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TEN CENTS

Communist Party in America A 'Living Corpse' — Gates

Speaking on the eve of the beginning of spring recess at the Law School and on the heels of a day-long slush storm, former *Daily Worker* editor John Gates told the Law School Forum's smallest turnout of the year that the American Communist Party, with which he recently parted company, is "a living corpse in an advanced state of decomposition" and "is doing such a good job of destroying itself that it doesn't need any help."

Gates, who quit the party after his "revisionist" attempts ended in failure with the suspension of publication last January of the New York *Daily Worker*, traced the history of the Party since he joined it in 1931. 350 persons heard him in the New Lecture Hall on the evening of April 11.

He was quizzed by a panel consisting of Professors Abram Chayes of



John Gates

the Law School; Zbigniew Brzezinski of Harvard's Russian Research Center, and Irving Howe of Brandeis. Their questions were mainly concerned with the psychology and motivation behind Gates' continued affiliation with the Party beyond the time when many others had defected.

One of the original eleven top Communists convicted in 1949 for violating the Smith Act, Gates credited the Communist Party with a significant contribution to the struggle of the 1930's for unemployment insurance, the right of unions to organize, Negro rights, and collective security against fascism.

"We felt more 'correct' than any other movement of that time. There was a vacuum to fill. We thought we filled it best. To some extent we did," he stated.

But Gates admitted that "the concept of the Communist Party clashed with American life" and that "the success of the Communist Party in the Soviet Union blinded us to its crimes and made us accept their solutions of our problems."

He said the Party achieved a large measure of prestige from its relations with the New Deal and the CIO, but that this prestige was wiped out overnight with the signing of the Russo-German pact and the Party's change of position from its prior opposition to Hitler.

Gates asserted that the February, 1957, convention of the American Communist Party, which met to consider the role of the party in the light of the revelations of the "Khrushchev Report," adopted a program for recognizing dissent and protecting minority rights within the Party. The program's "changes were so fundamental that, if carried out, the Communist Party would no longer have been a communist party in the traditional sense."

But, he added, subsequent events (such as the revolts in Poland and Hungary) caused those who favored such liberalization to quit the Party while the conservative element who opposed it remained. The result was the battle that culminated in the demise of the *Daily Worker* and Gates' departure from the Party.

Gates assured his listeners, however, that "I didn't quit the Commu-

Donation Provides New Lectureship

The American Pharmaceutical Association has made a gift of \$1000 to the Law School to provide for a lectureship on food and drug law for five years. The lectures are to be named after Charles Wesley Dunn, who is retiring as general counsel to the Association.

Mr. Dunn, a professor of law at New York University in charge of that school's pioneer food program, is president of the Food Law Institute, Inc. The Institute sponsors a series of publications on the subject of food and drug law in the United States and Canada and has created graduate fellowships at New York University, a number of which have been awarded to Harvard Law School graduates in recent years. Mr. Dunn is also the author of several books on the subject of food and drug law.

The lecturers will be chosen by the Law School. The first lecture is scheduled for the 1958-59 school year.

Work Progresses

Members of International Laborers Union, Local No. 151, were still off the job when the RECORD went to press this week, but members of other unions are working on the International Legal Wing of Langdell Hall.



William L. Bruce

Attempted Rescue of Five Women Fails; All Drown

When a parked car rolled down a hill into Crystal Lake, Newton Centre, Sunday, a Law School official stripped to his underwear and plunged into the lake in a futile effort to save the five aged women who had been sitting in the car waiting for its driver.

William L. Bruce, A.B. '48, LL.B. '51, Assistant Dean, witnessed the accident and sent his daughter, Beverly, 6, to a nearby house for help, and his son, Jeffrey, 9, to tell Mrs. Bruce to call the police.

When he reached the car, it was floating, nose down, and being blown farther out in the lake by the wind. He tried to open the doors, but could not. The car sank before he could get something to break a window.

Other neighbors, firemen, and police joined Mr. Bruce's rescue effort. When the car was finally pulled from the water, none of the five women, (See RESCUE on page four)

Wallace, Amory Will Speak At Final Law School Forum

"Mike" Wallace and Cleveland Amory will discuss "American Manners" at the final Harvard Law School Forum program of the season tomorrow at 8 p.m. in Sanders Theater. Both men enjoy a wide reputation as observers and commentators on America's unique social scene.

"Mike" Wallace, a native of Brookline, Mass., started a career in radio in 1942 by announcing and acting in such afternoon epics as the "Lone Ranger" and the "Green Hornet." After spending three years with the Navy during World War II, he returned to broadcasting in New York and Chicago. He created the program "Night Beat" in 1956 and his crackling interviews with celebrities, both high and not so high, won him a coast-to-coast network audience a year later.

