

The Harvard Law School Record

VOL. 18. NO. 5

CAMBRIDGE, MASS., THURSDAY, MARCH 4, 1954

PRICE TEN CENTS

Record Makes Available Copies Of Dean's Speech On The 5th Amendment

During the three weeks following the publication of Dean Erwin N. Griswold's speech on the Fifth Amendment, which was delivered at the Winter Meeting of the Massachusetts Bar Association in Springfield on February 5, 1954, the RECORD has received many requests for reprints of the entire text.

In the light of this increasing demand we are making available for those who may be interested additional copies of the full speech. Individual reprints are free, but there will be a nominal charge for quantity orders. Requests should be sent to the Harvard Law School Record, 23 Everett Street, Cambridge 38, Mass.

Commodity Speculation Explained At Meeting Of Bull And Bear Club

Mr. Eugene M. Grummer, manager of the Textile Fibres Department of Merrill Lynch, Pierce, Fenner & Beane, spoke to an open meeting of the Bull and Bear Club in Harkness on Feb. 25. Mr. Grummer's talk dealt with the commodity markets and futures trading in the United States. Before he spoke, Mr. Grummer showed the Merrill Lynch film "Market Place—U.S.A.," which explained the process of hedging and the important role which commodity futures and speculators play in our economy.

Importance to Lawyers

Mr. Grummer refuted the idea that commodity futures would never be of any importance to law students. He stated that statistics indicate that a certain percentage of the lawyers present would eventually invest in commodities and that others would find a knowledge of the commodity markets very helpful in their practice.

Mr. Grummer emphasized that because of the small margins required for trading in commodity futures, fluctuations in commodity prices can have disastrous effects on the individual investor. While it is possible to realize very large profits in futures trading, huge losses can also occur very quickly. As soon as the price of a commodity falls by 25 per cent of the margin which a "long" customer has posted, every commodities broker will require the customer to post additional margin. If the customer is unable to raise the additional margin, the broker will liquidate the customer's holdings immediately. For this reason, Mr. Grummer explained, it is never advisable to trade in commodities with the entire amount of your available funds.

Study Market

A beginner in commodities trading should invest only a small amount, Mr. Grummer stated, until he has gained some experience in this type of investing. One should never trade in a commodity until one has studied it thoroughly to understand the basic principles of supply and demand which are applicable to the particular commodity and the factors which are likely to be important in its price fluctuations. Moreover, one should never resist a market trend. Many investors are reluctant to take small losses and to admit their mistake when the market begins to go against them. The result of this often is that they suffer large losses.

Mr. Grummer distributed to all those present an impressive selection of literature on commodities which Merrill Lynch assembled expressly for the Bull and Bear Club. The collection included a discussion of agricultural prices and their relation to the U. S. government support program, copies of recent Merrill Lynch discussions of wool, soybeans, feed and grain, and booklets entitled "How to Buy and Sell Commodities," "Speculation as a Fine Art," and "Grain Trading Facts."

Furcolo Addresses Law School Group

Foster Furcolo, ex-congressman, presently Massachusetts State Treasurer, and candidate for the United States Senate, told the Harvard Law School Democrats that he intends to take issue with the Republicans in the coming campaign on such matters as Government security risks and the Republican program.

Claiming that the Republicans were misusing the facts regarding govern-



Foster Furcolo

mental discharge for security reasons, Mr. Furcolo contended that only a relatively small percentage of the dismissals were based on grounds of loyalty. He went on to point out that Republicans as well as Democrats approved Administration measures to halt the spread of communism in the post-war era. He charged that Senator Leverett Saltonstall had failed to take action on his previous proposal to study and revamp security and espionage laws in 1949 and that he would make an issue

(See FURCOLO on page four)

Cavers Report Suggests Cooperation Between U. S., Japanese Law Schools

Associate Dean David F. Cavers has recently submitted to the Institute of International Education and the Ford Foundation "A Report of an Inquiry in Japan Concerning a Program of Cooperation between Japanese and American University Law Schools." The report was based on Cavers' six-weeks trip to Japan last summer.

Discussions leading to the investigation and report began in 1950-51, when Harvard Law School was visited by a mission of Japanese judges, including Chief Justice Tanaka and two Associate Justices of the Japanese Supreme Court, and by a mission of Japanese law-school teachers. These visits and subsequent discussion and correspondence resulted in a plan which, if accepted, would have Japanese law teachers come to the United States and United States law teachers go to Japan. The teachers would be drawn from a group of participating universities in both countries. This

LAW WIVES

On Saturday, March 6, from 5 to 7 p.m., the Law Wives will hold their annual cocktail party in the large meeting room of Harkness Commons. The Law School faculty and their wives and members of Law Wives and their husbands are invited. There will be no charge for members of Law Wives; however, for guest couples, there will be a charge of \$1.50 payable at the party.

If you are planning to attend and have not already done so, please call Mary Ann Zech, UN 4-4443, in order to tell her what hors d'oeuvres you are planning to bring. Martinis, manhattans, old fashioned, and a non-alcoholic sherbert punch will be served.

Finalists In Ames Will Argue Virgin Islands' Divorce Power

The Gardner and Story Clubs will meet in the final Ames argument on April 14 to challenge and defend, respectively, the constitutionality of the Virgin Islands' statute conferring divorce jurisdiction on the Federal district court in the Virgin Islands, sitting as a territorial court.

