

Harvard Law School Record



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PRICE TEN CENTS

Harlan Named To High Court

Judge John Marshall Harlan of the United States Court of Appeals for the Second Circuit has been nominated for the vacant seat in the Supreme Court. The official announcement confirmed rumors that had been circulating in the Law School for weeks.

Harlan's appointment was praised by most members of the Law School Faculty. The previous Supreme Court nomination by President Eisenhower, that of Earl Warren to be Chief Justice, was subjected to sharp criticism here because of Warren's lack of judicial experience and because of a fear that Warren's confirmation might depend on his vote in the pending segregation cases.

Experienced

Judge Harlan was appointed to the Court of Appeals last March, so that his judicial experience is slight. He had, however, distinguished himself in private practice in New York City and in public service in New York State.

A member of Root, Ballantine, Harlan, Bushby & Palmer until his appointment last spring, Harlan has had experience in trial and appellate work. He has served as chief counsel and general counsel to the New York State Crime Commission and as a special Assistant Attorney General of that state.

He is 55 years old, is married, and has one daughter. He is a graduate of Princeton University, Oxford, and New York Law School.

Griswold And Hall To Argue Nov. 17 In 'Sloane' Appeal

The model appellate argument in the Commonwealth of Ames case, *Crane v. Sloane*, will be heard next Wednesday evening in the new James Barr Ames Courtroom.

Issues

There are four main issues involved in the appeal. The first is that the verdict should be reduced to nominal damages. The court has instructed the jury that if they found for the plaintiff on the second count (libel), they need not consider the third count of interference with advantageous business relations. The jury returned a verdict of damages on the later count, and appellant argues that the damages thus found should be precluded as the judge instructed.

The second basis of appeal is that the verdict of the jury showed two inconsistencies. Their gist is that the verdict of nominal damages on the second count indicated that there was no malice and also that there was no causation, both elements being needed in recovery on the third count; and therefore, the jury having given the plaintiff recovery on both the second and third counts, the verdict was inconsistent, and the appellant should have a new trial.

Appellant also demands, on the third issue, a reversal of judgment, contending that the charge of the trial judge on the count of interference with an advan-

(See APPEAL on page four)

LATE ISSUE

The RECORD appears on Friday this week instead of Thursday, the usual publication day, because of the Armistice Day holidays. Next week the RECORD will appear on Thursday. Subscribers who missed this or any other issue should come to the RECORD office at 23 Everett St. to pick up their copies.

Conference Begins On Legal Training For Public Leaders

Yesterday a three-day conference on the teaching of law to laymen began at the Law School. More than 25 conferees, most of them college and law school professors, will discuss the problems of giving future civic leaders and scholars not in the legal field an understanding of the law.

Dean Erwin N. Griswold welcomed the participants on Thursday. Other Law School faculty members who are taking part in the conference are Associate Dean David F. Cavers and Professors Paul A. Freund, Lon H. Fuller, and Milton Katz.

Courses

The conference is concerned with the need for introductory courses in law as a part of a general collegiate education, the proper objectives of such courses, and the methods by which the objectives can be achieved. The conference is being supported by the Carnegie Corporation of New York City.

Others who are participating include Hon. Charles E. Wyzanski, Jr., LL.B. '30; Chester I. Barnard, former President of the Rockefeller Foundation; Dean Carl B. Spaeth of the Stanford Law School; and Charles P. Curtis, LL.B. '17, Boston lawyer and author of several books on legal matters.

Prof. James Hurst, LL.B. '35, of the University of Wisconsin Law School, Beryl H. Levy, of Columbia University, Prof. Mark DeWolfe Howe, and Prof. Harold J. Berman each will give a different introductory course on law.

Other Law School graduates at the conference include Prof. Thomas H. Elliot, LL.B. '28, of Washington University, St. Louis, Mo.; Prof. Burke Shartel, S.J.D. '19, from the University of Michigan Law School; Provost Elliot Dunlap Smith, LL.B. '16, of the Carnegie Institute of Technology; and Prof. Benjamin M. Ziegler, LL.B. '31, of Amherst College.