"Mike Wallace Interviews" is the name of Mr. Wallace's present Saturday evening television show which is broadcast at 10 p.m. over the ABC network. He was the object of several lawsuits last year which were the product of a Wallace interview with West Coast notable Mickey Cohen, who made critical observations on the character of a number of Los Angeles police officials.

Cleveland Amory, who graduated from Harvard College in 1939, has

had experience as a newspaper reporter and as an associate editor of the *Saturday Evening Post*. He is



Mike Wallace

currently a free lance writer for several national magazines. He is author of several books, including *The Proper Bostonians*, *Home Town*, and *The Last Resorts*. He is believed to have served as a ghost writer for several famous personalities.

Tickets for this forum will cost 95c and will be sold at the door.

Spring Change-over

Following the publication of the Law School Catalogue for 1958-59, the date for next year's spring vacation has been changed. It has been rescheduled to extend from Monday, March 30, through Saturday, April 4.

The effect of this change is as follows:

April 19, 1959 (Patriot's Day), falls on Sunday. Monday April 20, will not be a holiday.

The work in the first year course in Criminal Law will continue through the week ending on Saturday, April 18, 1959.

N.Y. Judge Urges More Liberalism

Members of the St. Thomas More Society were urged to adopt the attitude of "liberal Catholicism" in a pluralist society by the Honorable Charles S. Desmond of the New York Court of Appeals, who addressed the Society at its annual banquet held at the Harvard Club of Boston, Thursday, April 10.

He told his audience of Catholic law students to re-examine their attitudes towards censorship and towards public education. By way of background, he observed that in the early history of the Catholic Church in America there was a conflict among churchmen as to whether Catholics should draw apart in their own communities and neighborhoods or actively intermingle with other religious groups. He noted that some churchmen thought the former course was necessary to protect the members from losing their faith. But, he added, "fortunately the liberals won in their fight for active assimilation with other groups."

Judge Desmond said that today "some Catholics, some clergymen, and some publications tend to be more Catholic than the Church" with regard to censorship.

He said, "It is not at all traditional that Catholic opinions be imposed on others. . . . We should not go out of our way to impose our views on a pluralist society unless it is certain that there is a threat to faith and morals." He praised the role that

(See JUDGE on page four)

Law Wives

The final regular meeting of the Harvard Law Wives will be held on Wednesday evening, April 30, at 8 o'clock in the Harkness Meeting Room. At this meeting the annual elections will be held. Dr. John Blitzer, who is a child psychologist at Children's Hospital, will be the guest speaker.

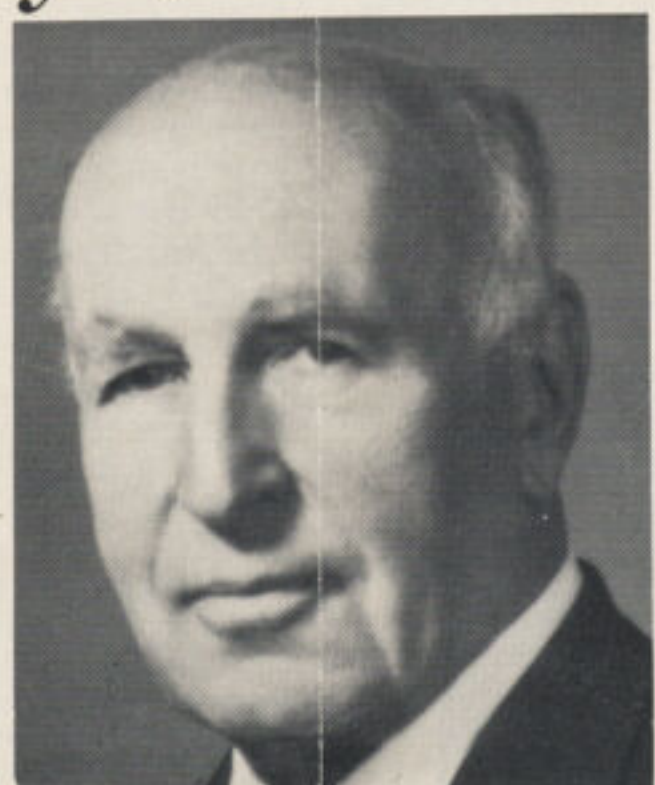
Wiretapping Infringes Human Rights; Not Necessary for Law Enforcement

by
OSMOND K. FRAENKEL

Eavesdropping, that time honored method for catching criminals, has recently, as we all know, been enormously extended in scope through the use of various electrical devices. That involved, at first, merely the tapping of wires. By now it is possible, through walkie-talkies, dictographs or detectaphones, to overhear conversations at a distance or record them by machines so small they can be carried on the person or secreted in a brief case.

