange, Round 1-B, today; brief conference, Round 3-A, Thursday, Nov. 21; brief conference, Round 3-B, Friday, Nov. 22; Round 1-A argument, and Round 2-A brief exchange, Monday, Nov. 25; Round 1-A argument, Round 2-B brief exchange and Round 4-A brief conferences, Tuesday, Nov. 26; brief conference, Round 4-B, Wednesday, Nov. 27; brief exchanges, Rounds 3-A and 3-B, Friday, Nov. 29.

Third term: Facts issued, Round 3 (issue No. 2), today; facts issued, Round 4 (issue No. 1), Monday, Nov. 25; facts issued, Round 4 (issue No. 2), Tuesday, Nov. 26.

Property Review

Prof. Cavers' Property I sections will meet for a review session Monday, Nov. 25, at 3 p.m. in the Court Room.

Foreign Students Notice

George Hall, representative of the Institute of International Education will be available for interviews by foreign students in the parlor of Phillips Brooks House, Friday, Nov. 22, 5 p.m.

Class Changes

Prof. Katz's Administrative Law class will meet Friday, Nov. 22 at 3 p.m., LSM, instead of 9 a.m. Saturday, Nov. 23.

Prof. Leach's Property II class will meet tonight at 7 p.m. in LSM.

First Term Class Change

In the weeks beginning November 18 and 25 and December 2, Mr. Morgan will meet the class as usual on Mondays, Tuesdays and Wednesdays, and in addition on Saturdays, November 23 and 30 and December 7 at the hours usually devoted to Contracts. On December 16, 17 and 18 there will be no classes in Judicial Remedies, but Mr. Braucher will meet the class in Contracts on those days at the hours usually devoted to Judicial Remedies.

THE UNIVERSITY WORLD

Glee Clubs

The Harvard Glee Club and the Yale Glee Club will meet in a pre-game concert at Sanders Theater, this Friday, November 22, at 8:15. Tickets available at Paine Hall and at The Coop.

Choral Society

The Radcliffe Choral Society and the Harvard-Radcliffe Orchestra will give a free concert tonight, November 20, in Sanders Theater at 8:15 P.M.

Lectures

Professor Payson S. Wild is to speak on *Foreign Affairs in the World Today* at a meeting of the Society of Harvard Dames on Thursday, November 21, at 2:45 P.M. in Phillips Brooks House.

Professor Alexandre Koyre of the Sorbonne will address the Philosophical Club on *Some Aspects of Contemporary French Philosophy* on Friday, November 22, in Phillips Brooks House at 8 P.M.

Dr. Victor F. Weisskopf of M.I.T. will speak on *Control of Atomic Energy*, Sunday, November 24, at 8 P.M. in the International Student Center, 5 Phillips Place, Cambridge. Open house, tea, and supper will precede this talk from 4 to 8 P.M.

THE OUTER WORLD

Plays

The Magnificent Yankee, a biographical play about Justice Holmes, is at the Colonial. Louis Calhern is in the title role.

TRADE COMMISSION—(Continued)

P-5	5905.20	6862.80
P-6	7102.20	8059.80
P-7	8179.50	9376.50
P-8	9975.00	10000.00

The grades of P-7 and P-8 are held only by the Commission's titled officers.

Appointments are made at the minimum salary of the grade to which the appointment is made. If satisfactory service is rendered, attorneys in grades 1, 2, and 3 receive annual increases of \$125.00. In the other grades, increases are given, if the service is satisfactory, every 18 months as follows:

P-4	\$250.00
P-5	239.40
P-6	239.40
P-7	299.25
P-8	25.00

These raises are automatic and continue until the salary is the maximum for the grade. Promotions to higher grades are made from time to time.

Appointments are made by the Commission, but thereafter the attorney is a member of the Classified Civil Service and participates in its benefits.

Generally speaking, cases pass through the stages of investigation and trial. An investigation may be initiated either as the result of a complaint from an outside source or on the Commission's own motion.

All legal investigational work is conducted by the Office of Legal Investigations, headed by a Director and an Assistant Director. Subdivisions of this office are the Radio and Periodical Division, and Legal Investigations Division.

The Radio and Periodical Division has a Director and an Assistant Director. Its personnel includes both attorneys in grades P-2 to P-5, and non-attorneys. It is located in Washington, and its work involves very little travel by the attorneys.

The work of this Division consists principally of reading periodical, newspaper, radio, and other advertising for the purpose of detecting matter that appears to be false or misleading, or in violation either of a Commission order to cease and desist or of a stipulation by a respondent to abstain from particular practices. When advertising of this character is discovered, the situation is explored by correspondence and by conferences with the parties involved. Cases originating elsewhere in the Commission are on occasion referred to this Division for investigations of this character. As a result of such investigation, a recommendation is made that the matter be (1) closed; or (2) forwarded for field investigation, stipulation, or complaint.

