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Vault

The Harvard Law School Record

VOL. 3 NO. 1

CAMBRIDGE, MASS., WEDNESDAY, FEBRUARY 19, 1947

PRICE TEN CENTS

NEW CLASS TO HEAR ORIENTATION TODAY

Faculty, Students To Explain All School Activities

All members of Harvard Law School's entering class will assemble in the Langdell Court Room at 4 p. m. today for a one-hour orientation session, to be conducted by faculty representatives and the heads of student organizations.

The meeting will be opened by Dean E. N. Griswold, who will extend a welcome to the entering men and will briefly discuss the purposes of legal education.

Dean Griswold will be followed by Professor W. Barton Leach, who will devote about 25 minutes to a discussion of the all-important subject of how to survive in the law school.

The Harvard Law Review, the law school's most distinguished activity, will be represented by its president, Elliot L. Richardson, who will briefly discuss the "Bugle," as it is commonly known.

Henry J. Smith, Chairman of the Board of Student Advisers, will give a brief summary of the work of the Board, but a detailed discussion of the Ames Competition will be left until another meeting on Friday of this week. Information concerning this meeting is given elsewhere in this issue.

The work of the Harvard Legal Aid Bureau will be discussed by its President, Davison Dunlop.

The Law School Committee of Phillips Brooks House, which serves the social, economic and physical needs of the student body, will be represented by John F. Martin, who heads the group.

The Harvard Law School Forum, which was organized during the last term of 1945 for the purpose of bringing distinguished speakers to the law school to head discussions of current problems, will be represented by its president Jerome L. Rappaport.

The newest of the law school activities, the RECORD, will be discussed by President Thomas J. O'Toole.

KINGS BENCH PLANS SMOKER

New Social Organization Will Meet Friday Noon

As its first function, the King's Bench, a social club for law students, will hold a smoker, Friday afternoon, 3-5 p. m. in Kendall House, with members of the faculty in attendance. The major portion of the affair will be a "get acquainted" meeting, with a very brief business session for the discussion of organizational plans.

Representative students of each year in the school have mapped tentative plans for the organization, and its activities during the coming term. These suggestions will be offered to the membership for approval.

One of the chief reasons for the formation of the King's Bench, as found in its charter, is the belief that "life should not end with enrollment in the law school." The organizing committee is of the opinion that there is a definite place for a club which combines the social and intellectual aspects of Harvard Law School, without regard to the race or creed of its members.

In the selection of members of King's Bench, the organizing committee has found necessary only one restriction—that of maintaining the club's size to a reasonably workable number. Membership invitations to date, have been extended to some 100 students. It was feared that any wider range would render the organization unwieldy before its activities were firmly established.

The King's Bench does not consider itself in competition with other existing social clubs in the law school. With nearly 2,000 students enrolled here, there should be greater opportunity for social activity than that available, it is felt. Such activity in the King's Bench will be designed merely to complement the school's academic program.

Included in the tentative King's Bench schedule are bi-weekly dances and parties at Kendall House, weekly luncheons, and discussions which will include legal and non-legal topics.



Professor Archibald Cox who will be acting Vice-Dean during Professor Livingston Hall's absence.

COX NOW ACTS AS VICE DEAN

Hall and Six Other Profs Absent on Spring Vacation

Students who have problems to discuss with the vice dean this term will find Professor Archibald Cox in the office in place of the regular Vice-dean Livingston Hall, who is on vacation until the summer term.

The duties handled by the vice dean, which Professor Cox will take over, include the general disciplinary problems of the school, responsibility for the dormitories, general assistant to the dean, member of the administrative board of the school, and the interviewing of veterans who desire to return to complete studies begun before the war.

Professor Cox, who was graduated from the Law School in 1937, returned here in October 1945 as a Visiting Professor of Law. He was appointed Professor of Law last term.

In addition to Professor Hall, six other professors will be on vacation this term. They are E. M. Morgan, Royall Professor of Law; E. Merrick Dodd, Jr., Fessenden Professor of Law; George N. Gardner, David F. Cavers, Lon L. Fuller, and Paul A. Freund, Professors of Law.

During the post-war period, with the school running three terms a year instead of the usual two, and with a considerably greater number of students attending, the teaching load of each professor has been greatly increased. In order to compensate for the increase in work over pre-war years, the school has been attempting to give professors one term off out of every three, whenever possible. The vacations to the above professors were granted as a result of this policy.

AMES ORIENTATION SET FOR FRIDAY

The values of law club work and the Ames Competition will be explained to entering students at an orientation meeting at 4 p. m. on Friday of this week in Langdell Court Room. The prizes to the winners of last term's competition will also be awarded at this meeting.

Dean E. N. Griswold will be present and will address the new students briefly, following which Professors Andrew J. Casner and Archibald Cox will explain why participation in the Ames competition is advantageous, both at the law school and in practice.

Jack Shea, the first year chairman for the Ames Competition, will explain how the law clubs are organized and the general structure of law club work. Henry J. Smith, President of the Board of Student Advisers, which conducts the Ames Competition, will preside at the meeting.

Hugh Calkins of the Kent Club will receive the prize for the best first term oral argument, and Roswell Perkins, also of the Kent Club, will be given the award for the best first term brief.

The club prize for the highest score in the second term competition will go to the J. Smith Club, and the Pound Prize for the winner of the third term qualifying round will be received by the Landis Club.

Jack E. Bronston, a third term student last term, will receive the award for the best judge's opinion submitted to the board.

GRISWOLD FURTHERS PLACEMENT

Western Trip Serves Purpose Of Securing Job Opportunities

As part of a general effort to institute a placement program at the Harvard Law School with sufficient range to secure employment opportunities for present and future graduates, Dean Erwin N. Griswold recently made a trip to the far west.

With a broad purpose of maintaining acquaintances, making contacts and establishing good will for the Law School, the Dean at the same time was laying the groundwork for a further trip to the same areas by Mr. Harrison S. Dimmitt who is in charge of placement at the Law School.

Every section of the country is being covered in an attempt to set up efficient machinery to aid in placing the astounding number of approximately one thousand men who are expected to graduate during the calendar year of 1948.

Dean Griswold is greatly concerned with the placement problem and as evidenced by his trip is making a concerted effort to arrive at a satisfactory solution.

California, which has the third largest number of Harvard Law School graduates ranking behind New York and Massachusetts, was the scene of two major speeches by the Dean. He spoke at San Francisco to one hundred and forty Law School graduates and at Los Angeles to two hundred and fifty. He also spoke in Seattle, Washington.

An encouraging sign which the Dean noted was the fact that much interest and a willingness to co-operate was evinced by many of the lawyers.

In his speech before the Harvard Club and the newly organized Harvard Law School Association of Southern California, Dean Griswold made an oblique reference to the portal pay case saying: "I hope you have not overlooked that the dissenting justices were Justices Frankfurter and Burton. I like to think that they got something at the Harvard Law School that enabled them to keep their feet on the ground."

EDUCATION CONFERENCE

Any students interested in doing preliminary work in preparation for a conference on legal education should leave their names, phone numbers and addresses with James Perkins at the Board of Student Advisers this week. The conference is to be jointly sponsored by the Columbia, Yale, Pennsylvania, and Harvard Law Reviews and is tentatively scheduled for late Spring.

Volume Of Essays In Honor Of Dean Pound Published By Oxford

A large and handsome volume of essays has just been published by the Oxford University Press in honor of Roscoe Pound on the occasion of his 75th birthday. The 36 essays which it contains were written by the leading juristic scholars of the world, and represent all of the main schools of current thought in jurisprudence.