In the old days the eavesdropper ran risks. Discovered where he had no right to be, he might suffer physical harm. He might be discredited when he came to take the witness stand and even be prosecuted for perjury. The physical risks have all but disappeared; the courtroom test has shifted from the witness to the recording. There the possibilities for manipulation inherent in tape recordings are frightening.

Before arguing what the law affecting these situations should be, let us review briefly what the law is. In 1928 the United States Supreme Court, by a 5-4 vote in *Olmstead v. United States*, 277 U.S. 438, held that evidence obtained as the result of wiretapping was admissible in a federal court since such tapping did not constitute a search or seizure. Later it reached a like conclusion with respect to the use of the detectaphone—a device fastened on the outside wall of a place where suspects are expected to meet—this largely on the ground that no entry into the premises in which the conversations took place had been effected. *Goldman v. United*



Osmond K. Fraenkel is a member of the board of directors of both the American Civil Liberties Union and the New York Civil Liberties Union and is executive vice president of the National Lawyers Guild. He is the author of several books and numerous articles which have appeared in, among other publications, the HARVARD LAW REVIEW. He also writes *The Supreme Court and Civil Liberties*, a pamphlet published periodically by the ACLU.

Mr. Fraenkel has argued several cases before the United States Supreme Court. He received his LL.B. from Columbia Law School in 1911.

States, 316 U.S. 129 (1942). Conversations overheard by a "walkie-talkie" taken into a store by a customer are also not barred. *On Lee v. United States*, 343 U.S. 747 (1952).

After Congress passed a law for-

bidding the interception and divulgence of telephone or telegraph messages without the consent of the sender, the Court ruled that this law applied to law enforcement agencies. *Nardone v. United States*, 308 U.S. 321 (1940). And the Court decided that the ban extends not only to the existence and contents of intercepted messages, but also to information obtained from them—the "fruit of the poisonous tree." *Nardone v. United States*, 308 U.S. 338 (1940). Yet the federal law does not apply to conversations overheard, with the consent of the subscriber, by listening in at an extension (*Rathbun v. United States*, 355 U.S. 107 (1957)), nor to any part of a conversation overheard through a microphone. *Irvine v. California*, 347 U.S. 128 (1954).

Benanti Decision

With respect to wiretapping by state officers the Court held, in 1952, that neither the federal Constitution nor the federal law prohibited its use by state courts (*Schwartz v. Texas*, 344 U.S. 199). However, it decided in 1957 that a federal court could not sanction violation of a federal statute by permitting disclosure of either the existence or the content of a tapped wire; and this despite the fact that the state officers had done the tapping pursuant to an order issued by a judge in accordance with a state statute (*Benanti v. United States*, 355 U.S. 96).

No federal law exists which prohibits the use of bugging devices. And, while New York adopted such a law in 1957, it expressly exempts law enforcement agencies (Penal Law §§738, 741). Legislation passed in

(See WIRETAPS on page three)

Accelerated, Hectic Program Describes Post War Era Here

The years immediately following World War II are best described as hectic. It was not a return to normalcy in October, 1945, at the conclusion of the War but the beginning of a three-year period of acceleration to handle a bulging enrollment caused by returning veterans. Although the faculty was enlarged considerably at that time, the teaching load for most was strenuous. The students were caught up in the expected postwar problems — lack of housing and dining facilities, generally crowded classrooms, shortage of casebooks and materials, etc.

This was a sudden change in tempo from that of prewar years. The student body in the late 30's averaged around 1,400 in number, and all were on the normal three-year program. The last trace of "business as usu-



James M. Landis

al" was September, 1941, when 1,249 were registered. By April of 1942 as the national emergency became more grave the student body had been reduced to 572.

A new system had to be developed for the few students remaining as the War progressed. The birth of a three-term accelerated schedule took place in the summer of 1942 to permit students to take as many courses as possible before entering service. This three-term program continued until the summer of 1948 when classes were held for third year students only.

The schedule for those faculty members remaining during the War was busy. Teaching for many consecutive terms was very tiring, and the strain of advising students who faced the serious problems of service led to administrative burdens.

The low point was reached in 1944-45 when only 47 men registered for courses. The Law School buildings had been taken over for several military uses. At one time the Law School had been reduced in physical size to the use of only the center of Langdell Hall. Classes were held in the seminar rooms while research and reading were left to the center part of the Library reading room. The faculty was reduced to a skeleton force with most of the members in the armed forces or with the Government.