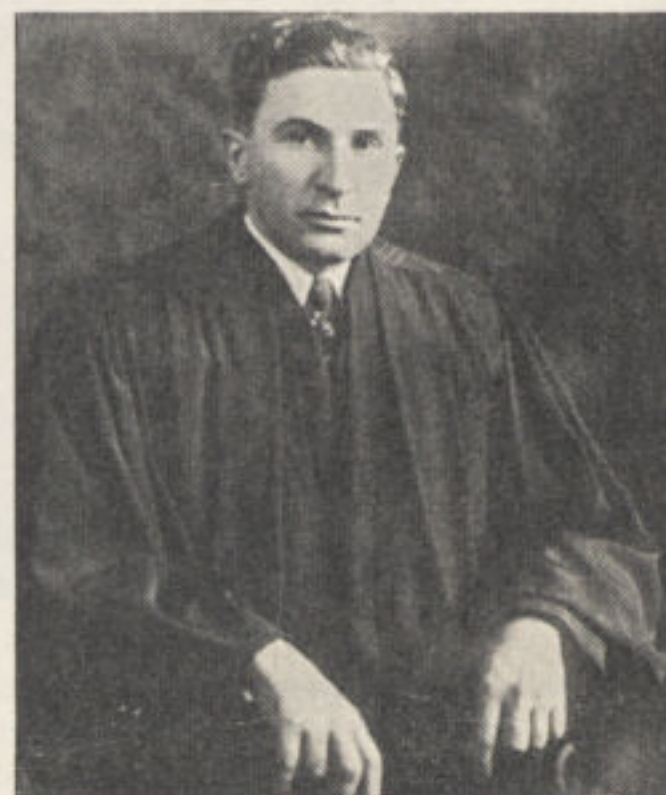
Harold H. Burton LL.B. 1912, Associate Justice of the United States Supreme Court, will preside. With him on the bench will be Stanley E. Qua LL.B. 1904, Chief Justice of the Supreme Judicial Court of Massachusetts, and Nathan L. Jacobs LL.B. 1928, S.J.D. 1931, of the Supreme Court of New Jersey.

The case is as follows. Mrs. Haskins left her husband in the State of Langdell, and after six weeks and one day spent in the hospitable clime of the Virgin Islands sued for divorce on the ground of temperament incompatibility. Mr. Haskins entered the proceedings generally, by an attorney, though himself remaining in Langdell.

The applicable statute by the territorial legislature provides that the federal district court sitting as a territorial court shall have jurisdiction in an ex parte proceeding if the moving party is domiciled in the Virgin Islands and has been a resident thereof for six weeks. This provision is not in issue.

The statute further provides, however, that six weeks residence shall be "prima facie evidence" of domicile. And the statute provides that where the moving party has been a resident of the Virgin Islands for six weeks and the other party appears in the proceedings,

(See AMES on page four)



Nathan L. Jacobs

Lasky, Mullins, Clancy At HLS Forum Discuss 'Power Of The Press'

At the Forum debate last Friday evening, there was not much debate. The three speakers found themselves agreeing that the press as it exists in this country today is a free press and a servant of the American public.

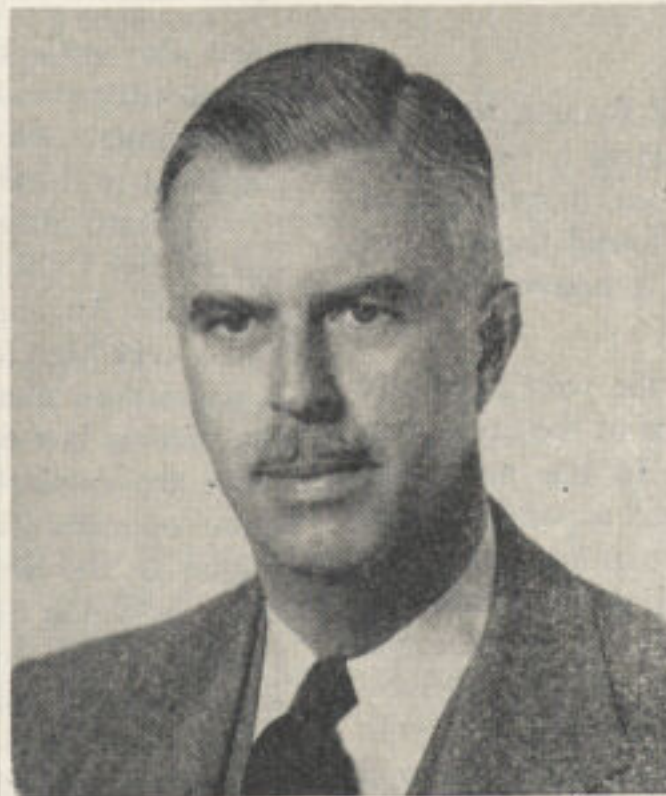
Language Barrier

William Mullins, political editor of the Boston Herald, was the first speaker of the evening. He reaffirmed his convictions that the press is not a one-party vehicle and in fact, in the last national campaign gave both parties equal coverage. To those decrying Republican domination, Mullins asserted that "St. Franklin" had 85 per cent of the press behind him. He claimed that newspapers are not influenced in their straight reporting by their editorial views, and the charge of "department-store newspapers" is untrue. Newspapers remain an influential force in contemporary society and before criticizing their often ostensibly unethical conduct, it should be realized that solvency remains always necessary. "America has the freest press, a press bounded by libel, good taste, and responsibility."