The plans for this volume were first announced at a dinner given Dean Pound at the Harvard Club in Boston in October, 1945. A list of contributors was distributed at that time, but the war caused a considerable delay in the preparation and printing of the papers. Indeed, some of the men who had intended to present an essay were unable to complete their work because of the course of the war.

Serving as editor for the collection was Paul Sayre. The list of contributors is a brilliant array of the great names in modern jurisprudence. Two of the essays are direct commentaries on Pound's own theories. These were contributed by Edwin Patterson of Columbia and Carleton Kemp Allen of Oxford. Most of the other essays are expositions of their writer's own views, with reference to the thought of the man whom they honor. Among the



Members of the new RECORD Board on the steps of the Austin Hall, left to right, front row: Herbert Berman, Thomas J. O'Toole, Marshall Deutsch; second row: Harvey Karlin, Seymour Epstein, Nathan C. Fitts, Richard H. Wolford; third row: David Kallman, Nathaniel B. Tepp, Byrne Litschgi; fourth row: Loren E. Juhl, Samuel Schwartz, Seward Snell. Robert W. Culbert and Charles O. Porter, also Board members, are not included in the picture.

REPEATERS

The examination papers of the men who failed their first year work last October and elected to repeat have been corrected with record speed. The results which have just been announced reveal that 13 of these men have passed while 26 have failed for a second time. 9 of the men who went down in the first attempt chose not to try again.

The casualty rate among these repeaters is slightly lower than that suffered by the first group who were allowed to repeat.

LAW REVIEW HAS 60th ANNIVERSARY

The 60th anniversary of the founding of the Harvard Law Review was observed on January 25 with an anniversary dinner at the Harvard Club. Included among the guests were the Law Review men who had graduated since the 50th anniversary dinner was held in 1937.

Principal speakers for the evening were United States Supreme Court Justices Felix Frankfurter and Harold H. Burton, both Harvard Law School graduates. Before going to the Supreme Court, Mr. Justice Frankfurter was Byrne Professor of Administrative Law at Harvard.

Phil Graham, publisher of the Washington Post and President of Vol. 52 of the Law Review spoke on behalf of the graduates. Remarks on behalf of the present Law Review men were made by James H. Wilson, President of Vol. 59, and Elliot L. Richardson, President of Vol. 60.

The dinner was also marked by the attendance of one of the founders of the Review and President of Vol. 1, John Jay McKelvey, New York attorney.

The guests were also addressed by Dean E. N. Griswold, and Professor Paul A. Freund served as master of ceremonies.



ROS COE POUND

of Pound's, Albert Kocourek, who recounts a series of reminiscences from the era when Pound was just beginning to attract attention by his call for a sociological jurisprudence.

(Continued on page three)

NEW BOARD CHOSEN FOR THE RECORD

O'Toole Chosen As President; Berman Editorial Manager

The RECORD today begins its third term of publication as the nation's only law school newspaper, under the direction of a 15-man board, twelve of whom were elected to new positions at the close of last term.

The new President of the paper is Thomas J. O'Toole (Harvard '42) formerly Editorial Manager, who succeeds Paul F. Hellmuth (Notre Dame '40). Succeeding O'Toole as Editorial Manager is Herbert Berman (N. Y. U. '44), who was formerly News Editor. Marshall J. Deutsch (C. C. N. Y. '42) replaces Rinaldo A. Capone (Harvard '40) as business manager.

Other changes in the Board are as follows:

Seward B. Snell (Northwestern '44) replaces Samuel C. Waller (Princeton '40) as Promotion Manager; Loren E. Juhl (Illinois '40), succeeds Berman as News Editor; R. W. Culbert (Drexel Tech. '41), formerly Calendar Editor, replaces C. Duane Aldrich (Harvard '40) as Articles Editor.

Seymour Epstein (Penn. State '39), formerly Opinion Editor, succeeds Charles W. Davis (Harvard '41) as Current Case Editor; Nathaniel Tepp (Fordham '40) replaces Epstein as Opinion Editor and is also serving temporarily as Advertising Manager, a position he held last term.

Sam Schwartz (Wisconsin '45) replaces Culbert as Calendar Editor; Richard H. Wolford (Harvard '43) succeeds Torbert MacDonald (Harvard '40) as Secretary; and Byrne Litschgi (Florida '41) replaces Robert C. Trump (U. of Conn. '44) as Treasurer.

Board members who occupy the same positions they held last term are Harvey F. Fitts (Pitt '39), Feature Editor; Nathan C. Fitts (Amherst '39), Alumni Editor; and David Kallman (C. C. N. Y. '41), Circulation Manager.

Other members of the staff for this term are Mitchell Aaronson (Minnesota '43), William Barnes (Yale), Morton B. Braun (Harvard '41), John L. Cady (Harvard '43), Irving Constant (Harvard '45), Bankroft C. Davis, Jr. (Harvard '41), Eugene Flanagan (Yale), John E. Hess (Bowdoin '43), Charles A. Lord (Colby '42), Robert Maier (St. Lawrence '42), John F. McKenna, Jr. (Creighton '43), Bernard W. Nimkin (Harvard '43), James L. O'Dea (Notre Dame '44), William F. Passannante (N. Y. U. '40), Vincent St. Johns (Pitt '44), and Kenneth G. Weinberg (Miami U. '40).

Circulation of the RECORD at the end of last term was near 2,000 which included approximately 800 alumni and library subscriptions. The balance of the circulation was accounted for through student subscriptions and weekly sales at the law school and elsewhere.

FORUM REVISES SPRING PLANS

Strikes, World Government Dominate New Program

Industrial relations and international organization will provide the subjects for discussion at the six spring term meetings of the Harvard Law School Forum, the recently-released revised schedule shows.

(For the benefit of new students, the Forum has been organized since the war for the purpose of bringing before the student body the prominent men of the nation to discuss the pressing problems of today.)

The spring term series will be opened on February 28 with a meeting to discuss the causes of industrial strikes. Speakers for this meeting will be Clinton S. Golden, Counsellor for the United Steelworkers, and Leo Wollman, Professor of Labor Relations at Columbia. On March 7, Willard Wirtz will discuss "Labor and the Law".

"How Can We Mitigate Industrial Strikes?" will be the problem before the Forum on March 14. Speakers for this meeting will be Donald Richberg, co-author of the National Railway Act, and Jeffrey Freidin, former general counsel to the Wage Labor Board.

On March 28, Thurman Arnold, former Assistant Attorney General, and George Soule, former editor of the New Republic, will present "A Restatement of the Liberal Creed".

The discussion of International Organization will begin on April 11 with "An Analysis of the United Nations", presented by Abraham H. Feller, The General Counsel to the United Nations; John C. Winant, former American representative on the Economic and Social Council; and Edward Stettinius, former Secretary of State and First American Representative on the Security Council.

The speakers for "An Analysis of

(Continued on page three)

GETTING YEARBOOK SET FOR PRINTING

The 1947 edition (Vol. 7) of the Harvard Law School Yearbook, dedicated to the late Chief Justice Harlan F. Stone, is about ready to go to press, the editors have announced.

According to the Yearbook Committee of the Phillips Brooks House, which publishes the volume, the chief value of the book lies in its use as a student directory. More than 1,800 pictures of students will appear in the new edition, along with a listing of each man's undergraduate college, home town, local address, and telephone number. A new feature will be an index of students showing the page on which each man's picture appears.

The section devoted to an explanation of the various Law School activities has been expanded considerably over previous volumes, the editors relate, with a more liberal use being made of pictures of each organization.