Boston Bar, S.B.A. Begin New Project

On Monday afternoon at 5 p.m. in Langdell North, the Student Bar Association will hold an open meeting for third-year students interested in working with the Lawyer Reference Service Bureau of the Boston Bar Association.

About 20 students from Harvard Law School and 20 from Boston University Law School will participate in the program. They will devote three hours to the project every two weeks, and will work in groups of two in the downtown office of the Bar Association.

Duties

The Reference Service was established as a public service, allowing anyone who thinks he has a legal problem to discuss the matter and, if his case warrants, be referred to a competent attorney selected on an impartial basis. Students will interview these clients, obtain the facts of the problem, decide whether the client needs a lawyer and, if so, will refer him to an attorney from the Bureau's list.

Seavey To Retire July 1 After Teaching 49 Years

Professor Warren A. Seavey, LL.B. '04, Bussey Professor of Law, will retire from the faculty at the close of the spring semester. In his career as a professor of law, Prof. Seavey has taught 49 years in 11 law schools on three continents.

Prof. Seavey is the author of numerous casebooks and restatements in Torts, Agency, and Restitution. He is editor of the American Casebook Series.

After graduation from Harvard College in 1902 and the Law School in 1904, Prof. Seavey went into private practice. He first taught law in China in 1906, and came to Harvard as professor of law in 1927. He is known for his Socratic method of teaching, which involves his students answering rapid-fire questions that he poses.



Warren A. Seavey

(Editor's Note: The following interview—both questions and answers—was prepared by Prof. Seavey.)

Record Reporter. We understand that you are planning to retire at the end of this year?

Warren A. Seavey. At least I will become Emeritus, with no official duties.

R.R. May I inquire what are your plans?

W.A.S. Sorry. No plans except that I hope not to be idle. I shall do this and that, I expect—a revision of the Agency Restatement, perhaps help in revising some of the other Restatements; a few casebooks; a little editorial work; perhaps even a little teaching, that modicum of it which is suitable for extreme age.

R.R. Are you planning to teach elsewhere?

W.A.S. Again, no plans. It is pleasant here, with old friends, conversations with Professor Scott about cabbages and kings and even Trusts now and then; with Pound, whom I hope can be persuaded to resume the occupation of his office here; with other members of the faculty who drop in—and the students, with their problems and kind hearts.

Cigars And Bovril

R.R. You are not now seeking another place?

W.A.S. Not now, although I shall be opportunistic—a term here and there to bring to life again I. de S. and his wife, or Mr. Fenwick, whose servant, in violation of orders, sold cigars and bovril. I don't think I would like to make a permanent connection, as has Eddie Morgan, who is now giving Vanderbilt students the affection and understanding which I wish you boys might share.

R.R. How did you happen to go to teaching?

W.A.S. I planned to be a mathematics instructor but, discovering that I was not much as a mathematician, was persuaded to study law.

R.R. How did you happen to go to China?

W.A.S. Looking forward to teaching, I had asked Dean Ames to let me know of any available opportunity. After practicing, or at least having an office in Boston for two years, I was told by the Dean that the Viceroy of Chili Province in China was trying to modernize education there and that there was an opportunity to take some of the Harvard system to the Orient. It looked good to me. Incidentally, I suggest that if any of you have an opportunity to go to a foreign country so that you can look back upon the life here, it is worth while taking as a means to help your understanding of world problems.

R.R. Did you like it there?

W.A.S. I could not have asked for better treatment either from the government or from the students. The students were a choice lot and used Harvard casebooks. Later, I sent for a number of Harvard men to carry on the work both before and after I left. However, I thought five years was enough. Obviously, I have been terribly disappointed that the work done there should

(See SEAVEY on page three)

Prof. Chafee Speaks In Oregon On University's Responsibility

On Chater Day, Oct. 19, University Professor Zechariah Chafee, Jr., spoke at the University of Oregon on "The University's Responsibility in the Tradition of Freedom."

In his speech Prof. Chafee analyzes the reasoning behind the current hostility toward teachers and academicians, gives three illustrations of the form in which the attacks are being made, and concludes by explaining why the attacks go beyond the legitimate purpose of safeguarding our national best interests.

