

Harvard Law School Record



VOL. 19. NO. 3

CAMBRIDGE, MASS., THURSDAY, OCTOBER 14, 1954

PRICE TEN CENTS

Board Reveals Fall Schedule

The annual Ames Competition is about to get into full swing at the Law School with the first- and second-year schedules already posted.

Dockets

Second-year work began Oct. 8 with the posting of the first docket, while the first-year men will have their first docket posted on Oct. 18. The order of events for each of the eight rounds which comprise the schedule in each of the first two years is as follows:

Second Year: Posting of Docket; Issue of Facts; Appellant's Brief Due; Appellee's Brief Due; Reply Brief Due; Argument. The final argument for the last round will be on Dec. 2.

First-Year: Issuance of Docket; Posting of Fact; Fact Conference; Brief Conference; Brief Exchange; Argument.

For both years, the rounds will follow in order, each commencing a few days after its predecessor. For complete details on time-schedules and club groupings the bulletin boards in Austin and Langdell should be consulted.

Lectures

In order to assist first-year men, the Board of Student Advisers will sponsor a series of lectures, known as the West Lectures on Legal Research. This series of five talks will be given by Ellis E. Champlin. The West Publishing Company of St. Paul, Minn., provides these lectures annually as a courtesy to Harvard Law School. This year the series will be given Monday through Friday, Oct. 18 to 22, in Langdell North Middle (See AMES on page three)

Pan-Am Executive Invited To Discuss Airline Regulation

The Bull and Bear Club will hold its second meeting of the year tomorrow at 1:45 in the large meeting room of Harkness Commons. The topic for this meeting is "Airline Securities and Government Regulation." The speaker will be Mr. Henry J. Friendly, Vice President and General Counsel of Pan American World Airways System.

Alumnus

A graduate of the Law School, Class of '27, he was formerly a partner in the firm of Root, Clark, Buckner & Ballantine of New York City and is now a partner in the firm of Cleary, Gottlieb, Friendly & Hamilton of that city.

Mr. Friendly is well qualified to discuss the effect of government regulation on the management of the airlines and on their securities. Members of the Club and the Law School community should be especially interested in his talk, which will explore the interrelation of law and finance.

Open Meeting

Those who are unfamiliar with the Bull & Bear Club are invited to attend this open meeting. Anyone wishing to join the club may do so at that time. Tomorrow's address by Mr. Friendly is a practical illustration of what the club is trying to do. While the members of the club are naturally interested in finance, the club's program is designed to present whenever possible particular legal problems involved in this field. (See BULL & BEAR on page three)

Bailey Aldrich Will Be Judge At Mock Trial

Judge Bailey Aldrich, Federal District Judge for the District of Massachusetts, will preside at the annual model trial for first-year students sponsored by the Teaching Fellows.

The trial, replete with counsel and jury, is scheduled for 5 p.m. on Oct. 21 in the Austin Courtroom. The matter to be heard is *Crane v. Sloane*, a defamation case.

All first-year students are participating in the program through their group work sections, which will discuss trials in general and trial procedures as the case progresses. Last week pleadings and motions were discussed, while depositions, pre-trial motions, and trial briefs are scheduled for the remaining sessions.

Libel and Slander

The case takes place in the Commonwealth of Ames, and involves an action for libel and slander and interference with an advantageous relationship. Crane alleges Sloane caused his loss of the headmastership of a school of which Sloane was an alumnus. Sloane believed Crane to be a hit-and-run driver who caused injuries to his nephew. Thus Sloane is alleged to have called Crane a "hit-and-run driver" "in the presence of others," and to have caused his loss of possible employment.

Plaintiff's counsel will be Prof. Arthur E. Sutherland, Jr., and Prof. Richard H. Field will represent the defendant.

Appeal Planned

An appeal will be taken by the losing side sometime in November to the Supreme Court of Ames. At that time the Board of Student Advisers will sponsor the program.