An interesting feature connected with the new book is a contest sponsored by an advertiser, with a prize for the winning ad, which will be run in the Year Book. Details of this contest are posted on the bulletin boards.

(The Year Book office in Gannett House is holding as "left" property a sweater and key ring left behind at the time the pictures were being taken.)

TWO LAW DANCES WILL BE OFFERED

Two law school dances have been planned for the Spring Term, it has been announced by Jud Leatham, Social Chairman of the Law School Committee of Phillips Brooks House.

The first will be an informal dance on March 1 from 8 to 12 p. m. at Cowie Hall, Harvard Business School. Tickets for this dance, which sell for \$2, including tax, are now on sale at Gannett House, and will also be sold in Langdell Hall. Ken Reeves and his orchestra will play. Set-ups will be available at a reasonable cost.

The committee urges that tickets for this dance be purchased as soon as possible, in order that the size of the crowd can be determined and arrangements made to hire a larger hall if this proves necessary.

The formal spring dance will be held on Friday, March 21, from 9 p. m. to 1 a. m. at the Hotel Somerset, Boston. Tickets for this dance will sell for \$4.20 including tax. Chappie Arnold and his orchestra will play.

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Editorials

NO MORE DOUBLEHEADERS

Playing two games in one day is likely to be a tiring task for any athlete. Pitching a doubleheader is regarded as the feat of an iron-man; and yet a number of students last semester and this semester have been placed in the position of facing an academic doubleheader—that is, the taking of two examinations on the same day.

The taking of a single examination is itself a rigorous task. In fact, the schedule of examinations for the first year class has been so arranged that there is at least a one day interval between each examination. The administrative difficulties of arranging such a schedule for the entire school are obvious, but it does not seem unreasonable to request that students should not have to pitch for more than four hours a day.

It is true that an effort was made to alleviate the problem by rescheduling some examinations last semester but that this was a wholly inadequate and temporary measure is attested by the fact that a number of students did take two examinations on the same day and a perusal of the schedule for next May reveals two of the most notable among the future places of conflict: May 17, International Law, Suretyship, Domestic Relations all at two o'clock; May 20, American Legal History and Federal Jurisdiction at nine o'clock; and Evidence and World Organizations at two o'clock.

Now that the Law School is operating on a seven semester basis, it is difficult enough for a student in the seventh semester to select a sufficient amount of courses which he is desirous of taking without being deterred by his examination schedule and to go even further, there seems to be no valid reason for any student being forced to exclude a course because of the examination schedule.

When the subject was broached to some of the members of the faculty, their replies were most unsatisfactory. They included such excuses as the following: that the students this semester had been given notice of the examination schedule and hence could avoid any conflict by not taking one of the conflicting courses; that other students had relied upon the schedule and therefore it would be unfair to change it; that the secretary's office should be contacted when conflicts arose.

The first reply has been answered: courses should not have to be chosen on the basis of when the examination will fall. As for the second reply: if the examination schedule were rearranged so that no two examinations involving conflicts fell on the same day then no student would be prejudiced to any great extent and the burden of others would be greatly alleviated. From the third reply we have the source of the suggested solution to the problem. Mr. Bowe has pointed out that within the present time allotted to examinations it is impossible to shift the courses around to avoid conflicts. The solution then seems obvious. Lengthen the present time for examinations. This can be done by shortening the vacation period which would not disturb the academic schedule in any way and would remove an unnecessary burden on many students.

H. B.

Letters to the Editor

Letters submitted to the Record must be signed as evidence of the writer's good faith. Names will be withheld on request and pseudonyms substituted. The Record may edit where necessary but will not change content. Letters should be on one topic and preferably not more than two hundred words.

To the Editor of the Record:

I wish to indorse the suggestion set forth in your edition of January 8, 1947, by Mr. Harmon of New York City, that refresher courses for alumni be held at the Law School.

In the case of many of us older graduates, the word "refresher" would be, however, a misnomer; "initiator" would be better. When I graduated, the School gave only one course involving federal statutory law, namely, bankruptcy. In 1911, there was no federal income tax; the federal trade commission had not come into being; the radio had not been invented; airplanes were still in the barnstorming stage; naturally there was no "New Deal" legislation; practically the only federal administrative board of any importance was the interstate commerce commission.

To many of us who are more or less country lawyers, the field of federal law, particularly federal procedural law, has remained a closed book, because we felt rather backward in opening it for ourselves.

Courses for alumni in federal procedure, involving both courts and administrative boards, would be a tremendous help. Naturally we could not expect the faculty of the School to be the instructors. Their regular work keeps them busy. And besides, the instruction would not be of the case-book order. It would be deductive, rather

than inductive; for the imparting of facts, rather than for the training of the mind in a mode of analysis. But, given at, and under the auspices of the School, it would greatly increase the alumni's interest in, and loyalty to, the great institution.

JAMES M. ROSENTHAL, '11

To the Editor of the Record:

Those of us who stray from the Legal Fold sometimes chance upon interesting bits of information. I refer to John P. Marquand's recent novel: "B. F.'s DAUGHTER". On page 105 young Bob Tasmin speaking of the lovable character, old B. F., says: "He says that any fool ought to know that everyone is drinking Coca-Cola and they're going to keep on drinking it. He says that any fool can buy a piece of the factory that makes Coca-Cola". In the next paragraph Mr. Marquand relates: "In fact, when George Tasmin died, it turned out that the only part of the estate that was worth much, and fortunately the larger part of it, was the common stock of Coca-Cola and General Motors, purchased at the bottom of the market in 1920."

It would seem in the light of: *Baltimore Process Co. v. My-Cola*, 144 Md. 439 (1924), that Mr. Chafee could impart some valuable information to Mr. Marquand. In view of the fact that My-Coca Co. was having a great deal of trouble in persuading the Baltimore Process Co. to take the formula for Coca-Cola and that the plaintiff alleged:

The contract was dated February 19, 1920 and that no reproduction of the formula had been made; that the plaintiff had taken steps to halt production. It would seem that not too many people were acquainted with Coca-Cola, the price being \$15,000.

Further, it would seem that Baltimore Process Co. might be able to persuade B. F. that not any fool "can buy a piece of the factory".

Finally, in view of the fact that the case was decided in 1924, it seems highly unlikely that any of the common stock of Coca-Cola could have been purchased "At the bottom of the market in 1920".

VOLNEY F. MORIN,
4th Term.

Off the Record

A LEGAL PRIMER The Vested Remainderman

Let us go to the Insane Asylum and see them put away the Vested Remainderman. The Life Tenant is his Mother who has lived to be 97. She has been cutting down Trees, drilling for Oil, mining Gold and selling the Topsoil for forty years. What a Darling old Lady.

—PUBLIS.

G. P. O. tells us that the night before the Judicial Remedies exam he noticed a character in the Reading Room making vague motions and talking to himself. Walking closer, our informant heard the distraught student address the empty air as follows:

Oh, Mr. Morgan, take pity please
And act to still my knockin' knees.
Say it isn't true that you are he that dotes
On obscure questions mined from unread footnotes.
Poetry critics will note that the verse fails to scan.
Anticipation of a bout with Morgan will do that to any man.

In Defense of the Case System
There's a wonderful man who sits right next to me
In the catalogue course that they call Equity.
Though he doesn't take notes he sure does take his ease,
All that confidence contrasts with my rubb'ry knees.
He's never baffled when P, V and D
Are mumbled or fumbled—or at least for me—
His knowledge of Law is apparently vast
Quite possibly he is the best in the class.
He can cite cases we covered in Contracts.
When he recalls them, it's not just the "odd" facts,
But arguments, reasons, conclusions of law,
And names of the judges, of counsel and all.
Just one thing disturbs me about good old Jack,
He's always so way the hell off the track.