Professor Chafee begins his speech with an explanation of why it is that the professor who indulges in heterodox views of economics, government, international affairs, and law, has lately come to occupy the front pages of newspapers with bank robbers, spies, and other doubtful members of society. The special vulnerability of the social sciences to frequent and bitter attacks is due, in his opinion, to three commonly held beliefs on the part of citizens at large.

In the first place, the public feels strongly that the social sciences are intertwined with valuable basic traditions of our society and that the purpose of teaching these subjects is to maintain these traditions. Although he agrees that the parent and the State have a right to instill in the child a respect of the conventional virtues, he hastens to add that the tried judgments of the community, which should surely be passed on to the younger members of society, should be restricted to those judgments of right and wrong which have long been generally accepted, and should not include contemporary and passing ideas, like the correctness of some particular economic policy or the rightness of some political organization.

The second reason for the current hostility toward teachers arise from the fact that people regard the multiplication table as characteristic of all education. If a teacher professes some economic or social belief with which a particular critic does not agree, he concludes that the teacher's students have been "misinformed," probably for life.

(See CHAFEE on page four)



Zechariah Chafee, Jr.

Law School Fund Drive Has Collected \$38,000

The Law School Fund sent out its first mailing to alumni in the last week of October, and is already "happily swamped with return envelopes containing contributions," says Fund Director Wesley E. Bevins, Jr.

Response to the beginning of the annual Fund drive is so heavy that Mr. Bevins' staff has been unable to keep up with the mail. At the last count, made on Monday, the Fund had received \$38,816. This total reflects mail received up to Nov. 4.

Membership in the Association usually is about 5,100 and indications are that this figure will be reached again this year.

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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.

Three Points

In these days of assault on American universities, and on intellectuals and social science in general, Prof. Chafee's address at the University of Oregon's Charter Day ceremonies (see story on page one) may provide a rallying point for defenders of academic freedom.

In his speech, Prof. Chafee lists these three points as lines of attack on universities.

"An enormous amount of talk about the membership of professors in so-called subversive organizations."

"The rapidly increasing practice of singling out teachers for test oaths and compulsory declarations of loyalty."

"The attack on our frontiers," specifically the "inhospitality of the United States government to traveling thinkers on the ground of their real or supposed political opinions."

The RECORD agrees that there has been too much loose talk and indiscriminate listing of "fellow travellers" and "subversives." Such reckless groups as the California Un-American Activities Committee, which labeled the American Civil Liberties Union as a Communist front, do a definite disservice to both truth and reason.

The fact that both groups and individuals may change their policies over the years also bears consideration. But, as Chafee says, the "worst weakness of this red network" is that it stigmatizes a man for one small act which may bear no relation to his total view on politics and society.

Chafee's point is well taken.

Loyalty oaths, in theory designed to root out subversion, often have the effect of only uprooting harmless dissenters. These oaths constitute a source of embarrassment to the teaching profession, and expose it to public distrust. It would seem that persons actually engaged in conspiracy against the United States would have no hesitation in signing a loyalty oath, were it placed before them. Secrecy still remains the basis of subversion.

The closing of our frontiers is yet another sign of national neurosis. International conferences are hampered by lengthy delays, and sometimes refusals, in the granting of visas and passports to noted scholars and scientists, both American and foreign. This policy is not only unwise and contradictory to the tradition of free exchange of information, but it weakens our position as a bastion of freedom in a divided world.

Experiment

For the last three Sundays, the library has been experimenting; it has remained open until 10 p.m., instead of closing at the usual hour, 6 p.m. The theory is that during Ames Competition use of the library becomes so heavy that additional hours are a necessity.

One significant fact is apparent, however: those in the library have not all been first-year men. A substantial portion have been in the second and third years. And many who have taken advantage of the new policy are not engaged in Ames Competition.

It would seem that an experiment with longer week-day hours is also in order. If the week-day closing time were midnight, we believe that a surprisingly large number of people would take advantage of the extra hour. Perhaps this further experiment could be attempted during the spring Ames Competition.

Gallery

JOSEPH NYE WELCH
Attorney



—U. S. Army

A vigorous partisan of advocacy in an age of specialization, Joseph Nye Welch received late in life the opportunity to win national recognition for his talent. But success was not new to quiet Boston attorney Joseph Welch. Since his days at Grinnell College in Iowa, where he graduated Phi Beta Kappa in 1914, Welch has built an impressive career at the bar.