It is hoped the new Austin Courtroom will be sufficiently finished for the trial to be held there. Completion of the remodeling is scheduled for around Nov. 15.

Holmes Hall Alterations Will Begin In One Week

Assistant Dean Wesley E. Bevins, Jr., has announced that work will be started within one week to revamp the Buckner Room of Holmes Hall.

The changes will include the construction of a new conference room, similar to the Gray Room, in the space presently occupied by the television alcove, and the conversion of the remainder of the room into a combination lounge area and card room. The ping-pong tables now in the area will be moved to the basement of Richards Hall, which will be used as the game room.

Review To Carry Two Articles, Note On Supreme Court

Roscoe Pound, Harvard University Professor Emeritus and former Dean of the Law School, is the author of the feature article of the November issue of the *Harvard Law Review*. Dean Pound's article, "The Role of the Will in Law," traces through legal history



Roscoe Pound

the manner in which the courts have treated the intent of the individual in his contractual dealings.

The early and primitive courts, Dean Pound found, took no cognizance of what the individual intended when he

A television set will be moved against the east wall of the Buckner Room. Two large cabinets will be provided for the new lounge, and card tables and folding chairs presently scattered around the first floor of Holmes Hall will be stored there. These cabinets will also serve to separate the lounge proper from the card-playing area.

Custom-made furniture for the lounge is presently on order. It is expected that the actual construction will be completed in two weeks, but all the new furniture may not be available for two weeks after that.

The conference room will be set off from the remainder of the first floor by a glass partition behind which a rush curtain will be hung. This room will be furnished with a large conference table and chairs.

Game Room

The basement of Richards Hall is being set up as a game room. Some redecorating, including painting, will be done here. The room is now used for storage. Laundry facilities will continue to occupy the other end of Richards, and will be closed off from the game room.

The proposed changes are the result of several years of administrative planning for more effective utilization of the Buckner Room.

Plans for the alterations have been drawn up by Mr. Benjamin Thompson of Architects Collaborative, the firm which designed much of the Graduate Center. Mr. Thompson has also chosen the furniture.

(See ALTERATIONS on page three)

Record Crowd Attends Mixer



Getting to know you

Friday afternoon, Oct. 8, was the scene of much activity in the meeting room of Harkness Commons. P.B.H. conducted its annual mixer dance, and representatives from both sexes came forth en masse. It is estimated that over 750 people attended.

The customary procedure is for P.B.H. to forward invitations to all the women's colleges in the area, admit the women gratis, and charge \$.75 for interested law students. Apparently the price presented no barrier, for the crowd was the largest within memory.

The couples danced to the music of George Graham and his orchestra. Pretzels, potato chips, and a non-alcoholic beverage were served free of charge.

New Dance Policy Set

At a meeting of the Harvard Law School Dormitory Council last week it was decided to change the Council's dance admittance policy. Council president Paul Glenn, 3L of Sharon, Pa., has announced that guests of ticket holders need no longer buy a complete series

ticket but may purchase admission to individual dances.

Guest tickets may be obtained from the Dormitory Council representatives at the cost of \$1 each. These tickets must be purchased in advance for none will be sold at the door.

A Dixieland Cabaret dance will be held Saturday, Oct. 16, in Harkness Commons. Set-ups will be served.

LAW WIVES TEA

The annual tea for Harvard Law Wives and women law students given by Mrs. Erwin N. Griswold will be held today from 4:30 to 6:30 p.m. in the large meeting room of Harkness Commons.

The first regular meeting of the Law Wives will be held Wednesday, Oct. 20, at 8 p.m. in Harkness Commons. Dean Louis A. Toepfer will be the guest speaker. Refreshments will be served after the meeting.

Robert H. Jackson, 1892—1954

(The following article was written for the RECORD by Professor Arthur E. Sutherland.)

The death of Associate Justice Robert H. Jackson, on Oct. 9, 1954, leaves the Supreme Court bereft of a judge in the great tradition, leaves friends saddened by the loss of his gracious companionship, leaves the country thinner and less interesting.