Seven Terms

The accelerated program was ideal for returning veterans in only one respect — it meant graduation in the shortest possible time, which was a key goal for most who had given several years to the war effort. Those on the accelerated program had to complete a total of seven terms of 15 weeks each. This left a scant seven weeks divided among the vacation periods in which students had a chance to recuperate. Returning veterans, who had been at the Law School before, had their earlier records carefully evaluated to determine in which of the seven terms they would be placed.

By July 1, 1946, many changes in the faculty had taken place. Erwin N. Griswold replaced James M. Landis as Dean. Students graduating in 1947, who had been attending the Law School at the beginning of the War, found many new names on the faculty — Messrs. Howe, Cox, Braucher, Sohn, Bowie, Cavers, Brown, Field, Kaplan, Ewing, and Farr.

At the time Dean Griswold took over in the summer of 1946 there were 1,447 students working toward degrees. Although New England may be noted for its pleasant sea breezes and cool summers, the summer law student studying the year round probably found Cambridge something less than a vacation paradise. But the program cut the length of study to 2 1/3 years for those who wished to graduate in minimum time.

By February of 1947 the total enrollment reached 1,907. Actual classes varied in size considerably. The typical class might vary from the normal 125 to a very large class of 300. The larger classes were usually in the third year electives. This is most readily explained in that there were three sets of third year students, each at various stages. The third year program, then as now, was

almost entirely elective. The result was a set of three different groups electing the same courses. It was not uncommon for some students to have to sit in the aisles in the scramble for seats.

The greatest burden was, perhaps, on the faculty. Teaching for one straight year would be tiring for anyone. A professor might be teaching a class of 300 at the same time he would be reading the 300 bluebooks for a class of the previous term. Student complaints about delays in reporting grades were loudly voiced. It was a necessarily slow process to give a fair evaluation to two sections of a course at the same time one was teaching two more. An example and possibly the record was the schedule of Professor Glueck, who taught nine sections of Criminal Law over a period of one year and one term.

Hard Work

It was the announced policy to give a faculty member one term out of three off. More often this turned out to be a period of hard work rather than a vacation. The law had not marked time during the War; research projects, writing new casebooks which were desperately needed, serving in government jobs in and out of the United States were tasks confronting the faculty members as they came up for a vacation period.

The usual comments about returning veterans were made about these postwar law students. They were more mature, had a better sense of judgment, were more serious than those before. The failure rate also dropped considerably. This could be explained in terms of both a more selective admissions policy in a period of increased applications and the seriousness with which the veterans approached studying.

The acceleration did not mean that all else of the usual program outside of classes was to be abandoned. The Ames competition was renewed on an informal basis at first. "May it please the court" echoed the year round with final contests occurring more often. The *Law Review* had a change of staff and officers more often than the customary yearly shift. Interest in new activities was not discouraged by the faculty. Although some professors might have expressed skepticism about student groups taking on functions not essentially "legal", the *RECORD* and Forum developed and gained student support and interest.

Crowded Housing

Housing was a recurrent problem. Around 40% of the students were married in 1946. The percentage dropped with later entering students. Single students crowded into Perkins and Hastings Halls as well as College and Business School dorms and the Cambridge area. The dorms were occupied at about 50% in excess of capacity.

Married students lived as close as the site of "Tortilla Flats," which was a complex of temporary war buildings in the area now occupied by the Graduate Center. The Jarvis tennis courts had given way at the beginning of the War to the living units; the area continued to be so utilized until 1950. Many couples lived at Ft. Devens, which was one hour away from Cambridge by train. Others lived in the Hotel Brunswick in the Back Bay area of Boston.

Some may have wondered why permanent housing was not built immediately after the



Erwin N. Griswold

War to alleviate the shortage. The Graduate Center was not constructed until well after the end of the accelerated program because of a lack of money. In addition, it turned out to be more practical to continue "Tortilla Flats" until the immediate pressure for married student housing subsided.

The problem of the high cost of living was met in at least one area by the Law Wives. This group operated an informal cafeteria in Kendall House through providing soup, beverages, and desserts for students bringing their lunch to school. Another function of

Letters to the Editor

TO THE EDITOR OF THE RECORD:

Caryl Chessman, whose case was discussed in the *RECORD* [issues of Feb. 28 and March 7, 1957] in an article by myself last year, is still carrying on his 10-year old fight against the death sentences imposed on him for kidnapping for the purpose of robbery in violation of California's Penal Code, section 209. One of the principal questions in the case is whether the defendant is entitled to a new trial where there were irregularities in the preparation of the transcript after the court reporter who took the notes died. In June, 1957, the United States Supreme Court held that the California courts must give Chessman a hearing on the merits of how the transcript was prepared or else discharge him. The recent hearing was conducted by Judge Walter Evans, a rural jurist on duty in Los Angeles, who found that Chessman was not entitled to a new trial.