Receiving a scholarship to distant Harvard Law School, Welch came east a few weeks after World War I began in Europe.

His days at the Law School were busy ones. Due to insufficient finances, Mr. Welch had to take a job while at school. But affairs of commerce were not incompatible with affairs of the heart, for as he puts it, "I managed to carry on a successful courtship."

In spare moments, Mr. Welch found time to serve as chairman of the Board of Student Advisers and was elected an editor of the *Harvard Law Review*.

Mr. Welch was married shortly after receiving his degree in 1917 at the age of 27. A year later, he won admission to the Massachusetts state bar.

In 1919, Mr. Welch joined the Boston firm of Hale & Dorr, where he is now a partner. Last spring was the first long interruption in 35 years with the firm, when he handled a case, without fee, in Washington, D.C.

A member of the American College of Trial Lawyers, the American Bar Association, and the Massachusetts Bar Association, Mr. Welch has been active in both legal and alumni affairs.

Student Years

Recalling his own days at the Law School, Mr. Welch praised the professors he had sat under. He told the RECORD Professor Williston "is one of the greatest teachers in the century." Mr. Welch said, "it was extremely stimulating to be under the tutelage of Roscoe Pound."

"Like every old grad," he went on, "I have the privilege to be shocked when noticing changes about the Law School, but I am wise enough to know that any school, if it is going to progress, must undergo change, and that the essential thing is for the school to know the speed and direction of the change. But it has always seemed to me," Mr. Welch continued, "that the Harvard Law School knows both things and consequently every shocking change is gladly embraced."

Mr. Welch advised law students that it ought never to become old-fashioned or obsolete for a lawyer to become an advocate, and he hopes

Letters to the Editor

TO THE EDITOR:

The recent death of Charles Warren, greatly venerated for his often-cited history of the Supreme Court and numerous other well-known writings, as well as his service as Assistant Attorney General during the administration of Woodrow Wilson, makes it appropriate to call the attention of students in the School to a useful volume often overlooked: his "History of the American Bar" (1911). This book is an outgrowth of his earlier three-volume work on the history of the Harvard Law School.

Somehow I failed to learn of the existence of this book while I was in law school, and never read it until a few years ago when I began to investigate Colonial legal history in connection with my study of Thomas Jefferson as a lawyer. But it is a most interesting and useful book, and I regret that no one called it to my notice when I was a student in the School.

It is cited, however, in Pound's recent survey for the American Bar Association, "The Lawyer from Antiquity to Modern Times" (1953), and in this way the profession may become more familiar with it and accord it the recognition it deserves.

EDWARD DUMBAULD, LL.B. '29.

every class will produce a reasonable number of legal spokesmen. Although well aware of the importance of the corporate and tax fields of law, Mr. Welch feels that the place where the law really touches the people is in the field of advocacy.

On the Ames Competition Mr. Welch commented that the student should not carry erudition to the point where persuasiveness is lost. He feels that in an adversary system erudition should be the hand-maiden of persuasiveness.

Where To Practice

A problem faced by all new lawyers is determining the locale in which to practice. Mr. Welch thinks that a lawyer should choose a place where he would have a happy life practicing law, and said that "it is a little sad that men with the opportunity to select a most ideal environment do not do so. Law work is everywhere for the able lawyer."

He emphasized the fact that really solid satisfaction can come from practicing in the non-metropolitan areas, with the resultant opportunities for community leadership and the close friendships fostered by the reliance of clients on the old family lawyer. But at the same time Mr. Welch urged that those with the desire to be where the competition is the hardest and the prizes the largest should certainly go to the metropolitan areas. He said, "I have never known a man who went to New York who was ever less than happy with New York as a place to practice law." But, he added, "I have known some extremely happy and useful graduates who went to smaller cities or even country towns."

When queried concerning the responsibilities of the lawyer regarding public service, Mr. Welch said that young lawyers should realize that as they mature and achieve a measure of success, opportunities as well as obligations for public service will present themselves. This will be true whether they are specialists in large cities or general practitioners in the suburban and rural areas.