Robert Jackson had three careers, and reached distinction in all three. For 21 years he was active in the practice of law in western New York, trying cases a great deal, respected by the Bar, living in a white-pillared country house in Jamestown. He found time for much useful public service. In 1931 he was a member of the New York Commission on the Administration of Justice, which surveyed the practical operation of the judicial system of the State, and which was an antecedent of the present-day Judicial Council and the Law Revision Commission.

In 1934, when he was 42 years old, he accepted appointment as General Counsel of the Bureau of Internal Revenue, and for the next seven years was one of the principal law officers of the United States. Young men now in their twenties can know only from books the spirit of those times—the excitement filling the minds of young lawyers who "went to Washington," the feeling of being on the march toward better times and greater justice. If some of Jackson's upstate friends were obliged (a little sad-

ly) to feel twinges of skepticism about the complete wisdom of some phases of the New Deal, they never had any doubt of Jackson's complete integrity and genuine enthusiasm; and they could be thankful that so hard-headed and clear-



— Harvard Crimson

Justice Robert H. Jackson

sighted a lawyer was high in the councils of the national administration.

He became Assistant Attorney General in 1936, and Solicitor General in 1938. Although his name does not appear in the list of government counsel

in *National Labor Relations Board v. Jones & Laughlin Steel Corp.*, which in 1937 marked the conversion of the Supreme Court to the constitutionality of the New Deal, in a series of great cases thereafter his arguments played a great part in "consolidating the new position." (He chose this phrase for a chapter-heading in his book, "The Struggle for Judicial Supremacy," originally written as his Preface tells us "in odd intervals between arguments in Court as Solicitor General.")

Assistant Attorney General

As Assistant Attorney General he argued *Electric Bond & Share v. Securities Exchange Commission* in which, on May 28, 1938, the Supreme Court upheld the registration provisions of the Public Utilities Holding Co. Act of 1935. He argued *Mulford v. Smith* in which, on Apr. 17, 1939, the Court upheld the Agricultural Adjustment Act of 1938 and in effect overruled the *Butler* decision of 1936. He argued *United States v. Rock Royal Co-Operative Inc.* in which, on Jan. 5, 1939, the Supreme Court upheld federal control of milk marketing. As Attorney General he argued *Anthracite Coal Co. v. Adkins* in which the Supreme Court, on May 20, 1940, upheld the Bituminous Coal Act of 1937, in effect overruling the *Carter* case of four years before.

Jackson's appointment as Attorney General of the United States on Jan. 18, 1940, came when the war in

(See JACKSON on page four)

The gifts also were not recoverable. (*Splendore v. Guglielmo*, *New York Herald-Tribune*, March 23, 1954. Thanks to Nicholas B. Jones).

REVIEW—(Continued)

entered into his contractual dealings. The main interest of these early courts was in the order and form of the document. If the form was legally sufficient, the document was sufficient and was assessed at its face value.

Modern courts beginning with the 17th century, however, were well along in a new philosophy of looking into the intention of the contracting party. The courts attempted first, to discover the actual will of the contractors, and then to implement this will.

Dean Pound notes, however, a counter-vailing tendency in present day courts. Today's courts are faced with the problem of large, powerful corporations which impose their will on the individual. Therefore, the court has not assessed the individual's intention as the most significant element to be explored.

Supreme Court Rules

A second article, written by Frederick Bernays Wiener, deals with "The Supreme Court's New Rules." Mr. Wiener, a Washington, D. C., attorney and former Note Editor of the *Review*, presents a practical guide for those who will argue cases before the Supreme Court. He demonstrates how the material revisions of July, 1954 have resulted in a clearer and simpler set of rules. Mr. Wiener also deals with the significance and impact of the revision.