—R. W. C.

Having in three successive issues replied to Professor Leach's criticism of our verse, we thought the matter had been settled and were encouraged in this belief by a week of relative calm. Now, a fourth term man appears to chastise us, and in even more vigorous fashion than did Bart.

In re Leach v. RECORD
The pearls of our capacious professor
Were dropped in an alien pen.
The RECORD, that metric aggressor,
Is off on a tangent again.

O brash anapestic maltreater,
Assassin of cerse, we repeat
You reduce your hosannahs to metre
And pay some regard to the feet.

Iambus and dactyl and trochee
Enmeshed in ametric morass,
You wonder this Okefenokee
Brings scorn from the Property Class?

There is also a matter of rhyming.
A trifle, admitted, but which
Is why Gilbert's the ghost that is climbing
Around your poetical neish.

When obloquy makes you phrenetic
We allow you three swings at the pitch,
But on making demurrer poetic
Don't call him a son of A MacLeish.

B. G. D.

We retire from the field for the present but give warning that our chief versifiers are in conference drawing up a suitable rejoinder.

Gallery

SHELDON GLUECK



bout with legal dialectics. For to Mr. Glueck, the criminal law is not only a system to expound, but a problem to solve. For nearly two decades, he has been selling reform of the criminal law, both in its substance and in its procedural aspects, to lawyers, politicians, civil servants, Harvard Law School students, and the public.

In teaching criminal law, Glueck examines the conceptualistic framework and its shibboleths—malice prepense, "an abandoned and malignant heart," felonious intent,—against a background of scientific soundness and realistic social purpose. He points out, for example, how one judge, in affirming a conviction of first degree murder on the basis of some established technical rule of law, wrote to the Governor "behind the scenes" asking him to commute the sentence "for the justice of the thing." Mr. Glueck is fond of antithetical remarks, and one of his favorites—"criminal law is an island of technicality in a sea of discretion"—might well serve as a headnote for his course.

Law curricula are bursting at the seams and criminal law cannot be allowed any more time than it is given now, two hours a week for one term. Consequently Mr. Glueck had to choose between a cursory view of the whole field and a concentrated analysis of what he considered were the most important elements. He chose the latter. As a result, barely a third of Glueck and Hall's casebook is actually discussed in class. In focusing on murder, manslaughter and theft, Mr. Glueck is able to give, as he puts it, "a thorough drill in the methods of thinking about criminal law, and a caution against the pitfalls of blindly conceptualistic doctrine."

Born in Warsaw fifty years ago, Glueck was brought to America by his parents in 1907. He spent much of his youth in Wisconsin and proudly considers it his home state. At eighteen, he began the study of law at Georgetown Law School in Washington, D. C. The first World War and his service with the AEF over, he returned to get his A.B. from George Washington University and an LL.M. from the National University Law School. Harvard was next, and Mr. Glueck has remained associated with the University, as student or teacher, ever since. While taking his Ph.D. in a combination of law and psychology, he spent a year as a special student at the Law School, where he worked largely with Professors Pound and Frankfurter. At the same time he was an instructor in the Sociology Department. In 1925 appeared his oft-cited first book, *Mental Disorder and the Criminal Law*, which had been his doctoral dissertation. In 1929, he was appointed assistant professor of Criminology at the Harvard Law School and in 1931 became a full professor.

Mr. Glueck likes teaching. The contact with students, their ideals, problems and enthusiasms, keeps his own spirit lively and alert. He regards as his greatest compensation the letters he occasionally gets from former students, thanking him for the excellence of his course. One of the oddest experiences he has ever had occurred one day several years ago when he was discussing in class the case of, *In re Heighe*, which involved a question of manslaughter. A certain student persisted in correcting Glueck's interpretation of the facts. Finally, Mr. Glueck rather firmly said that the facts were thus and so. The student shook his head and replied: "I don't care what you or the report says about the case, I ought to know the facts. The victim was my grandmammy."

This type of incident appeals to Mr. Glueck's sense of the dramatic. This quality and the teaching of criminal law blend very successfully. He points up key principles by interpolating bits of dialogue between defendant and victim and acting both parts. These bits of drama often stick with the student longer than the actual facts of the case. In his spare time, during summer vacations, he has worked at his hobby, writing stage and radio plays. At present, he has two radio series under consideration by broadcasting companies.

One of Mr. Glueck's most valuable contributions to world peace and justice was his closely reasoned and historically documented rationale of the punishment of war criminals. As special consultant to General Donovan and the OSS during the war, and later to Mr. Justice Jackson, he helped formulate the legal bases for the Nuremberg trials. In two widely-read, pioneering books—*War Criminals* and *The Nuremberg Trial and Aggressive War*—he contributed the ablest legal and moral arguments for the trials. He also played an important part in the great debate in the press and magazines, supporting the thesis that war criminals can and should be prosecuted by legal means.

Since 1925, Mr. Glueck and his wife, Eleanor, a Harvard Ph.D. in her own right, have been carrying on a series of trail-blazing researches in criminology and penology. Most of the early studies, including the influential *500 Criminal Careers* and *One Thousand Juvenile Delinquents*, dealt with the question: Are the present methods of peno-corrective treatment effective in reducing crime and recidivism? To which the Gluecks answered: definitely no. Fully four-fifths of the juvenile and adult offenders studied by the Gluecks in the aforementioned books continued their criminal careers after treatment.

During the last eight years, Mr. Glueck, his wife and an extensive staff of researchers have tried to find out why. They are now studying two groups: 500 delinquent boys from 11 to 17 years of age and, as a "control," a comparable number of non-delinquents of the same age, ethnic background, intelligence, and socio-economic status. This is to be the Glueck's *magnum opus*. They hope it will disclose the complex ramifications of the causes of crime, how delinquents can be treated successfully, and how crime can be prevented. As a guide to legislation, to juvenile courts,

Sub Judice

IS A COURT OF LAW AND EQUITY AN ECCLESIASTICAL COURT?****

The Book of Discipline of the African Methodist Episcopal Church provided for two alternate methods for removal of a presiding bishop, namely a two thirds vote of the bishop's council and by trial upon accusation before a committee of trial composed of one bishop and four elders. In the case at bar the procedure of a vote of the bishop's council was used and pursuant to a two thirds vote a resolution was enacted relieving the plaintiff bishop of his duties and appointing the defendant in his place. Later several parties attempted to withdraw their signatures and votes from the resolution attempting thereby to reduce the vote below the necessary two thirds. This attempt was held ineffectual as a withdrawal.

Plaintiff then proceeded in this alias proceeding to obtain an injunction restraining the defendant from being bishop and the defendant counterclaimed for identical relief.

The court felt it was bound by the Book of Discipline; that where alternate methods were available they might be used and the mere fact that the method used for removal had never been used before did not prevent its use now. The defendant had judgment on the original suit and on his counterclaim.

Washington et al v Wright et al, 66 N. Y. Supp. (2d) 194 (1946).