Influences

In summation, Mr. Welch felt that there have been three fundamental influences underlying his career. The Harvard Law School stands out in his mind as having had the greatest influence, as his training here equipped him well with the "tools of the trade" and served to correlate his earlier training.

The influence of his study at Grinnell College, especially in the field of extemporaneous speaking, was highly useful preparation for the Law School.

The third influence was perhaps the most arduous. Faced with the stern necessity of earning his way through college and law school, Mr. Welch worked for six consecutive summers as a map salesman, travelling through the mid-west, Pennsylvania, and New York on foot, bicycle, and horse and buggy.

Mr. Welch credits the persuasiveness required by salesmanship with laying the groundwork for his career in advocacy. Of his ability in the field, *Life* magazine said: "... he has the old-shoe manner of such courtroom greats as Clarence Darrow; his elaborate politeness masks a highly active, well-disciplined bear-trap mind."

G. M. L.

Off the Record

Professor Scott, in a Trusts class, telling of man's fear of insolvency and/or bankruptcy, reiterated the opening of a cashier's prayer at church: "Oh Lord, we knowest thou always pay 100 cents on the dollar. . . ."



"... Gentlemen, in light of the proposed new Democratic tax bill for '55 . . ."

Sub Judice

WALTZING PASSENGER

Miss M was a dancing instructor in Houston, Texas. On Jan. 22, 1951, while travelling in a bus operated by the Houston Transit Company, she suffered minor injuries due to the bus's sudden jerk. The instructor filed suit for personal injuries against said company the next day.

Alas! The next day, Sunday, the *Houston Chronicle*, a daily newspaper with a rather wide circulation, carried on page one a story and cartoon concerning Miss M's suit.

The headlines of the column read as follows: "Asks \$132,500 for 'Unreasonable Jerk.' Bus Skips, Dancer Flips, Suit Nips." Miss M also complains of the following phraseology in the article: "A Houston Transit Company bus that did the booms-a-daisy when it should have been doing a smooth waltz caused a 45-year-old English dancing teacher to file a \$132,500 damage suit in federal court Saturday. The lady claimed she did a very ungraceful adagio flip half way up the aisle of a jerky bus. . . ." A cartoon or caricature depicting Miss M dancing with an animated bus accompanied the column.

And so Miss M, the dancing instructor (and an Englishwoman at that), brought suit against the publication for libel. Her name had been discredited, her prestige mocked and her accident made the object of the *Houston Chronicle's* "smear."

Held: The court sustained the defendant's motion to dismiss on the ground that the petition failed to state a claim upon which relief could be granted. (Rule 12(b)(6), Federal Rules of Civil Procedure.) Libel in Texas has an exclusive statutory definition. The statute, in substance, provides that libel is a defamation expressed in writing or drawing, tending to injure the reputation of one alive, exposing him to public hatred, contempt, ridicule, or financial injury (Article 5430 of Vernon's Ann. Texas Civil Statutes.) The complaint stated nothing defamatory or injuring. (*McCaulough v. Houston Chronicle Publishing Co.*, 211 F.2d 4, Fifth Circuit, March 12, 1954.)

BABYSITTER WOES:

A POWDER-ROOM SEARCH

Action for injuries sustained by appellant when she fell down cellar stairs while employed as a babysitter in appellees' home.

On the night in question the appellant, the babysitter, arrived at the home of her employers at about 8:45 p.m. The parents went out, and the babysitter put the children to bed. She went to the den located off the back hall and watched television for a while. Then she went along the back hall to the kitchen where she remained until it was about time for her to go home.

Shortly before the return of the Sayers to their home the babysitter desired to use the bathroom. She got up and left the kitchen, opening the door to the left of the kitchen door, which she thought might be the door to a powder room but which actually led to the cellar steps. The opening thus exposed was black. She reached for a light switch which she expected to find on the right wall and either stepped over the sill or lost her balance and was precipitated down the cellar stairs, suffering the injuries for which she is now seeking damages.

Held: Dismissed. The court quoted Prosser: "A possessor of land inviting another upon it for his own purposes and thus subjecting himself to the duty owed by a possessor of land to a business invitee is liable only for injuries caused by a dangerous condition existing in that particular part of the premises which the invitee is invited to use."