For the fifth consecutive year the *Review* will present a survey of the principal cases decided by the Supreme Court this past term. Highlighting this Note is a short introduction by Prof. Albert M. Sacks. His foreword, which is concerned with the segregation decision, applauds the Supreme Court's manner of handling this question. All arguments were given careful and thoughtful consideration and every interested party heard. The separation of the opinion from the decree, Prof. Sacks believes, was the basis for the unanimous opinion.

The analysis of the 40 most important cases of this term shows that the major part of the Supreme Court's work is composed of the following topics: restrictions on state taxation by the federal constitution, labor law, anti-trust litigation and admiralty.

Alumni Notes

LL.B. '50—*Samuel Dash* has been appointed First Assistant District Attorney of Philadelphia. He will take office on Nov. 8, 1954.

LL.B. '52—*Thomas W. Pearlman* has become associated with the law firm of Smith and Botelle of Providence, R. I.

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Drafting Techniques And Methods
Are Discussed In Useful Book

"LEGISLATIVE DRAFTING," by Reed Dickerson. Boston: Little, Brown & Company, 1954. Pp. XVI, 149. \$4.95.

The drafting of legal documents has always been an exacting and technical business. It requires the craftsmanship of the best men of the legal profession. An increasing number of lawyers are participating, directly or indirectly, in the drafting of statutes and administrative regulations, both of which have acquired greater importance than ever before in the government of our society.

The growing complexity of our legal and governmental structure has made imperative the need for a scientific approach in drafting procedures. As an aid there is a growing literature on legal drafting, but it is fragmentary, unorganized, and diffuse for the most part.

Reed Dickerson has written "Legislative Drafting" to assist the draftsman, attempting a comprehensive synthesis of the scattered literature. He is well qualified to undertake such a task; formerly Assistant Legislative Counsel of the House of Representatives, Mr. Dickerson has been engaged in revising statutes relating to the armed forces for the past several years. He is currently serving as Chief of the Codification Section, Office of the General Counsel, Department of Defense.

The author analyzes and discusses the most of the problems that confront the legal draftsman. The main items considered are the draftsman's function with regard to policy, relations with the client, the necessity of up-to-date knowledge of existing statutory and case law, sources of factual information, logical arrangement of topics, wording and punctuation, conferences and team work, and review of the completed draft.

The stated function of this book is to serve as a guide for lawyers engaged in drafting. This is the most important

function of "Legislative Drafting." There is no attempt to deal extensively with theory or the entire scope of drafting; rather the result is intended to be a simple working manual for the practicing lawyer.

There is an excellent bibliography which will be of value to the draftsman who has a particular problem requiring extensive research. The appendices also include a helpful table of state constitutional prohibitions and requirements relevant to new statutes and amendments. This table-type form is illustrative of the concise presentation throughout this book.

The value of this volume is not that it interjects new ideas into the field of legislative drafting but that it presents in convenient and usable form the varied materials a draftsman uses every day. "Legislative Drafting" is written as a guidebook for the practicing lawyer, and it serves that purpose. R. E.

Civil Liberties Union

Tomorrow afternoon at 4 p.m. Prof. Mark DeWolfe Howe will address the year's first meeting of the Harvard Law School Civil Liberties Union, to be held in the Wheeler Room of Holmes Hall.

Lawrence A. Erbst, 3L of Flushing, N. Y., president of the group, has invited all interested students to attend the meeting, which promises to be a short one.

The Law School civil liberties group is affiliated with the Massachusetts Civil Liberties Union and the American Civil Liberties Union.

Erbst says that the group plans to present several speakers and forums in the course of the school year, in addition to carrying out legal research for the parent organizations.

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Massachusetts Decision
Influenced By Students
In Voluntary Defenders

Memoranda prepared by the Harvard Voluntary Defenders apparently played an important part in a recent Massachusetts decision which requires district attorneys to investigate facts favorable to defendants as well as facts favorable to the prosecution.

Counsel supplied by the Voluntary Defenders Committee of Boston argued for this new rule in a brief filed with the Supreme Judicial Court; the bulk of the material in the brief was based on research done by the Harvard group.