LITIGANTS ARE SMARTER THAN JUDGES****

10 minority stock holders' actions were consolidated for trial. Apparently cognizant of the interminable wranglings that such actions can involve, the litigants through various counsel drew up a proposed settlement and applied to the court for allowance of a stipulation of the proposed settlement if found to be fair, adequate and reasonable. If so found it was prayed that its terms be approved and as adjudged by the court, effectuated under appropriate order. Hearings were held for all parties and the settlement was offered to the court. The court's decision on this particular part of the case was an admirable demonstration of the often repeated but seldom believed principle that counsel are officers of the court and that they are an aid to the bench in solving various legal entanglements. Here the court considered several other solutions and then stated: "Courts are loath to substitute their own views, no matter from what good sources derived, for the considered exercise of judgment on the part of litigants or their duly constituted representatives or agents." The settlement was accepted and made part of the court's order. *Diamond v Davis*, 62 N. Y. Supp. (2d) (1945).

DON'T TRY SUICIDE! YOU MAY BE COMMITTING A NUISANCE****

Following childbirth, a wife became mentally depressed and attempted suicide by means of inhaling illuminating gas. The attempt, which took place in the kitchen of her apartment, failed. There was later medical testimony which showed that the wife's depressed condition, subsequent to the event, had been improved; although she was not depicted as a laughing hyena she was, apparently, no longer "on the bottom."

At this point the modern day successor to Simon Legree, the landlord, who in this case was a highly impersonal insurance company, entered the scene and instituted summary proceedings alleging that the terms of the tenancy had expired and that the tenants were continuing without the landlord's consent. This petition was filed under OPA Reg. Sec. 6 (a) (3) (i) and (ii) on the grounds that the tenants violated a substantial obligation of tenancy and failed to cure such violation after receipt of due notice in writing. The violation complained of was permitting and committing a nuisance, viz, attempted suicide and fear of repeated attempts which would endanger others. The court held that a mere isolated instance of an attempt at self-destruction is not and does not constitute a nuisance in the accepted sense and that it was error for the Municipal court to grant the order of eviction. The order was reversed and the petition dismissed. *Metropolitan Life Ins. Co. v Moldoff*, 63 N. Y. Supp. (2d) 383 (1946). Perhaps on more facetious lines the court could have analogized, "Even a dog is allowed one bite."

"THE OUTLAW" MUST BE TWINS****

Plaintiff had the distribution rights to "The Outlaw," which probably needs no further identification. Defendant contracted to exhibit said "entertainment" for an indefinite run in New York City but announced that despite such contract it would not exhibit because it had been notified by the New York City Police Commissioner and the Commissioner of Licenses that if the film was shown they would be prosecuted for exhibiting an "obscene or indecent picture" and would be subject to proceedings to revoke their licenses. Plaintiff attempted the old equity trick of seeking an injunction negative in form which called for affirmative action in fact. They sought to have defendant enjoined from refusing to exhibit and moved for injunction *pendente lite*.

The Director of the Motion Division of the Department of Education of New York State had issued a license for exhibition of the picture and the court found that this impliedly was a finding by that board that the picture was not, "obscene, indecent, immoral, inhuman, sacrilegious or of such character that its exhibition would tend to corrupt the morals or incite to crime."

The Court must have been a little disturbed by all this and stated that it was "remarkable that the State Education Department and the New York City Officials should arrive at such diametrically opposed conclusions." The Court, however, did not believe it was the Judge's function to say who was right, there being an apparent ground for reasonable men to differ. Motion for the injunction *pendente lite* was denied since if granted it would be ordering a criminal act to be done in New York City. *United Artists Corp. v Amity Amusement Corp. et al*, 66 N. Y. Supp. (2d) 299 (1946).

and to private social welfare, the prediction tools which the Gluecks are fashioning will be invaluable.

Recently, Mr. Justice Frankfurter wrote of his work: "... the Gluecks have not arrived at the Heavenly City of ultimate answers to the questions raised by crime. But they have blazed significant trails. It means much to have speculation supplanted by facts, to prove quantitatively that which previously was merely surmised."

B. W. N.

The Witness Stand

The Questions: What topics would you like to hear discussed at the Forum? What speakers would you prefer?

1. William M. Horne, Indianapolis, Ind.

2nd Term.

I should prefer to hear more topics similar to "Bureaucracy and the Legal Order" discussed by James M. Landis and Robert M. Benjamin, and more speakers of their calibre. I should also like to hear lectures by important government officials, such as that given by ex-Dean Landis in expounding the policies of the C. A. B. Such lectures might prove more beneficial than a strict adherence to the Forum concept, especially if tied in with subsequent discussions as to the opportunities available in these government administrative bodies for fledgling lawyers.

2. Jerome Finklestein, Jacksonville, Fla.

4th Term.

I should like to hear Col. McCormick or Henry Luce, and Morris Ernst and Ralph Ingersoll discuss "Is Our Press Free?" Another suggestion would be to have Judges Frank and Hand speak on "How Judges Think." Or perhaps—and this is offered half humorously—Senators Pepper and Taft on "How Harvard Law School Shaped My Ideals." But whatever the speaker and whatever his topic, I should prefer to hear him out rather than have him cut short by an abortive radio program.

3. W. L. Ensign, Selma, Ala.

4th Term.

Walter Lippman on a "Proposal for Policy in Europe," James Landis on any topic, and Dean Griswold on opportunities for specialization in the law and the use of electives in preparation for them, would be my choices for Forum speakers and topics. I'd like to suggest also that the Forum present more legal topics, fewer speakers with more time for each, moderators schooled in brevity and introductions limited to one man.

4. Arthur Minuskin, Paterson, N. J.

3rd Term.

One of my main gripes so far as the Forum is concerned is the way it is organized to benefit the general attending public rather than the members of the Law School and their friends. Frankly, I'd like to hear a variety of speakers in different fields. Max Lerner and Norman Thomas would make an interesting pair discussing their respective views on theory of government. "Planned Economy in the U. S." Perhaps men like James Byrnes, Walter Reuther, John L. Lewis and Edward Stettinius would do much to give us some authoritative viewpoints on foreign and domestic policy. Variety and current interest should be the keynote of the Forum's program.

5. Julius A. Leatham, Palo Alto, Cal.

5th Term.

Forum topics appear for the most part well chosen. Similarly, speakers on academic or philosophic subjects have been of a very high order. My only feeling is that speakers on the rather volatile political and industrial relations issues seem primarily drawn from "liberal" or "reformist" sources. Perhaps this is purely a case of availability, but there must be some able men who feel that the period from Buchanan's administration to 1932 was more than a complete fiasco (other than during the brief lucid intervals of Cleveland and Wilson). A "Restatement of the Liberal Creed" deserves a dissent and I don't believe labor relations can be solved entirely by counsel for United Steelworkers and their avowed supporters.

Alumni Notes

Woodruff J. English, LL.B. '34, and Nicholas C. English, LL.B. '37, have been admitted to partnership in the firm of McCarter, English & Studer in Newark, N. J. Other Law School alumni in the firm are George W. C. McCarter, LL.B. '11; Ward J. Herbert, LL.B. '28; and James R. E. Ozias, LL.B. '32.

LL.B. '90—Thomas Hunt died in Boston January 26. He was associated with the firm of Gaston, Snow, Saltonstall and Hunt until his retirement in 1941, a firm he joined in 1896.

LL.B. '95—Robert Porter Shick died in Philadelphia on January 23. A former official of the American Bar Association, he had been a practicing attorney in Philadelphia since 1904. Active in independent politics, Shick was formerly counsel for the German-tion-Chestnut Hill Improvement Association. He was an independent candidate for clerk of Quarter Sessions Court in 1923.

LL.B. '03—Charles A. MacDonald died January 26 in Washington, D. C. For many years associated with the Department of Justice in Washington, he had served in the Navy during World War I, and had taught international law at Keio University in Japan.