"The appellant had been in the appellee's home as a babysitter on three separate occasions, including the night on which the injuries occurred. On no occasion had the appellant been told of the existence of the powder room entering into the pantry. The appellant specifically testified that on no occasion did she inquire as to the existence of a powder room; that its existence or location was not pointed out to her; that she did not know its location; and that on her prior visits to the appellee's home she had had no occasion to avail herself of the bathroom facilities."

"We do not think that the appellant was impliedly invited to pry around in all corners and crevices of the premises in search of a facility, the existence of which she at best could only assume. The appellees had pointed out to the appellant the living room, the den, the kitchen and the pantry. We think that this impliedly limited the invitation extended to her to the use of those portions of the premises pointed out, or with which she was familiar. Under these circumstances, the appellees cannot be held liable for the injuries suffered." (*Fahey v. Sayer*, 106 A.2d 513, Delaware, July 1, 1954.)

Lidstone, Expert On Taxation Matters, Visits Chile On United Nations Mission

The assistant director of Harvard's International Program in Taxation spent two months in Chile this fall on a special United Nations mission.

He is Herrick K. Lidstone, LL.B. '48, and his mission was to study Chilean tax laws and make recommendations for their improvement and enforcement.

"The job was rough," Mr. Lidstone said, "because one week before I arrived the Government passed a complete tax reform bill, which revised land values and set up a new sales tax on all transactions." Tax expert Lidstone compared this bill to the United States Internal Revenue Code of 1954.

Arrival Eagerly Awaited

In addition, Finance Minister Jorge Prat had just taken office before the new bill was passed. A cartoon in a Chilean magazine showed Minister Prat eagerly awaiting a billow of smoke from behind

a mountain. As the smoke approached, it was seen to be originating from Mr. Lidstone's pipe, and the Finance Minister's face showed relief at the arrival of the taxman.

Mr. Lidstone pointed to the cartoon as an example of Chile's free press. He



Herrick K. Lidstone

called Chile one of the few real democracies in the western hemisphere.

Met Taxpayers

In his two months in Chile, Mr. Lidstone met three times daily with groups of taxpayers, some protesting the new law, others seeking information on its detailed provisions.

In addition to meeting taxpayers, Mr. Lidstone set up two commissions of prominent Chilean attorneys. These groups are still working on the problems assigned to them, which were a study of the new law itself and its administration.

Disclaiming any policy-making function, Mr. Lidstone says, "I was just on a technical mission. What I suggested was the elimination of laws that are thoroughly frustrating, or have a very high cost of collection."

Mr. Lidstone, who has been with the International Program in Taxation since the spring of 1953, went to Chile under the auspices of the United Nations Technical Assistance program.

SEAVEY—(Continued)

have proved of no lasting value to the country.

R.R. I note that during the first World War you were a director of the AEF University Law School. What was this and how did you get there?

W.A.S. After Armistice Day about two million Americans were left stranded in France away from transportation. For these, various educational facilities were set up, including the University at Beaune. As an officer, I was given the opportunity to join this and, since no one else had suggested a law school, I proposed it. For three months we operated a school of about 160 students, with casebooks mimeographed from the isolated volumes found in the camp library and as instructors lawyers selected from the available men in the Army. We had moot courts and everything a law school needs, except a library and a hope for future existence.

R.R. Do you wish you had entered practice instead of teaching?

W.A.S. I know of no life which would have given me so much enjoyment and also which, assuming reasonable success, would have been so useful. I owe more than I can tell to the generations of young men who have done their best to keep me young. It is a wonderful thing to find scattered over the entire country friends who were once my students.

Great School

R.R. Is there anything else which you would like to say?

W.A.S. Yes. Although I hope this is not my swan song, there is one idea I would like to give you. I wonder if you fully appreciate what you are getting here. Years ago a young Italian boy having only one arm expressed his gratitude for the accident which had deprived him of the other arm, but which had enabled him to secure an education and come to this school. I would like to remind you that you are in a school which compares with the greatest in tradition and accomplishment because of the efforts of great men in the past: Story, who gave to the school a national reputation; Langdell, who devised a method of learning; Ames, who made the method practical; great teachers, Smith, Beale, Williston; the great jurist Pound and now another great Dean.