Unsettled Point

The point in issue had never been settled by decision in Massachusetts, and the Boston Voluntary Defenders regarded a favorable decision as a highly desirable precedent. The project leader, Timothy W. Stanley, 3L of New Britain, Conn., estimates that the group spent more than two weeks doing research for the memoranda.

The question arose upon defendant's writ of error. At a hearing on the writ, defendant introduced documents to show that the district attorney knew of facts tending to show that the defendant was not in Massachusetts when he was supposed to have committed the crime for which he was prosecuted.

The Supreme Judicial Court said that there should be further proceedings below to determine whether the District Attorney had fully discharged his duties to investigate the defendant's alibi.

AMES—(Continued)

at 3:30 p.m., with attendance restricted to first-year law students.

Tours

In addition to the West Lectures the Board of Student Advisers is sponsoring library tours on Oct. 14 and 15. These are intended to be supplementary to the tours conducted by the various law clubs and are designed for students who are unable to participate in their regular law club's tour.

On Tuesday, Oct. 5, the Board of Student Advisers presented two showings of their own color film, "Case in Point." This was the Board's first step in preparing for the 1954 Ames Competition. The film was an orientation for first-year men in the problems and methods of research in the Law School library.

The Ames Competition provides students with experience in preparing and presenting cases for appellate argument under conditions closely approximating those met by the practicing attorney, with the added incentive of intra-school competition. Organized into law clubs, the participants engage in elimination rounds which do not culminate until their final year at the School.

ALTERATIONS—(Continued)

The changes are designed to permit a much more flexible use of the Buckner Room than is presently possible. The room will be particularly adaptable to use for Law School social functions. Removing the ping-pong tables will alleviate the overcrowded condition which has previously accompanied telecasts of special interest to the Law School community.

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NEWS IN BRIEF

YEARBOOK PHOTOGRAPHS

Sittings for individual photographs will begin Monday, Oct. 11, at the Yearbook office, 23 Everett St. They will be held daily 9 a.m. to 12 noon, 2 to 5:30 p.m., on Oct. 11, 13 to 15, and 18 to 22. On Saturday Oct. 16 and Saturday Oct. 23, they will run from 9 to 12 noon.

It is important that each person keep his appointment. Anyone wishing to make a new one or change one should call the Yearbook office, KI 7-7600, ext. 381.

GROUP PHOTOGRAPHS

All group photographs for the Yearbook will be taken between 1 and 2 p.m. Oct. 11, 13 to 15, and 18 to 22 on the steps of Austin. Any Ames club or other Law School organization desiring a picture should call the Yearbook office, KI 7-7600, ext. 381, immediately.

FORUM OPENINGS

There will be a meeting of the Forum on Monday, Oct. 18 at 7:30 p.m. in the Wheeler room for all those interested in working on the staff of the Forum.

YOUNG REPUBLICANS

The Harvard Young Republican Club will hear an address by Secretary of Commerce Sinclair Weeks on Friday, Oct. 29. Mr. Weeks' topic has not yet been definitely set, but the talk will be political, according to Edward K. Pincus, 3L of New York City, chairman of the HYRC Law School Committee.

A cocktail party is planned to precede the talk, which is scheduled for Harkness Common at about 4 p.m. The meeting will be open only to members of the organization, but new members may join at the door. Dues are \$2.00 for the academic year.

CLUB CHANGES NAME

The Wilson Club has changed its name to the Maguire Club, in honor of its faculty adviser for the last 14 years, according to Ralph I. Lancaster, 3L of Bangor, Me., the club's supervisor. The change became effective Friday, Oct. 8, at a luncheon held by the club.

COFFEE HOUR

Prof. Laurence C. B. Gower will be the speaker at the Coffee Hour on Tuesday, Oct. 19 at 1:30 p.m. in the lower level of Harkness Commons. Prof. Gower will speak on "Anti-Americanism in Europe."