Hal Clancy, city editor of the Traveler, pointed to a desire of modern man to search for "the right expert at the right time." People seek to place responsibility upon the newspapers as organs of truth. What they receive in return is forcibly an interpretation of the truth. Points of view of McCarthyism range from "patriotism to purgatory." On top of all this, there is, unfortunately, a language barrier. Jingoism pervades; Clancy terms it an era of epithet and stampeding generality. Reporters remain representatives of a listening audience, and give voice to the "right of the public to know."

McCarthy Hysteria

The last speaker of the evening was Victor Lasky, editor of the American Legion Reader. He lauded the American newspaper industry for giving the U. S. the finest press coverage in the world. He pointed to the courageousness of newspapers in printing all reports concerning the possible interrelations of smoking and lung cancer as evidence of the newspapers' freedom from advertising pressure. He attacked, however, the New York Post and specifically, its editor, James Wechsler. Lasky termed the Post's emphasis on sex and sensationalism and its "attempts to invent a new Hitler out of McCarthy" a deplorable abuse of the newspaper privilege. In his view, even the New York Times, "the best newspaper in the world," has lost its sense of balance over McCarthy. It is perhaps folly to expect perfection, implied Lasky, but the job is done by the American newspapers today is unequalled elsewhere.



David F. Cavers

guarantee of academic freedom, and the Supreme Court, now independent of the Ministry of Justice, has the power to declare Acts of the Diet unconstitutional.

Since the Japanese legal system had been derived largely from the German and prior to the war many law teachers went to Germany to study, the teachers have had little chance to study the background of the American elements in the new laws. For American legal scholars

(See CAVERS on page four)

Students May Have Career Advice Tests

On Thursday evening the Law School Committee of the Phillips Brooks House sponsored an informal discussion on the subject of "The Technique of Getting a Job." The leaders of the discussion and principal speakers were Dean Louis Toepfer and Louis Newby, Jr., Assistant Director of the Harvard Placement Bureau.

'Crystallize Interests'

Mr. Newby emphasized as the primary problem the fact that too many students go into job interviews not knowing what they are looking for. Without this initial "crystallizing of interests" he emphasized, the applicant cannot really speak intelligently with his interviewer and consequently cannot best sell himself. Having defined his own interests and learned something of the background of his area of interest, the applicant is not only better prepared to talk with his interviewer but is oftentimes more at his ease. Knowing what you want is important in still another way: such a person is usually enthusiastic, and to that extent a better investment for a prospective employer. Newby pointed out that there were many men even in their third year of law school who were not sure about the type of job they wanted. He invited any such person who might be interested to visit the Placement Bureau on Dunster Street, which is available for career advising including the analysis of simple tests of an individual's interests.

Hiring Unscientific

Dean Toepfer warned his listeners that the rules for getting a job are entirely relative to the individual and not susceptible of being defined in Restatement fashion. The difficulty of defining the rules of this peculiar game arise from the fact that hiring is itself basically irrational and unscientific. Although it is difficult to analyze the "sparkle" which makes one applicant more attractive than another, and although it is just as hard to analyze what the employer wants in his man, there are certain qualities which seem to be decisive. As regard the interview, the job often goes to the man who is relaxed, assured, perhaps even a little hard to get. Although the importance of personal neatness seems almost too obvious, there are always people who appear for interviews wearing sports clothes rather than business attire. The Dean emphasized the necessity of "intelligent persistence" in

(See PLACEMENT on page four)

University Of London Provides Law School's Next Visiting Professor

Dean Erwin N. Griswold has announced the appointment of Professor L. C. B. Gower as a Visiting Professor of Law at the Law School for the academic year 1954-55. His appointment continues the plan which the Law School has been following for the past several years of bringing to the School a distinguished professor from another country.

Professor Gower is Sir Ernest Cassel Professor of Commercial Law at the London School of Economics the University of London. He received the LL.B. and LL.M. degrees from the University of London, and was admitted to practice as a solicitor in 1937.

Professor Gower will teach one section of Corporations I throughout the year, and he will give a seminar in the spring term on Problems of Management-Shareholder Relations.

Previous Visiting Professors under this program have been Dr. J. H. C. Morris, of Magdalen College, Oxford, Dean Clive Parry of Downing College, Cambridge, and Dean Zelman Cowen of the Faculty of Law of the University of Melbourne, Australia.

The Harvard Law School Record

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Entered as second-class matter November 19, 1946, at the post office in Boston, Massachusetts, under the Act of March 3, 1879.
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Time Marches On

An Open Letter to TIME:

Thank you for your fine article on Harvard University in your issue of March 1. The present societal temper prevailing, an honest expression of the purposes and methods of this university disseminated among your many readers fulfills a public need.

The concept of free inquiry has been questioned by many. When an institution cannot even bear violent attacks upon itself, then it is no longer healthy. Few expect to see signs of senility creeping up upon Harvard, even after 318 years. Students, faculty and administration alike remain vigilant in their pursuit of superior techniques of learning. Outside criticism, even in the form of attacks, often corrects the myopia of familiarity.

Everyone in the University is interested in the educational process and in the search for truth which the educational process is supposed to begin. Your sympathetic discussion of the University, its problems, its past, its program, its future, should help to relieve some of the concern about Harvard which has been the result of misrepresentation by certain persons.

The repeated (false) charges that Harvard shelters subversion (or actually sponsors it), the continual effort to make Harvard and Harvard graduates responsible for all the ills of the nation have disturbed many sensible people. The parents of prospective students, the donors of prospective gifts, the sympathetic outside persons whose good opinion of the University determines what it will be permitted to do, all these groups have been without an accurate statement of Harvard's position. If they have tried to evaluate their doubts about the virtues of a university education, an education patterned on the Harvard model, they have had no recent explanation of education in a university. They have not known how to resolve their doubts.