LL.B. '06—Judge Ernest G. Templeton, presiding member of the Exeter, N. H., municipal court for 21 years, died Feb. 1 in Boston. After graduation from the Law School he practiced briefly in Rochester, N. Y., then returned to Boston. A member of the Board of Selectmen for several years, he also was a member of the Constitutional Convention in 1918.

LL.B. '17—Lawrence Clayton has been nominated by President Truman to be a member of the board of governors of the Federal Reserve System. Clayton served as assistant to the chairman of the Federal Reserve Board from 1934 until early 1945, when he resigned to enter private business.

LL.B. '25—The engagement of Miss Marion F. Shaughnessy, of Milton, Mass., to Francis X. Daly, LL.B. '25, has been announced. Daly, who served during the war as a lieutenant-colonel in the European theater, is with the Department of Justice in Washington, D. C.

LL.B. '32—Francis A. Truslow becomes the second paid, full-time president of the New York Curb Exchange on March 1, for a three-year term. He is at present a member of the New York law firm of Reed, Truslow, Crane & deGiv.

After graduation from the Law School Truslow began the practice of law with the New York firm of Durfee, Zunino & Amen. In 1934 he became associated with William A. Lockwood, Curb Exchange general counsel, and with the legal phases of the exchange's operations. Since 1942 he has been

general counsel for the exchange. In the early days of the war he served as U. S. Government representative in operations for wild rubber procurement and conservation in the Upper Amazon and in Peru, as a member of the Rubber Reserve Company and the Rubber Development Corporation, of which he later became president. In 1945 he participated in the Inter-American Conference in Mexico City, as a delegate of the U. S. State Department.

LL.B. '35—The engagement of Miss Estelle H. Epstein to Philip Zimet, both of New York City, has been announced. Zimet is with the New York law firm of Cook, Lehman, Goldmark & Loeb.

Ex. '36—Lawrence S. Rockefeller has been elected a member of the Board of Directors of the International Nickel Company of Canada, Ltd. He is also a director of Rockefeller Center, Inc., Eastern Air Lines, Inc., McDonnell Aircraft Corp., Merchants Fire Assurance Corp., and a member of the New York City Airport Authority.

LL.B. '36—Christopher S. Sargent died December 24 in Washington, D. C. While at Law School he was an editor of *The Law Review*. After graduation he became an associate of the New York law firm of Milbank, Tweed & Hope; and more recently he had been with the Washington firm of Covington, Burling, Rublee, Acheson & Shorb. During the war he served as vice director of the Bureau of Naval Personnel, and later as personnel adviser to Under-Secretary of the Navy Artemas Gates.

LL.B. '39—Rollin E. Woodbury has been appointed an Associate Editor of the *Young Lawyer*—national publication of the Junior Bar Conference of the American Bar Association—for the ensuing year. After graduation Woodbury was admitted to the California bar, and has been employed as Assistant Counsel in the Legal Department of the Southern California Edison Company Ltd.

POUND—(Continued)

The volume is attractively bound and has been entitled *Interpretation of Modern Legal Philosophies* with subtitle *Essays in Honor of Roscoe Pound*. The frontispiece reproduces the Barnore etching which is among Harvard Law School's many pictures of its eminent Dean Emeritus.

Another token of recognition of his work has recently been received by Pound. It is a large scroll, given by the Chinese government in appreciation of the work he has done in revamping their legal systems. The scroll is ornately decorated by hand and contains a citation in Chinese. Another scroll has been sent to the Law School and is now on display in one of the showcases in Langdell reading room.

Pound himself has never taken a course in jurisprudence. His first contact with this field of study came through a book which he received as a gift from his father. It was Holland's *Jurisprudence*, reflecting the analytical school which was ascendant in the English speaking world at that time. Through a paper published in the *Nebraska University Studies* in 1904 Pound first indicated the sociological approach to the problems of jurisprudence, a movement in which he still remains one of the leading figures.

His views attracted wide attention after an address which he delivered before the American Bar Association in 1907. Kocourek's essay in the Oxford volume discusses this at length and reprints the poetic commentary which Wigmore made on that occasion.

NOTES FROM ABROAD

This is the first of a series of articles which will appear from time to time on news of other law schools.

The University of Virginia Department of Law is this year inaugurating a program of participation in the law school curriculum by members of other faculties in the University. In several courses, classes are to be taught jointly by members of the law faculty and of the other faculties.

The program was started in 1946 with the offering of a course on law and economics, taught by a member of the economics faculty who is also a law school graduate. The course presents a comparative study of legal and economic concepts and their efforts upon each other and upon the functioning of the economy. An effort is being made to provide the students with certain basic economic concepts likely to be of use to him in his practice, such as the meaning of competition, rudiments of wage theory, profits, national income, etc. The course has been so well received by the students that the school expects to offer it annually hereafter.

A course in Legal Philosophy is in the process of being organized. It is to be offered jointly by a member of the Law School Faculty and a member of the faculty of the School of Philosophy. It will be available as an elective to third year law students and to graduate students in the School of Philosophy.

A course in income tax problems is offered jointly by a member of the economics faculty, who happens to be a Certified Public Accountant, and a member of the Law School faculty. This course is presented on the applicatory level, presenting actual accounting problems and the application of tax laws to them. It is especially useful to those students without an accounting background.

A seminar in Criminal Law Administration is in the course of organization. It is to be offered jointly by a member of the Department of Psychiatry of the Medical School and a member of the Law School Faculty.

The course on Administrative Law in the Law School is taught jointly by a member of the law faculty and a member of the Political Science faculty.

In the Law School, since the war, particular emphasis has been placed on the development of courses in trial practice and in office practice. The School hopes that it may be able to train its students in a modest way to do what lawyers do. It is the Faculty's thought that the contemporary law school is reasonably successful in training students to think like lawyers but that there is vast room for improvement in training them in what has been referred to as "lawyer skills." It is realized that a law school cannot turn out finished practitioners but it is believed possible to train the student in how to conduct himself in court, and how to draft pleadings, and how to draft at least the simpler forms of wills, trusts, contracts, etc. Results so far have been encouraging.

Most members of the faculty participate in the office practice aspect of this program. This means that it is possible to break the senior law students down into groups of about ten so far as the office practice work is concerned. With a large postwar enrollment this relatively small group work is the closest Virginia has been able to come to individual instruction. Entirely apart from the subject matter, the faculty believes there is a definite benefit to both student and instructor arising out of working in relatively small groups.

Confessions of a Law Wife

SCENE: Bridge at the Replevins'.

PLAYERS: Amanda Mandamus and Flo Warranto versus Adelaide Assumpta and Rosalind Replevin, law wives all.

"What's trump this hand?" asked Flo Warranto.

"Oh, for Heaven's sake, darling, why don't you invest in a book of rules, read them and then pay attention?" Amanda impatiently suggested.

"Oh, Amanda, stop bullying poor Flo," cooed Rosalind. "She tries. You should be glad you're not teamed with Jane. Why, she can't even count. I doubt if she knows how many cards she should have in her hand—and she has the airs of a tournament winner!"

"And those clothes she wears!" cried Adelaide. "To her, purple and orange are a stunning combination, and she insists on donning the bare midriff dress both for afternoon and evening wear, when what she needs is something to tie her in!"

"Whose lead is it?" inquired Flo.

Amanda chatted blithely: "Andrew has five examinations looming darkly on the horizon. I can't have teas or bridges until February 8. Really, I shall be bored utterly. Oh, I suppose I'll take in a few shows in Town and do lots of shopping. That kills time so pleasantly. . . . New York papers are flooded with advertisements of January sales. I suppose Boston will have sales in February."