The Legal Investigations Division is headed by the Chief Examiner and four Assistant Chief Examiners. It conducts the Commission's field investigation of a legal nature. Field offices are maintained in Washington, D. C., New York City, Chicago, Illinois, San Francisco, California, Seattle, Washington, and New Orleans, Louisiana. The attorneys in this Division include examining and reviewing attorneys in grades P-2 to P-6. The examining attorneys are attached to the various field offices, and the reviewing attorneys to the administrative office in Washington. The work of the examining attorneys is obtaining the facts upon which a conclusion as to the appropriate procedure can be based.

Apple of His Eye, starring Walter Huston, will open at the Plymouth on Monday, November 25, for a two week engagement.

Christopher Blake, Moss Hart's new play about the effect of his parents' divorce on a young boy, completes its three-week pre-Broadway engagement at the Plymouth this Saturday night.

Years Ago, the new Ruth Gordon play, starring Fredric March and Florence Eldridge, continues at the Copley.

Musie

Jordan Hall, Monday, November 25. Alexander Schneider, Violin, and Ralph Kirkpatrick, harpsichord.

Gardner Museum free concerts tomorrow at 2:45 P.M., Nancy Loring, contralto and Kalman Novak, Pianist; Saturday, November 23 at 2 P.M., Norman Foster, baritone; and on Sunday, November 24, at 2 P.M., Brenda Miller, soprano.

Ford Hall Forum

Lewis Browne will speak on *What's Happening to This Believing World* at Jordan Hall, Sunday, November 24 at 3 P.M. Organ Recital from 7:30 to 8 o'clock by Willem Frank.

Dance

The Newman Club Federation of New England Colleges will give its monthly dance at the Hotel Continental, Friday, Nov. 22 at 8 p.m. Tickets will cost \$1.20 per person.

Lecture

Father Feeney will give his weekly lecture tomorrow at 8 p.m. at St. Benedict's Centre, Bow St., opposite St. Paul's Church. All Catholic students are invited. Refreshments will be served.

This includes obtaining specimens of goods and advertising, interviewing parties and prospective witnesses, getting scientific opinions, etc. The reviewing attorneys who are experienced in this field, review the cases built up by the examining attorneys. Upon the results of the investigation, a recommendation for the appropriate next step may be made; that is, that the case be closed, that complaint issue, or that opportunity to stipulate be given. The work of the examining attorneys involves considerable travel.

Travel may be by any carrier or by private automobile. Travelers by rail are allowed first-class transportation and pullman chair car or lower berth accommodation, as necessary. For automobiles, four cents per mile is allowed. Subsistence is allowed at the rate of \$6.00 per day.

Reference has been made to stipulations. This procedure is designed to avoid so far as is consistent with the public interest, the necessity for formal proceedings. Briefly, a stipulation is a written agreement that a party will discontinue practices which are regarded as illegal.

The Division of Stipulations is in charge of the preparation of stipulations. It consists of a Director, Assistant Director, and a number of P-6 Attorney Conferees. The conferees preside at informal hearings at which the respondent may give any explanation of the facts and present any evidence that he desires. Upon this evidence and explanation and the Commission's investigational file, the conferee endeavors to work out a stipulation that will result in a rectification of the situation. This Division is located at Washington, and its work does not require travel.

The trial of all formal cases (that is, where a complaint has been issued by the Commission) and all matters in the Federal Courts, are conducted by the Office of the General Counsel. This office comprises the General Counsel, Associate General Counsel, Assistant Associate General Counsel, Chief Trial Counsel, and a number of attorneys in grades from P-2 to P-6. The personnel is all located at Washington. The work of the attorneys is somewhat specialized. One group is occupied exclusively with Federal Court matters, which are principally appeals to the Circuit Court of Appeals from Commission orders to cease and desist. Other groups are principally employed on restraint-of-trade and Clayton Act matters, Export Trade Act cases, cases involving unfair acts and practices, and trademark cases.

The formal case begins with the issuance of the Commission's complaint. Thereafter an answer may be filed by the respondent, hearings held for the taking of evidence, a report filed by the Trial Examiner, briefs filed by the attorneys for the Commission and the respondent, and oral argument before the Commission. In these cases, the attorney has the usual function of the trial advocate.

The hearings in such cases are held before a Trial Examiner, who is the presiding officer, rules upon questions of evidence, and files a report stating his conclusions of fact and law, and a recommended form of order. At these hearings, witnesses are examined and cross-examined, other evidence introduced, and in general, the proceeding is designed to elicit facts by a process essentially judicial in its nature. Considerable travel is involved in this work, as hearings are held at places reasonably convenient for the parties respondent.