Your article impresses as being as clear a summation of Harvard as is available to the general public. The fitness of President Pusey to lead this great conglomeration of scholars, students, laboratories, libraries, and administrators comes through as the major theme. Those who have doubted the place of Harvard in our society, and who have wondered about the caliber of her leaders need doubt no more.

Yours sincerely,

THE HARVARD LAW SCHOOL RECORD



PASSING TITLE THROUGH A STRAW

Gallery

KENNETH B. KEATING

U. S. House of Representatives
New York



Elected to Congress in November 1946 as a freshman member of the famous (or infamous, depending on political affiliation) 80th Congress, Kenneth B. Keating had just six months prior thereto been discharged from the Army. As if the China-Burma-India theater of operations had not provided diversion enough, and instead of easing back into what was a very comfortable law practice, Mr. Keating made himself available for the Congressional seat from Rochester's then 40th district. He was elected by a sizeable plurality in 1946 and was reelected handsomely in November of 1948, 1950, and 1952. Those years saw the demise of several of his 'class of '46 colleagues, but as for Ken Keating, his popularity grew.

Classmates

Kenneth Keating received his Bachelor of Laws degree from the Harvard Law School in 1923. Before that, he had graduated from his home-town university, University of Rochester, there receiving a Phi Beta Kappa key. Among his more prominent classmates at the Law School were David Lilienthal of Atomic Energy fame, James M. Nicely of the First National Bank of New York, John Worth Kern, now the Chief Justice of the United States Court of Claims, and Samuel Dicker who was to become the mayor of Rochester.

Kenneth Keating's recollections of his law school days are similar to those of most students who were fortunate enough to matriculate Harvard during those years. The usual stories about "Bull" Warren, the reverence and esteem which all had for Professor Williston, and the profligacy of Dean Pound, are all fond memories. Less fond is the recollection of how difficult a grader Austin W. Scott was. The Congressman admits, however, that this appraisal may involve some personal bias. As for the "Bull," Mr. Keating remarked that while he struck fear into most of the students, he had a tremendous ability to make them think, and they seldom forgot his courses.

Upon graduation from Law School, Kenneth Keating became associated with Harris, Beach, Keating, Wilcox, and Dale, a large Rochester firm. While still retaining a partnership in the firm, he has not actively practiced law since his election to Congress. In fact, in the past eight years, the Congressman's legal contribution has been the drafting of one will—and that as a personal favor.

Army Enlistment

In Congress, Kenneth Keating's primary efforts have been in the Judiciary Committee, the so-called lawyers' committee. The roster of the permanent Judiciary Committee shows that all its members are lawyers. Forty-five per cent of all legislation referred to Committee is referred to that Committee. Its work is the most voluminous of the nineteen standing committees. In addition, he has served as chairman of the publicized subcommittee to investigate the Department of Justice, and as chairman of the Subcommittee on Patents and Anti-Trust.

The Congressman often looks back to the war years, especially January of 1942 when a chance visit resulted in his enlistment into the Army. Closing the arguments on two appeals before the New York State Court of Appeals on a Thursday, Mr. Keating decided to wait around for the State Bar meeting on Saturday night in New York. He ran down to Washington to visit some friends and before returning to New York, he had been interviewed and commissioned a major in the Army. He left for the C. B. I. theater in April of 1942, serving as the executive assistant to the Deputy Supreme Commander in Southeast Asia, Lt. Gen. Raymond A. Wheeler. The Congressman is the holder of various theater ribbons with battle stars and the Legion of Merit with an Oak Leaf Cluster. He was discharged as a colonel in 1948, barely a few months before successfully campaigning for Congress. He is now a brigadier general.

'Responsibility'

Apparently thriving on activity, the Congressman really enjoys his calling. He is noted among his constituents for answering all letters and requests. A regular weekly radio broadcast when he is in Rochester, is his way for notifying his constituents what is taking place in Congress and the "why" behind his particular vote or stand on an issue. He was the first member of Congress to make use of television by sending film regularly to his district.

Noting the many abuses in the area of Congressional investigations, he has recently proposed a series of procedures aimed at reforming these probes. The overall plan is to give the Congressional investigation a judicial aura by projecting many of the safeguards guaranteed by the Constitution and in the rules of evidence over onto this field.

Affiliations

He is married, with one daughter at Vassar. He holds memberships in the American Legion, the Veterans of Foreign Wars, the Elks, and Delta Upsilon, among other social and professional affiliations.

A. C.

Letters to the Editor

TO THE EDITOR:

In the Harvard Law School RECORD for February 25, you gave an account of a trip that I made to the West Coast. Your description of placement opportunities as I found them is not accurate. What I had hoped to convey to your reporter is as follows:

Placement opportunities in the west are quite favorable. The various sections of the area seem to offer different prospects. In the northwest there is considerable growth and expanding legal business. However, lawyers' earnings, and particularly those of the beginning men, are not high. Although both Washington and Oregon have quite a few opportunities available, placement is not an easy undertaking. Students who wish to practice in those areas must be prepared to demonstrate qualities of confidence and persistence. The law firms do not pay much attention to men just passing through or making first inquiries. It is necessary for men to remain in the area for quite some time and give evidence of permanently settling down before much interest is taken in them. The lawyers in the northwest are enthusiastic about their practice and most of them, even in the large firms, are engaged in a very general type of practice.