Here is what happened: Ernest Perry, court reporter at the Chessman trial 10 years ago, was very ill and died shortly after the trial, leaving two-thirds of his notes untranscribed. The illness affected the condition of the notes. J. Miller Leavy, the prosecutor, procured the hiring of his own wife's uncle (not disclosing the relationship to the court at the time) as substitute court reporter to transcribe the notes. Leavy's reason for selecting Stanley Fraser was that he had formerly worked with Perry and could read Perry's Pitman system. The prosecutor assisted in the preparation of the transcript, but Chessman, acting as his own counsel, was refused permission to be present at the settlement of the transcript. At a result Chessman has spent many years in the state and federal courts contending that the prosecutor, in representing to the court that the transcript was prepared by a competent, impartial reporter when in fact it was prepared in many parts by his own dictations to the reporter, committed fraud on the defendant.

Owing to my being stationed in California in the Air Force I was able to sit in on several days of Judge Evans' hearing. I heard medical testimony and the introduction of court records tending to show that Fraser was a chronic alcoholic who was arrested for drunken disorderly conduct even during the time he was working on the transcript. I heard Frank Hanna, the nation's number one Pitman shorthand expert who began as a reporter for William Jennings Bryan, testify that Perry's notes were full of elementary errors such as the making of strokes in the wrong direction and the omission of shadings. Hanna said in his findings as an expert, "I can only conclude that to use the present, or any, transcript based on Mr. Perry's poorly written and often skeletonized, distorted and shattered notes of the trial would be extremely dangerous, particularly so in a death penalty case."

According to Chessman, the record further shows that Leavy admitted consulting with Fraser some 25 or 30 times about the preparation of the transcript, that Fraser admitted on the stand that he could not read substantial parts of Perry's notes, and that the state's expert witnesses admitted that they could not read parts of Perry's notes. While in the Los Angeles County Jail for the several weeks of the hearing Chessman wrote me that, "I'm

the group was a nursery in the basement of Hastings Hall for the benefit of mothers who had jobs in the area or those who might be working on the various Kendall House activities.

New editions of case books were the cause of many complaints and just another example of what had to be done to meet a temporary emergency. Hard-cover casebooks from the prewar period were scarce and basically out of date. The first new books were paper bound to save cost and to prevent delay in publication. Students inevitably complained, but the situation was soon corrected.

The summer of 1948 proved to be the last term of the accelerated program. After that things gradually returned to normal. The enrollment subsided, the faculty continued to grow, a normal schedule of classes developed, and plans were set for the development of the Graduate Center and its facilities for housing and dining.

Today most members of the faculty frown on any suggestion of a return to a summer program of even a limited nature. Dean Griswold views that period of the year as a wise time to be away from the study of the law.

However, graduates of the 1945-48 period owe a great deal to a faculty which undertook tremendous teaching burdens to provide an accelerated program. They witnessed an interesting experiment and colorful period in the history of the Law School.

— Cottrell

DEAR SIR:

In his Letter to the Editor of March 27, Vice Dean Hall points out that Mr. Justice Brandeis may have withheld many of his dissenting opinions because he thought that they would weaken the institutional impact of the Court. I don't understand why Mr. Hall refers to his letter as a "dissenting footnote" to Justice Musmanno's article or how Judge Hand's point is "reinforced."

Judge Hand considers "monolithic solidarity" so important that he would eliminate the dissenting opinion. Presumably, Justice Brandeis would not be permitted to determine, in his discretion, whether a dissenting opinion should be published or withheld. If this were so, all of Justice Brandeis' dissents would be "unpublished."

George A. Brown
LL.B. '51

before the fairest judge I've ever known, a man I'm convinced who will decide the case strictly on the merits, not some hysterical newspaper editor's hysterical prejudices and cliches." But Judge Evans found the Fraser transcript adequate and that Chessman's rights were not violated.

"What do you think of Judge Evans' decision?" I asked Caryl Chessman.

"I was taken completely by surprise," he replied. "There is nothing anyone can say except that it is just plain wrong. In a vaguely worded opinion Judge Evans seemed to find against me even on facts that the state's witnesses admitted. If he had found for me on the proven facts and then held that such facts were not legally sufficient to entitle me to a new trial, then I could understand the ruling. But he didn't concede a thing. He found against me straight down the line. Were I to say any more it might be libelous, and you may quote me on that."