I wonder if you appreciate the ability you have here to meet other students from all parts of this country and indeed from all countries in the world, with almost limitless library facilities, and above all, with a highly selected group of young men whom I believe to be unique in the degree to which they have the qualities for a successful and useful life. In fact, it is the quality of the student body which makes the school what it has become. May I suggest to you that the three years spent here should be the most fruitful and I hope the most enjoyable of all your years.

One thing more. I owe to the School most of the good things which have come to me. The students of the school have been with me always. May I hope that even after I no longer meet them in a formal way, they will continue to find their way to my ever-open door.

Final Drafting Contest Begins

The Board of Student Advisers has announced the three teams of four students each who have won the semifinal round of the drafting contest.

One team consisted of Robert W. Berry, 3L of Longview, Wash.; John Sammond, 3L of Milwaukee, Wis.; Joseph N. Sherrill, Jr., 3L of Wichita Falls, Texas; and MacDonald Smith, 3L of Old Lyme, Conn.

Another team had Seward Brewster, 3L of East Waterford, Maine; David H. Neiditz, 3L of West Hartford, Conn.; Mrs. Lucia Pierce Smith, 3L of Portland, Maine; and James K. Wittenberg, 3L of Minneapolis, as participants.

The third winning team included Joan E. Toland, 3L of Grand Rapids, Mich.; Lester L. Ward, 3L of Pueblo, Colo.; Richard Rodwin, 3L of New York City; and John F. Bok, 3L of Beverly Hills, Calif.

The subject matter of the statutes drafted were trade-mark infringement, civil procedure and commercial law, and proxy statements.

The problems for the final round will be issued on Monday, Nov. 22, and will be handed in on Dec. 15. Judges for the final round have not yet been announced.

Judges for the semifinal round were Joseph N. Welch, LL.B. '17 of the Boston firm of Hale and Dorr; John N. Calderwood, LL.B. '41, DeForrest Bilyou, and Edward C. Perkins, all of the New York City firm of Cravath, Swaine, and Moore.

Alumni Notes

LL.M. '28—Lorenzo Martinez Tana-da, a Senator of the Philippine Republic, visited the Law School for two days last week. The Senator is also a professor of constitutional law at Manuel Quezon University in Manila.

He is visiting the United States as a member of the Philippine Economic Mission. While at the School, he attended several classes and studied teaching methods.

LL.B. '40—Vincent A. Theisen has become a partner in the firm of Logan, Marvel & Boggs which will henceforth be known as Logan, Marvel, Boggs & Theisen. The firm is located in Wilmington, Del.

LL.B. '42—Harold L. Glasser was elected Mayor of the Incorporated Village of Saddle Rock.

Ralph Chapman is in private practice in Vermont.

LL.B. '50—Henry A. Hoover announces that he is now engaged in the general practice of law in South Bend, Ind.

LL.B. '52—Joseph Nahra announces the moving of his office for the general practice of law to 731 Leader Building, Cleveland, Ohio.

Dorm Council Runs Dances For Students

With no parietal rule violators to prosecute, no momentous complaints to champion, nor wrongs to right, the Law School Dormitory Council finds itself in the peculiar position of being confined primarily to sponsoring dances.

The third of this season's dances was held two weeks ago Saturday. The Commons was decorated in a manner consistent with the holiday spirit of Halloween. Bob Norris and his orchestra supplied the musical accompaniment, as the law and graduate students engaged in frivolous merry-making. During the intermission the Wellesley Tupelos, a singing group, performed.

Mail Problems

Another recent action of the Council has been a valiant, but unsuccessful, attempt to secure earlier mail delivery in the dormitories and to have a mailbox reinstalled near Harkness Commons. President Paul F. Glenn, 3L of Sharon, Pa., remarked that Princeton was given special postal privileges by Congress at the instigation of Woodrow Wilson. It is assumed, therefore, that it will be necessary to wait until a Harvard Law alumnus again becomes President of the United States for similar privileges to be extended here.