In the San Francisco area there is not a great deal of growth and expansion on the part of the law firms. This is an old and well-established community, fairly conservative in its attitudes and outlook. Graduates wishing to practice here

must also settle down and establish themselves before they can expect results in obtaining an opportunity. All of the California firms, and particularly those in San Francisco, are inclined to wait until after the applicants have taken and passed the California Bar examinations.

In Los Angeles there is tremendous growth and a very high level of business activity. There is a constant change in the size and nature of the various law firms, and a fair number of new firms are appearing. This area probably offers more opportunities in number than any other region in the west. It is probably the easiest place in which to find an opportunity, but there is considerable competition for each job and the firms here are particularly conscious of the candidates' qualities of personality. As is true in San Francisco, there is a strong tendency to postpone taking on a man until after he has taken and passed the Bar examination. Many of the recent graduates practicing in Los Angeles have found it possible to establish their own practices after only a few years in the area. This has not been done in any of the other areas I have visited.

In summary, let me say that there are definitely good opportunities on the West Coast for men who are willing to pick an area there and then go and stay. Little can be accomplished by students or graduates who visit these regions as part of a "grand tour."

LOUIS A. TOEFFER
ASSISTANT DEAN

Sub Judice

AFTER THE BALL

Jesus Lopez was the proprietor of a fashionable dance hall in the village of Loving, New Mexico. Several times a month he would provide a string orchestra for dancing from 8 to 12 in the evening and most of the gay social set would turn out for the occasion.

Evidently a dance in Loving was thoroughly enjoyed until the wee hours of the morning, for many of the complaints which eventually brought our genial host into court concerned after-twelve activity.

Some of the more repressed citizens who were not in on the fun complained to the police that this dance hall constituted a nuisance and that its operation should be enjoined. They did not complain so much about the merry-making inside the dance hall but they were disturbed by the extra-curricular activity of the dancer patrons which was going on in the adjoining parking lot.

Lacking the trite atmosphere of a moonlit terrace overlooking a golf course, the carefree crew drank, fought, and loved in all of the neighboring driveways and back yards. And to add insult to injury the neighbors complained that the revelers were indiscriminately honking their horns incident to all of this carrying-on.

The trial court which dismissed the complaint said that "those improper activities occurring outside the dance proper (but incident to the dances) were not peculiar to the patrons of the defendant's establishment but were generally engaged in throughout the Village of Loving." The judge also felt "that the village law enforcement authorities had the primary responsibility to stop such improper activities."

Held: Reversed and remanded with instructions to enjoin Mr. Lopez from conducting his soirees in such an uproarious manner. Since the law enforcing authorities would do nothing themselves, a court order is necessary and it is no defense that similar nuisances are tolerated in the vicinity.

Barrett et al. v. Lopez, 262 P.2d 981 (Supreme Court of New Mexico, Nov. 5, 1953)

FOOD FOR THOUGHT

On April 25, 1952, the New York Journal-American published an article about the sale of 36 million pounds of red kidney beans to a Mexican businessman for sale in Mexico. Mr. Gonzalez was said to have paid the Commodity Credit Corporation \$900,000 for the beans which the U. S. Food and Drug Administration and the New York Health Department had declared unfit for human consumption.

The article went on to say that the beans had been cleared for export to Mexico, where they would be sold to the Mexican people for food. The same red kidney beans had been under embargo because of weevils and mold, but the chief inspector of the Pure Food and Drug Administration claimed that the embargo was only applicable to interstate commerce or shipment to a foreign country whose standards were not met by the beans.

A spokesman for the Commodity Credit Corporation was quoted as saying that the beans would be reprocessed in Mexico to remove the mold and kill any weevils before they were sold for human consumption. But while the reprocessing might restore the high gleam of the beans, it was doubtful whether it would increase their nutritional value, if any. For agricultural experts say such beans dry up rapidly in storage and nutritional value becomes nil after 18 months.

The article mentioned that the beans had been in storage since 1948.

Mr. Gonzalez sued the newspaper claiming that the article was false and defamatory, that his credit and reputation was injured by its publication, and that it caused him to lose sales of red kidney beans in Mexico and South America. Held: The newspaper motion to dismiss is granted with leave to the plaintiff to further amend his complaint so as to show how a derogatory innuendo could be read into the article and any special pecuniary damages which he incurred therefrom.

"The criteria for determining the fitness of food intended for human consumption may, and do, vary from country to country and from community to community, and there is no presumption that the laws of Mexico are similar to our laws with respect to minimum standards for food products. Thus, there is no showing that the plaintiff was engaged in, or intended to engage in, any illegitimate activity, or that his alleged purpose to sell the beans in Mexico, notwithstanding prior rejection of them here, offended its laws."

Gonzalez v. Hearst Consolidated Publications, Inc., 115 F. Supp. 721 (U.S.D.C., S. D. New York, Oct. 30, 1953)

Aberlone, Rose Of, Being An Entry For An Index

(The following was written exclusively for the RECORD by Brainerd Currie, Professor of Law, University of Chicago Law School.)

With cross-references to *Sherwood v. Walker*, 66 Mich. 568, 33 N.W. 919, 11 Am. St. Rep. 531 (1887), and to the *Christabel* of Mr. Samuel Taylor Coleridge—not to mention Mr. Ogden Nash, in a tight spot.

I

'T is the middle of night on the Greenfield farm
And the creatures are huddled to keep them from harm

Ah me!—Ah moo!
Respectively their quidsome balm
How mournfully they chew!