The Trial Examiners' Division is headed by a Chief Trial Examiner and an Assistant Trial Examiner. The personnel of this Division is in general

composed of mature and experienced attorneys. Recent legislation has considerably extended the powers and responsibilities of the Trial Examiners, and it is expected that in the not-too-distant future these positions will be classified as P-7. At the present time, Trial Examiners are in grades P-5 and P-6. The work of the Trial Examiner involves a very considerable amount of travel.

The Office of Trade Practices and Wool Act Administration has a Director, Associate Director, and three Assistant Directors in charge of the Rule Making Division, Rule Administration Division, and Wool Administration and Inspection Division.

The Rule Making Division carries out a procedure which has as its ultimate goal the formulation of voluntary trade practice rules for an industry. The function of the attorney in these matters is that of an intermediary, coordinator and helper, rather than that of an advocate. There is little travel involved in this work, and the personnel is located in Washington.

The Rule Administration Division has charge of all procedure respecting the administration of promulgated trade practice rules. This involves a continued contact with the industry by correspondence and in the field, the purpose being to ascertain the manner of the industry's compliance, whether changes in or additions to the rules appear desirable, and to encourage voluntary compliance with the rules. From one-fourth to one-half of the attorney's time is spent in the field, and the remainder at Washington.

The Wool Administration and Inspection Division handles all matters respecting the administration inspection, compliance, and administrative treatment of matters in relation to the Wool Products Labeling Act. The attorney's time is divided about equally between the field and office work.

The attorneys in these three Divisions are in classes P-2 to P-6.

In making original appointments, the Commission of necessity considers the nature of the work which will be required and the capabilities of the various applicants. There is no regular system of promotion, and a vacancy in, for example, grade P-4 is not necessarily filled by the advancement of a P-3 attorney—a new appointment may be made. There is little interchange of personnel from one office to another as, for example, from Legal Investigations to Rule Administration.

There is no likelihood that any attorney will get rich on a government salary. However, the young attorney who enters the government service and who attends to his work and does it properly, has a considerable degree of security, an immediate income that compares favorably with what he could probably earn in practice, and quite definite prospects for advancement as he acquires experience.

RUSSIAN LAW—(Continued)

this duality of function very dramatically in a wartime speech. He said, "The Soviet state, as a state of the proletarian dictatorship, must be a new type of democratic state for the proletariat and the property-less in general and a new kind of dictatorship against the bourgeoisie." Two aspects then—democracy for the proletariat, and dictatorship for the bourgeoisie.

Stalin also has said very much the same thing. His words were, "The Soviet state has two functions during the second phase, (1) the function of protecting the state from attack from any quarter and (2) the function of state agencies in organizing the economy and educating the people." So let me repeat: the function of law is dual. It has to do with the repression of enemies and at the same time it has to do with the building of the new society. That is the task. The state, and law as the handmaiden of the state, become the instruments through which the policy is effectuated.

Those of you who have considered the theories of law which are currently popular in the United States will know that only a few jurists accept this concept of the role of law. It is hard to gauge the popularity of a theory, but it may be safe to say that the American citizen, if he thinks about law at all, tends to support some variation of the thought which Aristotle expressed in his classic analysis. "He who bids law rule may be deemed to bid God and Reason alone rule, but he who bids man rule adds an element of the beast. . . . The law is reason unaffected by desire."

Soviet jurists are entirely opposed to such an interpretation. In their opinion law is man made and administered by man. There is no element of reason unaffected by desire, much less of God in it.

If law has the duty of aiding society to approach a new pinnacle, what kind of society is desired? You know of course from your study of Soviet economics that the program calls for emphasis upon maximum production so that there may be in the words of Herbert Hoover "a chicken in every pot." Such a program however is believed to require sacrifice and organization. Marx has put the thesis simply in the words, "Only in the collective can the individual find the means of giving himself the opportunity to develop his

inclinations in all directions; in consequence, personal freedom is possible only in the collective." You can see immediately that the problem of the relationship of the individual to society is brought to the fore immediately when we attempt to learn the ultimate goal of that society.

Put simply, Marx is interpreted by Soviet political scientists as having called for sacrifices in order that there may ultimately be a greater world in which people can make choices. Let us look at the stars, watch the sheep and shiver. On the other hand, if the individual submits to certain social restraints, he can live in close proximity. The remainder of the speech will be printed next week.

SUBSCRIPTIONS

Being the only paper of its kind, THE HARVARD LAW SCHOOL RECORD, since its first issue last term, has been received with great interest in the legal world. The students and faculty of other law schools throughout the country have found the RECORD to be of particular interest, and at the present time the law libraries of the following universities are subscribers: Arkansas, Chicago, Columbia, Cornell, Duke, Illinois, Iowa State, Lincoln, Michigan, North Carolina, Richmond, Tennessee, Texas, Virginia, Washington, and Yale. In addition, the Baltimore Law Library and the Library of Congress are also subscribers.

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