In our recent interview Chessman seemed to be very conscious of the possibility that his remarks might make him appear to be a poor loser, but he added that he felt that nearly all state and federal judges in California are so convinced of his guilt (he maintains his innocence of the capital crimes, and has for years insisted upon a lie detector test which has never been granted) that they are utterly unwilling to award him a new trial on what appears to them to be a mere technicality. But, insists Chessman, the transcript issue is far from being a technicality when a sick court reporter's notes omit altogether such vital matters as two pretrial motions and the trial judge's additional instructions to the jury on the death penalty.

What of the future? Undoubtedly Chessman's chances of ultimately winning his case have diminished. But he still has his new appeal to the California Supreme Court ahead of him, in which he can raise all issues anew including the very interesting question of whether he can legally be put to death since the legislative amendment of the kidnapping statute back in 1951. Chessman still hopes that the United States Supreme Court, being far removed from local California prejudices, may find in his favor on some issue in his case and send him back for the new trial which he believes he is entitled to.

Frank A. Olson¹
LL.B. '56

¹Mr. Olson is a former president of the Harvard Law Record.

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WIRETAPS

(Continued from page one)

1958 which would have required officers of the law to get court orders before using devices of the kind was vetoed by Governor Harriman on the ground that this restriction would be impractical when officers were engaged in "hot pursuit." A new bill which meets that objection was then adopted.

It is clear the field lies wide open for legislation in either one direction or the other. The *Benanti* case provoked state officers to demand that Congress exempt them from the operation of the federal law. And for many years Attorneys General of the United States have been asking Congress to permit federal agents to tap wires in cases affecting national security. Thus far Congress has not heeded any of these requests.

Arguments Fallacious

It is my view it should not heed them. What it and the state legislatures should do is enact legislation to cover the many new devices now in use. The arguments to the contrary that law enforcement agencies usually advance are fallacious. All of them assume the desirability of some curtailment of freedom "in the interest of society as a whole" — that argument of necessity which has always been the pretext of tyrants. These agencies ask us to believe they would not abuse the power, fraught with dangers of blackmail and frameups as it would be, once they had it.

The record of law enforcement agencies in this general area has hardly been one to inspire our confidence. Although unreasonable searches were forbidden by the Fourth Amendment and have repeatedly been denounced by the Supreme Court, every year brings numerous decisions holding that federal agents have violated the Constitution. Wiretapping, although clearly illegal, has been extensively indulged in, without there following, so far as I know, a single prosecution of any officer involved.

We have found out recently that prison officials have "bugged" the rooms in which prisoners talked with their lawyers and confessed to their priests. The New York Transit Au-

thority for more than a year "bugged" the union meeting place of some of its employees. And a certain lawyer for a Congressional committee believed it proper that a secret recording be made of a conversation he held with a high official of the government.

We are told the government needs the right to invade the privacy of the individual because when it has exercised that right it has often caught criminals. Of course it has. It might catch more were there no protection against searches and against self-incrimination, and if torture and the third degree could be used to induce people to confess. Such, praise be to the framers of our Bill of Rights, is not the American way. Where the Bill of Rights does not apply because modern inventions do not, under the *Olmstead* case, come within its provisions, to that extent the law-making bodies should act.

A well-organized police force will be able to uncover violations of the law without violating the privacy of the individual. The traditional methods of crime detection continue available. As we pointed out earlier, they involve possible risk to the detective. But they restrict his opportunities for indiscriminate snooping, with its temptations to blackmail and extortion. Above all they do not infringe those liberties most of us still consider sacred.

In 1912 Clarence Darrow said, protesting the placing of a dictograph in a room where he was going to talk about a case:

Wouldn't it be better that every rogue and rascal in the world should go unpunished than to say that detectives could put a Dictograph into your parlor, in your dining room, in your bedroom, and destroy that privacy which alone makes life worth living? What would you think of it, one of you men, if your hired man should conceal a Dictograph in your home or your office, and seek to destroy you in that way?

Brandeis' View

The words of Justice Brandeis, dissenting in *Olmstead*, carry all their old force:

The progress of science in furnishing the Government with means of espionage is not likely to stop with wire-tapping. Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. Advances in the psychic and related sciences may bring means of exploring unexpressed beliefs, thoughts and emotions. 'That places the liberty of every man in the hands of every petty officer' was said by James Otis of much lesser intrusions than these. To Lord Camden, a far slighter intrusion seemed 'subversive of all the comforts of society.' Can it be that the Constitution affords no protection against such invasions of individual security?