And one there is who stands apart
With hanging head and heavy heart.
Have pity on her sore distress,
This norm of bovine loveliness.
Her gentle limbs, her homely brow
Proclaim no ordinary cow;
Fair as a pasture sweet with hay
Mown in the very month of May!
Nay, fairer yet! And yet more fair!
She stands alone, the short black hair
Heaving sometimes on her breast,
Shunned and despised by all the rest.
If one should ask her why she doth grieve
She would answer sadly, "I can't conceive."
Her shame is a weary weight like stone
For Rose the Second of Aberlone.

Her sire is of a noble line
Of most aristocratic kine:
Angus of Aberdeen, black and polled;
Their name is proud and their get pure gold.

Their procreation hath won renown,
But Rose the Second hath let them down.
Her forebears have labored for bitter meed,
For Rose is barren and will not breed.

Now the gate that is strait and the way that is narrow,
Call for a cow to forgo being farrow.
In a cow one condones a trifle of loose
Morality if she will just reproduce.
The stars in their courses deliver us
From the cow that is non-frugiferous!
If a heifer aspires to a niche on high
She must certainly plan to fructify,
And when she reaches puberty
Must concentrate on uberty.
No honor is there for the boss of that ilk
That produceth no young and giveth no milk;
And this is the reason her kith make moan
For Rose the Second of Aberlone.

Nor maid nor mother, she stands forlorn,
The tragic object of pity and scorn,
Her very beauty a mockery
Of all that a proper cow should be.
Rue and hemlock! Sorrow and shame!
She bears a noble and fertile name,
But her lot is woe, unleavened by weal:
She bears the name, but she bears no veal.
She is hardly worth the price of her feed,
For Rose is barren and will not breed.
In a world of logic she finds no room;
The curse of *Verweke* hath sealed her doom.

Hiram Walker (no kin, I'm sure,
To the proximate cause of the water cure)—
Hiram Walker, of Walkerville,
Hiram Walker, of Greenfield lord—
Here was a wight with an eye on the till!
Quoth he to himself, "I can't afford
To yield me to sentiments weak and rash
The critter's no 'count, and I need the cash.
The rule is laid down from time immemorial
That a cow must have qualities more than pictorial."

And so he hath sold her to Banker Sherwood,
His eyes cast down, for a look at her would
Have melted a heart of the hardest stone.
O weep for the Rose of Aberlone!
Sold like a carcass, as if for beef!
From the pain of that there is no relief.
Five and a half mean cents per pound
(What will it be when the meat is ground?)—

Allow two score and ten for shrink!
What would her sainted fathers think?
The deal is closed, the parties bound;
Will her loins be lean, will her steaks be round?

Sold for a pittance, and sold incog—
Lot 56 in a catalogue!
Insult and injury! Humiliation!
This is no end for a cow of her station!
Said Walker to Sherwood, "I wait your pleasure.

Take her and welcome. And for good measure
I'll throw in a halter [What callous mirth!]
Just to insure you your money's worth!"
At this there escaped a hapless groan
From Rose the Second of Aberlone.

II

Go, lovely Rose, to your degradation!
Go, and go with you the tears of a nation!

Methinks there ought to have been some bard
To witness that scene in King's cattle-yard—
Some bard who could justly, in verse or in prose,
Make immortal the flowering of Aberlone's Rose.

They took her, that October morn,
Before the dew was off the corn,
To the cattle-yard with its sinister scale,
The better to finish the dreadful sale.
She was put in charge of good George Graham

(Were there cows to be weighed? Well,
he would weigh 'em!);
Never had coat such glossy sheen;
She was less a cow than an exiled queen.
She walked with dignity and pride,
And as good George Graham stroked her side

He desecrated a slight rotundity
Bespeaking, he fancied, fecundity!
And he read in her mute, appealing eyes
A message that caused him glad surprise;
He caught his breath, and must not be blamed

If his voice was broken as he exclaimed,
"Rose, you're about to become a mother!"
She blushed and replied, "Ich kann nicht udder."

Then summoned he Walker of Walkerville,
Who galloped his hardest o'er dale and hill,
Who wanted to know what she did weigh,
And what the deuce? wherefore? and why the delay?

George touched his forelock and muttered an oath,
Then controlling himself, as follows he quoth:

"Hold, Hiram! We wag on too fast by half,
For Rose is, unless I'm mistaken, with calf!"
Behold then Hiram, most contrite of men
He apologized to her again and again;
He assured her that his heart was riven,
And she assured him that all was forgiven

"But how did you do it, my Rose, my bloom?
And who is the father—or should I say whom?"

"I did it for you," she said, "my liege,
I did it for you—and noblesse oblige!"

A star had set, a star hath risen!
Her spirit, loosed from out its prison,
Free from danger, free from fear,
Soars and sings for all to hear,
Flush with the knowledge of strong fertility,
Free from the stigma of fell sterility!
Vindication! O come, rejoice!
Obligato for Rose's voice!

Hers is the bliss for which she longed.
In her all womankind was wronged;
'T was not she who lacked testosterone—
Not Rose the Second of Aberlone!

Withal, her delicate condition,
Compassion for poor Hi's contrition,
And eke the burning sun at noon
Made Rose to fall down in a swoon.
O take her up tenderly, lift her with care!
For Rose the Third is en ventre sa mere.

III

But they reckoned without the banker,
Sherwood.