She straightened her nylon seams and glared across the table at Flo, who was studying her hand with a questioning frown.

"I've found the duckiest place to shop," reported Rosalind. "You can get lettuce and tomatoes for two cents less, each, and . . ."

"Where's that, darrrrrring?" shrieked Amanda.

"Spumoni's Market, just this side of Waltham."

"Huh," snorted Adelaide, "you spend more in shoe leather and transportation than you save, dear."

The game had continued during the conversation, and Adelaide made her contract on the last trick, squeezing out an ace Flo had saved futilely. Flo blushed apologetically, and mentally planned to try harder as she took a chocolate for energy.

"If only I'd had the king of spades last hand," sighed Amanda. "But my husband would say that is *ex post facto* reasoning. Whatever you call it, that card might have helped." She consulted her watch and remarked that it was really getting late.

While notes were being compared on the relative merits of buying homogenized milk and saving a few cents by getting the regular, the bidding was climbing. Amanda finally reached slam.

"I double," Adelaide said deliberately. "I demur—and my husband says that means 'so what?'" Flo added.

"Oh, my," gasped Rosalind, "it's my lead, isn't it?"

Amanda proceeded to lay down three aces, four kings, three queens and three small ones she could discard on dummy's ace and two jacks, and proudly said, "*Res ipsa loquitur*," Adelaide, who had doubled, was conscious of a conde-

scending smile from Flo, who took her partner's victory as her own.

"When are you girls working at Kendall House again?" asked Rosalind, dealing. "I really enjoy doing something for the boys. It reminds me of the Officers' Courtesy Bureaus during the war."

"Didn't you meet your husband at one of those clubs?" inquired Adelaide.

"It's your lead, Addie," said Flo, who by now had decided she had taken enough for one session, and intended to cross swords with them all if necessary. Adelaide and Amanda exchanged startled looks, but said nothing. Rosalind passed around the dish of candy, hoping to sweeten the tastes in their mouths.

"Too bad Genevieve couldn't join us today," said Rosalind, "but she has such trouble getting a baby sitter. My dear, would you believe they must be supplied with comic books, and paid seventy cents an hour? The next thing you know they'll want portal-to-portal pay."

The game proceeded in practically the same manner for a few hours, with Amanda dropping pearly (simulated) bits of bridge wisdom to Flo, who thanked her but hastened each time to tell her that talking at bridge was rude, and that it also gave away secrets to the opposition. About five o'clock, the playing ceased, Adelaide and Rosalind being the winners. As Amanda kept still, brooding because she had not played very brilliantly, Rosalind served coffee and devil's food cake, which they all ate heartily.

"Heavens," cried Flo, "Fred will be home soon, and there isn't a thing to eat in the place."

The girls consumed second portions, and thoughts again turned to the journey home.

"I'm so furious at Andrew, I could scream," screamed Amanda. "He has the car again today, and I'm trying to figure out what good it does being parked in front of Austin Hall. Ugh, I detest walking."

"May I drop you?" asked Flo, coming to the rescue. Amanda thanked her profusely, and after the usual guest-hostess chitchat, they left arm in arm.

Adelaide sat back in her chair and roared. "If Andrew goes into politics, Amanda will be a boon. She's more than a bit morally color-blind."

"Goodness," gasped Rosalind. "Flo forgot to tell us what time we are to come over for tomorrow's game. Since she's not pregnant, she has no phone."

"We might get there around two," purred Adelaide. "She'll probably have her dusting and cleaning done by then. The boys have to be in school by 9, you know."

"Ah, yes, good old bridge," smiled Rosalind. "I don't know what we'd do without it."

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Calendar

THE LEGAL WORLD

Ad, Law and Labor Law

Mimeographed materials are available at the delivery desk, Langdell Library, for use in both courses. Students in Labor Law should study carefully, Magruder, *A Half Century of Legal Influence on Collective Bargaining*, 50 Harv. L. Rev. 1071 in preparation for the first week of classes, which will consist chiefly of lectures on the historical background of the National Labor Relations Act.

Summer Job

Vice Dean Hall would like to receive letters from any law students interested in the following opportunity: "Is there a law student and wife, who want to spend the summer on Cape Cod near Harwich and who in return for pleasant home life, wholesome food, and a nominal income, to be arranged, will act as Counselor for two boys, age 7 and 8, take them sailing, swimming, fishing, tenting—whose wife will assist in the housekeeping, cooking and the care of a 3½ year old boy—July and August or longer?"

Equity and Bills and Notes

Because of Professor Chafee's absence, no classes will be held this week in 3rd term Equity and 4th term Bills and Notes. Classes will resume Monday February 24 according to schedule. Assignment sheets for Bills and Notes are available at the delivery desk, Langdell Library.

Evidence

Assignment: Begin in Morgan and Maguire, *Cases and Materials on Evidence* (2nd edition, 1942) at page 283. The first discussion will cover "Topics Relating to Witnesses," in connection with which, read the material on pages 599-631 (General Nature of Hearsay) 562-599 (Opinion), and 981-1044 (Authenticity and Contents of Writings).

Law Wives

At the regular meeting tonight, February 19, at 8 P. M. in Kendall House, Mr. John D. Glover, Asst. Prof. of Business Administration at the Harvard Business School will talk on *Consumers Unite for Peace and Prosperity*. Mr. Glover will show the film *Here is Tomorrow* about the Cooperative movement.

On Tuesday afternoon, February 25, at 3 P. M. Capt. Edmund Burke, of the Cambridge Fire Department will speak on *Emergency Fire Procedure and Precautions*.

Forum

All men interested in working on the Harvard Law School Forum are requested to attend a meeting at 2 p. m. Friday in the Forum offices at Gannett House. Four vacancies for this term on the Forum Board caused by graduation will be filled from among the men who volunteer, and these four men will also be candidates for the Forum Board for next year at the general elections to be held in April. The Forum Board is now working on the program for next year, and is interested in receiving suggestions from students as to how the Forum can be improved.

THE UNIVERSITY WORLD

Lectures

The Progressive Citizens of America will present Mr. Laurence Locke, who is with the firm of Horowitz, Tetkun & Rothschild, Boston, in a lecture on *Taxes at the Littauer Center*, at 8 P. M. tonight, February 19.

An illustrated lecture on *The Biblical Murals of the Synagogue at Dura-Europos* will be given tomorrow, February 20, at 4 P. M. in the Large Lecture Room of the Semitic Museum.

William James Philosophy Lectures

During the Spring Term the William James Lectures in Philosophy will be given by Professor W. E. Hocking on *Issues on Contemporary Philosophy of Law*, with special reference to the foundation of International Law. The Lectures will be given on successive Mondays in Room D, Emerson Hall at 4 P. M. The lecture scheduled for next Monday, February 24, is *Positive Elements of Law*.

Concert

The Leverett House Music Committee presents an evening of music tonight at 8:30 P. M. in Leverett House.

Hillel Foundation Lectures

Dr. Hans Kohn, Professor of Modern History at Smith College, will give the first in a series of lectures tonight, at 8 P. M. in the Phillips Brooks House, 3rd floor parlor. His topic will be *This Century of Betrayal*.

THE OUTER WORLD

Plays

Parlor Story, a new comedy by William McCleery, opened this week at the Wilbur. Walter Abel and Edith Atwater take the leading roles.

A Flag Is Born, Ben Hecht's spectacular drama, is currently at the newly opened Center Theater on Washington street near Stuart.

The Glass Menagerie, Tennessee Williams' prize-winning drama, will open a four weeks engagement at the Plymouth on Monday, February 24.