YEARBOOK SUBSCRIPTIONS

The deadline for the 1955 Harvard Law School Yearbook subscriptions is Oct. 23. Anyone desiring a subscription should call at the Yearbook offices at 23 Everett St.

TREASURE ROOM

"A History of the Harvard Law School—from its founding to the Langdell period" is the current display in the Treasure Room in Langdell. The exhibit includes books, catalogues, newspaper publications, and documents from the School's formative era. These materials will be displayed in the Treasure Room until the beginning of November.

NEW LIBRARY HOURS

As an experiment, the Law School library will be open from 2 p.m. to 10 p.m. on Sundays during Ames competition, according to a recent announcement. The new hours will begin on Oct. 17 and will be in effect through Nov. 21.

H. L. S. Democrats Gather At 4 Today

The Law School Young Democrats will hold elections of officers in the Wheeler Room of Holmes Hall at 4 p.m. today.

The men selected at this meeting will administer the program of the organization during the ensuing year. The club plans to take an active part in supporting Democratic nominees in the State elections next month.

On Oct. 23, as part of a drive by Young Democrat clubs throughout the state, the Law School group will organize a car parade which will tour Cambridge and the surrounding districts. It is contemplated that interested members will perform door-to-door campaigning for the various candidates. The club stands unanimously behind all the Democrats nominated at the primaries.

More distant proposals include the possibility of having an all-Massachusetts convention of Young Democrat club representatives with the Law School chapter as host. Also planned are appearances here of nationally known personages in the party.

The Law School unit of the Young Democrats is affiliated with the Democratic party. Membership is open to any student who claims to be a Democrat, conservative or liberal. President Joseph T. Dye, 2L of Anderson, Ind., explained that the members feel that "the club, as an organ of a national institution, should reflect the views of Democrats all over the nation."

Anyone who wishes may join at the Young Democrat booth in Harkness Commons or at the meeting this afternoon. Those who have paid their dues (\$1 per semester) by the time nominations begin are entitled to vote for club officers.

CORRECTION

Two errors were committed in last week's account of the Teaching Fellows appointed for the 1954-55 school year. Mr. David H. Gambrell is married, and Mr. Morrill Cole is 26 years old, not 36.

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JACKSON—(Continued)

Europe, and the possibility of our involvement in it, made domestic issues seem comparatively unimportant. On Aug. 27, 1940, in response to a question from President Roosevelt, he gave his opinion concerning the presidential power to agree with the British government to exchange destroyers and other equipment for naval and air bases in the Atlantic. This opinion marked a most important turn in our national attitude toward the war. Its implications concerning the power of the Congress to control subsequent presidential executive agreements have lasting significance.

The commission of Mr. Justice Jackson as a member of the United States Supreme Court was ordered recorded Oct. 6, 1941. A summary of his judicial work since that time would require a review of 13 years of the Court's history. His opinions show his hard common sense, his long and intimate experience with the practical administration of justice, and his sense of tradition, which plays so large a part in our constitutional law. They are written with a power and freshness of language that make their study a pleasure. He saw clearly the wide conflicts of policy which the Su-

preme Court is continually obliged to resolve. Should "the inertia of government . . . be on the side of restraint of commerce or on the side of freedom of commerce . . . ?" Should we permit police "to take the suspect into custody for questioning" or have we as our only alternative

"to close the books on the crime and forget it, with the suspect at large. This is a grave choice for a society in which two-thirds of the murders already are closed out as insoluble."

Appointed Chief of Counsel for the United States in the war-crimes prosecutions, Mr. Justice Jackson performed a burdensome and unwelcome duty with energy and efficiency. His opening address to the Court is the best published justification of these proceedings.

War-Crimes Trials

When all this is said, it becomes obvious that no brief appreciation can be satisfactory in any way. It cannot suggest the heart-warming qualities of a kindly, cultivated, man, exemplifying all the finest traditions of the American lawyer. Justice Jackson's death, at an age when the country might have hoped from him and for him many more years of distinguished service, is a sad loss to the United States.

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