Now, one would have thought that the

gauchest cur would
Withdraw from this tender and moving scene,

But the banker's heart was little and mean
He twirled his moustache and his bill of sale,
And the words he uttered turned Walker pale:

"I am come to claim such as is mine own
To wit, Rose Second of Aberlone!"

Full long in speechless thought Hi stood,
Then made reply as best he could:
"I wot not what to wit may mean,
But thou wost who is right, I ween.
And if thou thinkest to seize my Rose
Thou hast lost thy wit, and I'll punch thy nose.

I wist there was some mistake, iwis,
And now let there be an end of this.
I said I was selling, but now I ain't—
For Rose is, mirabile dictu, enceinte.
You bought but a leathern bag of bone,
Not Rose the Second of Aberlone."

Then Sherwood waxed exceeding wroth:
"Thy prating irks me, by my troth!
Such sophistries I must abhor;
I'll hie me to a man of law,
And though to litigate I'm loth,
Ere night befalls I'll hale you both
Before a justice of the peace,
And thou shalt answer for his fees.

I'll take this chit that thou hast written,
I'll take it to the highest witan;
I'll wage my law, I'll have my cow,
I'll gain my gree, and that's a vow!"
With that he went off withershins,
Leaving Hi's world in smithereens.

Bethink how Rose's heart was thrilled
And how her being was fulfilled,
How mad with ecstasy she went
When she was found parturient—
With what delirious elation

She heard the news of her foetation!
Ah! that were paradise enow
For any merely mortal cow;
But her penitent destiny has in store
For gentle Rose one triumph more:
'T is surely the animal seventh heaven
To be the res in a suit of replevin!

To be enshrined in a casebook—truly,
This is the bovid ultima Thule.
Prepare then the forensic lists,
And chief of the protagonists
Shall be that procreant paragon,
Rose the Second of Aberlone.

A constable took her in custody
On a writ that was issued by some J.P.,
Who decently weighed her privily
To see what the bill of costs should be,
And to make right sure that no legal fiction
Should interfere with his jurisdiction.
She weigheth full an hundred stone,
Augmented Rose of Aberlone.

The J.P. gave poor Hi short shrift.
"This chattel's title has passed," he sniffed.
"Judgment for plaintiff! A deal's a deal!"
Then Hiram straightway took appeal
To the Circuit Court for the County of Wayne,

Only to be rebuffed again.
But his lawyer was not a whit dismayed.
He asked that a modest refresher be paid
And then he bade Hiram be of good cheer
"In the circumstances our course is clear:
For the pearl of justice we'll fish again!
To the Supreme Court of Michigan
We'll take our honest and upright cause;
We'll confound old Sherwood and give him pause.

What a bill of exceptions we'll contrive—
Assignments of error a score and five!
We'll file a brief that will knock his eye out!
We live under law, not Jennison's fiat!
We'll argue the rule and the policy too,
As any attorney is bound to do;
We'll rely on basic principle,
And perhaps be a wee bit technical;
We'll invoke both logic and history,
And, if need be, appeal to sympathy;
We'll quote full pages from Chancellor Kent,

And refer to many a precedent;
And should we be short on authority,
We'll construct a little analogy;
We'll lean on the wisdom of Joseph Story
And pound the rostrum and wave Old Glory;
We'll balance the equities pro and con,
And when we are through the case will be won."

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Oh! What will be the judgment's tone?
What fate for Rose of Aberlone?

IV

The briefs are in, the case submitted.
The lawyers on both sides acquitted
Themselves with nice distinction, just
As earnest counsel ever must
In fealty to their sacred trust.
Their arguments had an intensity
Befitting the issue's immensity;
And now they linger with cooling zeal
To learn the upshot of Hi's appeal.

Now, one of the Bench's keenest students
Of animal law and jurisprudence
Was Michigan's Mr. Justice Morse.
If a case involved a hind or a horse
They would call on him—for that was his forte—

To deliver the judgment of the court.
He knew far better than any jury
The ways of domitae naturae;
And when it came to the genus Bos
There was no sounder man than Justice Morse.

And thus 't was fitting that he deliver
The opinion in this cause celebre.
"Now that this case has reached its end, I
Shall endeavor," Judge Morse began,
"To recount the ratio decidendi,
Avoiding dicta as best I can.
The question which is really crucial
Is whether the mistake so mutual
Quoad this ruminant's condition
Is such as justifies rescission.

That there was mistake there is no moot.
But does it go to the matter's root?
Or was the supposed sterility
Mere matter of quality, i.e.,
An attribute or characteristic
Below the level of facts juristic?
Was it simply a trait or accident
Inducing and not impairing consent?
Did it go to the substance at all, at all,
Or was it merely collateral?
Did it hamper unduly the parties' wills,
Or the exercise of their dickering skills?
In short, did it have anything to do
With the requisite mental rendezvous?

"Now, there's a distinction, as I've been taught,
'Twixt a cow that's pregnant and one that's not.

In fact, the fallacy is arrant
Which places a potential parent
In even the same taxonomy
With that drain on our economy
That we deprecate by all that's holy—
The wretched beast that's sine prole.
In my submission, pullulation
Is the vital force of all creation—
A concept I shall not enlarge on
Except in an essay in the margin.

Why, a creature acarpous is incomplete,
Like to a verse that has no feet;
Like to an ocean without a breeze,
Like to a dog that has no fleas;
Like to the works without the watch,
Like to the soda without the Scotch;
Like a delusion without a snare,
Or a poker hand without a pair;
Like Louis XV without DuBarry,
Or like the White House without a Harry;
Like a ferry without a concertina,
A coloratura without Rosina;
Like to spaghetti without Chianti,
Or like Don Quixote sans Rosinante;
Like to a satrap without a minion,
A judgment without a dissenting opinion!