Back To Serfdom

Following is the first half of an article written by Robert Bracken, 2nd term. The concluding portion will be published next week. Proofs of the article have been read by Professor Harold J. Laski of the London School of Economics, who will write a reply sometime in the future.

"The king is not under men, but under God and the law," announced Lord Coke. Coke was debauched for hurling these words of Bracton into the face of an enraged James I, but his statement soon became a rallying cry for free men and free government everywhere. Aristotle, centuries before, had phrased it differently: "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."

For countless ages before the times of Coke and Bracton mankind bent to the yokes of numberless tyrants. Slave, serf, helot, peasant—whatever his title and in whatever time or clime he lived, Mr. Wallace's "common man" was one with the beasts of the field. With their own pigs and chickens men shared a common bed, a common trough, and a common fate—slaughter at the will of a master. A short lived attempt at direct democracy in Greece was based on slavery and culminated in pouring poison down the throat of its dissenting foremost citizen. In Rome a small group of independent farmers, temporarily free "without the law," called in the demagogues, sold their very children into slavery, and perished beneath a stifling tyranny. (The Roman emperors, incidentally, were "economic planners" and the extent of their planning and its relation to the final crash are little realized.) Feudalism came next wherein mankind, seeking "freedom from want and fear" placed itself under the protection of a series of men on horseback who led their suffering followers down to new depths of misery and degradation. Feudal tyranny and its resultant forms of government lived on into the very shadow of today and vanished only with the demise of Nicholas II and Franz Joseph in 1917-18. Feudal thinking, however, is very much alive in Europe as recent events have demonstrated.

Two ideas were common to the ancient despotisms and are accepted today by both the avowed dictators and by our own so called "liberal planners." They were, and are, an idea of law and an idea of economics. First was the idea of the civil law. Civil law is a subordinating law. Under it the government official is more or less judge of his own powers. The individual citizen is subordinate to him and he is free to

The Importance of Being Earnest, Oscar Wilde's comedy of manners, continues through this week-end at the Plymouth.

Musicals

The Chocolate Soldier, the famous operetta by Oscar Straus, opens Tuesday, February 25 at the Colonial. The composer has written five new numbers for this pre-Broadway engagement. Billy Gilbert, film comedian, is in the cast.

Brigadoon, a musical fantasy, completes its pre-Broadway engagement this Saturday night, February 22.

Up In Central Park, a light-hearted impression of life under Boss Tweed, continues at the Opera House.

Call Me Mister, top-flight veteran's musical comedy, has been held over at the Shubert. This is one you shouldn't miss.

Music

The Boston Symphony Orchestra, Leonard Bernstein conducting, presents its 17th concert series Friday afternoon, February 21, at 2:30 P. M. with a repetition of the concert Saturday evening, February 22, at 8:30 P. M. at Symphony Hall. On Sunday, February 23, the 5th in the Sunday Series of concerts will be presented at Symphony Hall at 3:30 P. M.

Cecile LeVeille, pianist and composer, will give a recital of her own compositions and pieces by Chopin and Rachmaninoff at Jordan Hall, Sunday, February 23, at 3:30 P. M.

Ford Hall Forum

David Seabury, noted psychologist and author, will speak on *How to Live While Neurotic*, at Jordan Hall, Sunday evening, February 23, at 8 P. M.

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subordinate the interests of one party to that of another by identifying the first party with the public interest as he sees the public interest. As explained by Dean Roscoe Pound, in civil law theory, what is done officially is law. In short, the state is supreme.

This is the legal thinking of every tyranny, ancient and modern. Under it the Roman emperors, the feudal barons, the Spanish Conquistador kings, the Russian Czars, the Stalins, Hitlers, and Harold Laskis have advanced the second basic idea of tyranny, forced economic planning. Because people are selfish, irrational, and irresponsible, say the planners, we shall save them from their own follies, plan their lives and their economic activities for them, cram it down their throats, and usher in the new utopia. So, backed by totalitarian legal concepts, the Roman emperors established hereditary occupations, the feudal baron bound his serfs to the soil, the Spaniards made trade a state monopoly, and Lenin opened the Socialist era by liquidating two million independent farmers. In all cases after forced economic planning there have followed tyranny, stagnation, and ruin, but above all tyranny, crude naked power smashing out the lives and aspirations of mere individuals who failed to conform.

COMMON LAW AND PRIVATE ENTERPRISE

Out of the welter of filth, misery, and oppression of the latter dark ages there arose two new ideas of law and economics, the Common Law and free private enterprise. To them and to them alone man owes what little freedom, physical comfort, and hope he has attained. Only in the two great free enterprise, common law areas of the world, the United States and the British Commonwealth of Nations, has Mr. Wallace's common man found the dignity, security, prosperity, and freedom, real, all out freedom with no strings attached, for which he has yearned. Elsewhere with the possible exception of Scandinavia, which has retained free enterprise under the civil law, the dark curtain of oppression has only flapped sporadically, admitting a flash of freedom here, but at the same time shutting off another flash elsewhere.

Common law, contrasted to Civil, claims supremacy of the law over all parties, official and private, alike. Under common law what is done officially is

not the law, but must be done according to the law. It is a coordinating law which views all parties and their conflicting interests as equal, even in the dread case of Government vs. One Citizen. Before acting a party consults the law, then acts secure in the knowledge that in case of dispute the judges will invoke the same law to decide between him and his opponent. Each case will be decided, not on the judge's idea of public welfare, but according to precedents of law previously established.

CAPITALISM AND FREEDOM

In their battle for supremacy of the law Bracton, Coke, and their followers found ready allies among the rising capitalist and middle classes of their era. Denied as it is, down through the ages and in this very day the cause of capitalism, or if you prefer, of free private enterprise, and the cause of human freedom have been and are inextricably bound together. Together they rose in the latter middle ages and in the seventeenth and eighteenth centuries and together today they are falling all over the world. The one can not survive without the other. Political and economic freedom under a coordinating law are essential to free enterprise both for allowing the incredibly fine elements of the market to function and to provide a definite, stable set of rules under which all parties may play the game and reasonably predict the outcome of any clash between themselves or with the government officials.

FOUR FREEDOMS A FARCE

Free enterprise, on the other hand, is essential to human freedom for the simple reason that no man can be or ever has been really free without freedom of economic activity. The four freedoms of Roosevelt omit this vital fifth freedom and are thereby a hollow farce. Consider a bird in a cage. He has freedom from want—his master feeds him daily. He has freedom from fear—his cage keeps out the cat. He has freedom of speech and sings night

and day. He even has freedom of religion for he may worship at will. The caged bird has the four freedoms, yet lacks the very essence of freedom, that of economic activity. But to date no planned economy has succeeded in preserving even the first four freedoms, let alone the vital fifth. For it is only when control of the means of production is divided among many people acting independently that no one has complete control over us and we as individuals can decide what to do with our lives.

Under free enterprise and the common law the British and American people have attained a degree of political and economic freedom and of physical prosperity which is the envy of mankind. The same people who curse "uncle Shylock" in the streets of Budapest are secretly conniving for American immigration visas. Under our system standards of living for all the people have steadily risen. Every year sees some new segment of our population

admitted to the satisfactions of the beef-steak, the automobile, and the electric ice box. After Woodrow Wilson's crusade of 1917, other nations were delivered from feudal tyranny and started out on the road to mass prosperity and mass political freedom. With a sigh of satisfaction we sat back to watch the 'economica Americana' leaven the ills of Europe. Our satisfaction was short lived.

(To be concluded)

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