And it is also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

If we yield to clamor on this subject from the law enforcement agencies why should they not be given also the right to open our letters? Tyrants the world over have, from time immemorial, done so. We have thought it improper here. See *In re Jackson*, 96 U.S. 727 (1877).

As Justice Holmes pointed out in *Olmstead*, we must choose. And I say with him:

It is desirable that criminals should be detected, and to that end that all available evidence should be used. It also is desirable that the Government should not itself foster and pay for other crimes, when they are the means by which the evidence is to be obtained. If it pays its officers for having got evidence by crime I do not see why it may not as well pay them for getting it in the same way, and I can attach no importance to protestations of disapproval if it knowingly accepts and pays and announces that in future it will pay for the fruits. We have to choose, and for my part I think it a less evil that some criminals should escape than that the Government should play an ignoble part. — END

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GATES

(Continued from page one)

nist Party to embrace John Foster Dulles or to enlist in the cold war." He then called for a "beginning" toward disarmament and easing of world tension, and stressed that he considers socialism the ultimate answer to the problems of the world and its peoples.

Pressed by the panel to give an example of such a socialist country, Gates replied that the countries of Eastern Europe, despite limitations, met the test "because they have socialist economies—the means of production are state-owned."

Gates urged the emergence of a "new American radicalism acceptable to substantial sections of the labor movement and the Negro people, whose Americanism will be unchallengeable, and which will act within the constitutional framework." He stated that such a movement should not be based on an anti-Soviet attitude, nor be uncritical of socialist countries.

In response to a question from the floor, Gates cited the Negro drive for voting rights in the South, under the leadership of the Rev. Martin Luther King, as an example of such a movement, and one which could change the political complexion of the country.

Commenting that it took the confession of Khrushchev to make Gates realize that the Soviet Union had faults, Professor Howe asked Gates whether he would have realized this in the absence of Russian "self-confession."

"I just don't know," was Gates' answer. "It might have taken me many years longer to realize what was wrong if the speech hadn't been made."

Questions from the audience, all directed to Gates, were processed by moderator Louis Lyons, Curator of Harvard's Nieman Fellowships for working newspapermen, himself a working journalist whose radio newscasts recently earned him the coveted Peabody Award.

—Borden

Dance

The Dormitory Council will sponsor its final dance of the season tomorrow evening when it holds the annual Spring Formal in Harkness Commons.

George Graham's five-piece orchestra will play from 8:30 p.m. until midnight. Admission will be by Law School Dormitory Association activities card, or by guest cards available from Council representatives. Set-ups will be available at the bar.

In accordance with custom, the Council's social committee has requested that corsages not be worn.

Research Bureau Accepts Projects

Officers of the Student Legislative Research Bureau have announced the acceptance of two projects for the 1958-59 school year. Items on their calendar include the drafting of a repeal section for the New Hampshire version of the Uniform Commercial Code and research for a proposed Alaskan Motor Vehicle Responsibility Law. Additional projects are being solicited for the fall.

Membership competition in the fall will be open to current first year students who rank in the upper half of the class. The membership committee, led by Vice-President Nicholas J. Coolidge, 2L of Washington, D. C., is preparing a trial project to be used in the competition. Membership selection will be based on the work of the project and an oral interview.

Invitations to participate in the competition will be mailed this summer by the committee to eligible students. Other members of the committee are: Edward S. Davis, 2L of Brookfield Center, Conn.; John C. Keene, 2L of Wynnewood, Pa.; and Calvin D. Trowbridge, Jr., 2L of Lake Forest, Ill.

JUDGE

(Continued from page one)

churchmen should play in efforts to raise the level of the arts; but condemned aggressive groups of Catholics that "have gone too far in some instances."

"We should devote ourselves more, rather than less, to the benevolent civic activities of our non-Catholic brethren," he continued. As an example, he pointed to public education. He noted the praise that has been earned by Catholic educational institutions, but cautioned that Catholics should cooperate for the improvement of public schools. "The Catholic Church and individual Catholics have a serious obligation to see that public schools are the best possible."

"Catholic lawyers must take positions on these matters," Judge Desmond remarked. But, he added a warning not "to be too ready to believe outbursts of a few individuals. . . . Investigate true Catholic teachings."

In support of his argument in favor of "liberal" Catholicism, Judge Desmond pointed to St. Thomas More, who devoted his skill as a lawyer and life as a Catholic citizen of England to the service of Henry VIII as a friend, adviser, and Lord Chancellor.

—Manley

Alumni Notes

LL.B. '27 — Parker C. Williams recently resigned as district director of the Internal Revenue Service of the Cleveland District.

LL.B. '29 — Earl R. Hoover is scheduled to address the Washington Pilgrimage in the United States Senate Caucus Room in Washington, D.C., Saturday, May 3rd.