A cow in which that condition is regnant
Is what might be called a negative pregnant.
But what a significant difference
When a cow has secured her deliverance—
When she proves that she can become a mother!

If a man buy one, shall he have the other?
I have viewed the premise, and do discern
That there is no scrub but a going concern
This is an operative boner—
As it were, an error in persona.
It's a case of mistaken identities—
Of oddly different entities!

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FURCOLO—(Continued)

out of this "double-dealing".

Mr. Furcolo does not intend to campaign against Senator McCarthy "because Senator Saltonstall will be my opponent." He pointed that the Senator "has alerted the nation to the need for due process in Congressional hearings" and even though Communism should not be an issue, "McCarthy will be an issue everywhere." Mr. Furcolo said that he could see no reason why an innocent person should invoke the Fifth Amendment.

Republican tax promises have not been kept, he said, adding that their tax proposals are intended to favor "coupon cutters and businessmen rather than wage earners."

Furcolo contended that a survey which he conducted recently showed that the number of cast ballots which failed to choose either candidate in contests for Governor, Congress, and the Attorney General was so large that it was actually these "blank" ballots which determined the outcome. In one recent contest for the office of State Attorney General, over 100,000 of the people who voted left this particular contest blank.

Mr. Furcolo is a graduate of Yale and its Law School, class of 1936. He attended the Labor Management Center at Yale in 1947 to learn about the Taft-Hartley Act preliminary to running for the House where he served two terms.

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AMES—(Continued)

the court shall have jurisdiction "without further reference to domicile."

Procedure

The district court dismissed the case on the ground of lack of jurisdiction, despite the Virgin Islands statute. Mr. Haskins appealed to the Court of Appeals for the 3rd Circuit. The 3rd Circuit, in a 4-3 decision per Goodrich, J., held that the statute was unconstitutional for lack of due process with respect both to the provision making six weeks residence prima facie evidence of domicile, and to the provision that a general appearance by both parties confers jurisdiction without any requirement of domicile.

Mr. Haskins is appealing to the Supreme Court of the United States of Ames from this holding. Mr. Haskins has not been heard from, but the State of Langdell has been granted leave to file a brief and argue orally as amicus curiae.

Club Members

The Story Club will bear the cudgels for Mrs. Haskins, while the Gardner Club will take up the cause of the State of Langdell.

Oralists for the Story Club are John W. Dickey and J. LeMoyné Ellicott; of counsel on brief are David N. Barus, Edwin J. Carr, Arthur C. Dwyer, Joseph DeFranco, John E. Kirkpatrick, and Richard K. McLaren.

Oralists for the Gardner Club are John A. Mitchell and Archibald C. Spencer; of counsel on brief are George Chimples, William S. Ellis, Frederic D. Houghteling, James C. Ingwersen, James M. Rose, Jr., and Fred Wyle.

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PLACEMENT—(Continued)

following up an initial contact: a little thing like writing a thank-you note after an interview may help separate one applicant from a large field. As for grades, they represent but one of the factors in deciding on the over-all desirability of the candidate.

Toepfer advised his listeners that job hunting cannot be restricted to the confines of a Placement Bureau. Many of such jobs get there because the company has itself failed to find an applicant for the job which is either too exacting in requirements or undesirable from the standpoint of the applicant. Many of the companies who do large-scale hiring always have openings and can always make room for a man they want. The Dean concluded with the observation that law students in particular are too prestige conscious when seeking a position; the fact of the matter is that some of the very best opportunities exist in the newer and less renowned firms.

**Pike Addresses Group
On Law And Theology;
Emphasizes Interrelation**

Lawyer-theologian James A. Pike told students and faculty at the Law School this week of new studies which are beginning on the relationships of jurisprudence, theology and ethics, and urged them to join in the "pioneering thinking" on the subject.

Pike, who is Dean of the Episcopal Cathedral of St. John the Divine in New York, and a former attorney with the Securities and Exchange Commission, said that the legal profession itself must confront anew the significance of the law in both ethics and theology.

A noted author in the field of Federal judicial and administrative procedure and a former law faculty member at Columbia and at George Washington University Law School, Pike suggested that the study of relationships of theology and jurisprudence was not "an isolated intellectual task" but one which can be advanced as lawyers develop an understanding of Christian vocation in politics.

Every phase of life, he maintained, including law, is brought under ethical scrutiny in the Christian faith. Pike, whose books on Christianity include "Beyond Anxiety" and "Road Blocks to Faith," emphasized that the relationship of lawyer and client is in one sense a pastoral one, and he warned that increasing specialization in law makes it difficult for the lawyer to be aware of persons affected by his decisions.

Dean Pike met with a group of students and faculty on Saturday at Packard Manse, Stoughton, to discuss Christian faith and the legal profession. William Ellis, 3L, Caesar Espiritu, a graduate law student, and William Stringfellow, 1L, arranged the meeting.

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CAVERS—(Continued)

opportunities for comparative study are unique.

Mr. Richard W. Rabinowitz, a recent graduate of Yale Law School who is now in Japan on a Ford Overseas Fellowship, assisted Dean Cavers in his investigation. Mr. Rabinowitz is making a study of the place of the legal profession in

Japanese society as a dissertation for a Ph.D. in Social Relations at Harvard. While at Harvard he did work in legal sociology under Professor Berman.

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