LL.B. '34 — William M. Mackenzie and LL.B. '41 — Jeremiah J. Gorin announce their association in the practice of law under the firm name of Goodman, Mackenzie, Gorin & Blease. They are located at 44 East Avenue, Pawtucket, Rhode Island.

LL.B. '50 — Morton Koppel has been appointed Village Attorney and General Counsel to the Incorporated Village of Massapequa Park, Long Island, New York. He has recently completed the first recodification of the Village ordinances since the incorporation of the Village some twenty-five years ago.

LL.B. '52 — William J. Kelly of Erie, Pennsylvania, has formed a partnership for the general practice of law under the firm name of Fischer & Kelly.

LL.B. '52 — Murray M. McColloch has been promoted to assistant counsel for the Occidental Life Insurance Company of California. Mr. McColloch joined Occidental in 1955 after serving as associate attorney in a Los Angeles law firm.

LL.B. '52 — Robert B. Simon has moved his office for the general practice of law to larger quarters located at Suite 720, 110 South Dearborn Street, Chicago, Ill.

LL.B. '55 — Paul Walter has become associated with the recently formed firm of Tydings & Rosenberg. The firm has been formed by Millard E. Tydings,

former United States Senator, and Morris Rosenberg, LL.B. '29, who have withdrawn from the firm of Tydings, Sauerwein, Benson & Boyd. The new firm for the general practice of law has offices at 301 Davison Chemical Building, Baltimore 1, Maryland.

LL.B. '55 — Allan Zelnick has become associated with Robert E. Burns in the practice of the law. They are located at 150 Nassau Street, New York 38, N. Y.

LL.B. '56 — Stuart O. Goldsmith is associated with Robert D. Gruen in the general practice of law, with offices at 15 Main Street, Hackensack, New Jersey.

LL.B. '56 — Melvin Gray was released from active duty with the United States Air Force on December 12, 1957 and is associated with the law firm of Wolff & Penning, 100 West Monroe Street, Chicago.

LL.B. '56 — Martin Kramer has completed writing a book entitled *Everybody's Metropolitan Law*, which is a survey of New York, New Jersey and Connecticut law. The book is now being published by the Associated Lawyers Publishing Company. Mr. Kramer is now practicing law in New York City at 9 East 40th Street, New York 16, New York.

LL.B. '56 — David E. Watts has become a member of the firm of Dewey, Ballantine, Bushby, Palmer & Wood, 40 Wall Street, New York 5, New York.

RESCUE

(Continued from page one)

whose ages ranged from 80 to 96, could be revived. They were all residents of a rest home and had been waiting in the car to take a Sunday afternoon drive.

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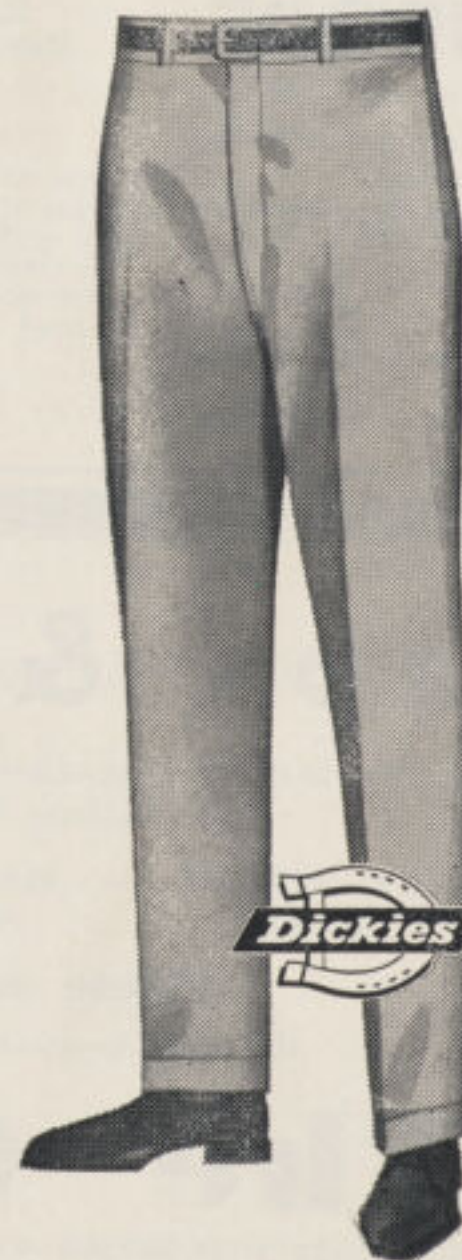
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