Funds

The Dormitory Council consists of 21 floor representatives (one of whom is treasurer) and three officers. It meets bi-monthly in Holmes Hall. Approximately 80 per cent of its income is from the social activities cards sold to law students. Additional funds come from commissions on the sales of the vending and laundry machines located at strategic positions in the dormitories. The dance bands are subsidized in part by the Graduate Student Association in exchange for admission privileges.

Rules

Although it has not yet been called into action, one of the major sub-groups of the Council is the judicial committee. It has three permanent and two rotating members. Sitting as an informal body the committee metes out punishment to offenders under the parietal rules. It has original jurisdiction of these cases. Violations of its orders can lead to a recommendation of expulsion from the dormitories. A common penalty for a first violation is a month's probation. The offender is not permitted to entertain women in his room and is banned for one month from any dormitory room in which a lady is being entertained.

There will be no intramural touch football league this year because of insufficient interest and lack of playing fields and equipment.

Memo

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CHAFEE—(Continued)

The third reason which Mr. Chafee assigns for the common fear of teachers is the opinion that the student believes all of what he hears in college. This assertion, he concludes, is simply not true: students at some of our wealthier colleges are exposed to the most radical teachers, yet come out staunch conservatives, just like their fathers.

In criticism of these various lines of reasoning, Professor Chafee begins by setting forth what to him is an essential to a healthy, growing society: the ability to adjust to urgent changes in matters of government, law, economics, and other areas of the social sciences. Since the strength of democratic government stems from its ability to adapt itself to changing conditions, that process of testing and improving and readjusting must constantly go on.

Professor Chafee goes on to point out some of the specific attacks which are being made on freedom in the social sciences. The first type of attack is on membership in various "suspect" organizations. There are several weak links in this approach. First of all, to define what is "subversive" is a delicate task, and one rarely undertaken in a judicial manner. Secondly, there is the problem as to what constitutes membership. Is one a member whose only association with the group is to have his name (oftentimes without his knowledge) put on the particular group's mailing list? Or suppose the man is a member. His association with the group may have taken up only a small fractional part of his working day: a lot more must be known about the person to determine his outlook on politics and society.

The second attack on universities is the practice of singling out teachers for oaths and compulsory declarations of loyalty. To regard all professors as potential transgressors is an insult to law-abiding and hard-working men. If we are to revive the abomination of expurgatory oaths, why stop at one profession? The logical extension, Chafee suggests, is to require that each Congressman swear there were no illegal practices in his election and every lawyer that he has never solicited business in an unethical fashion.

The third attack on the schools has been in the form of legislation and policy which has resulted in many eminent scholars and scientists being kept out of our country.

Professor Chafee concludes his observations with the statement that "The real danger to our colleges and universities is not from radical teachers—or conservative teachers—but from uninspiring teachers, men who can't get over the footlights, dispenses of branded, canned goods." As for the future of this battle, he urges those interested in academic freedom to fight on: "No more concessions. We will not bow down in the House of Rimmon.* We will not take breakfast in the Schine apartment."

*See 2 Kings 5:18.

Put - Call Option Dealings Explained By Broker To Bull & Bear Members

"What are put and call options, and how are they used?" These questions were among many answered for the Bull & Bear Club last Friday in Harkness by Mr. John Thomas of Thomas, Haab & Botts, New York City put and call brokers.

Mr. Thomas based his discussion upon an article about puts and calls which appeared in the current issue of *Ticker Tape*, the club's bi-weekly publication. He pointed out that a call option permits its buyer to purchase or "call" from the seller 100 shares of stock at a price and future date which are specified in the option contract. Conversely, a put allows the buyer of the option to sell or "put" 100 shares of stock in the hands of the seller of the option. A straddle permits its holder to either buy or sell or both in the future.

One of the principal uses of puts and calls is as a hedge to protect capital gains or to limit losses. An investor who has a large capital gain in a stock, and who wishes to protect this gain without selling his stock, can buy a put option at the current market price, thereby protecting himself against a drop in the market. A cautious investor can always limit his losses by purchasing a put option, provided the security in question is listed on either New York exchange.

Puts and calls are also used as a form of speculation which requires only a small amount of capital. For \$137.50 one can purchase a 30-day call in many securities. No posting of margin is necessary. The seller of a put is required to post only 30 per cent margin, and the seller of a call only 25 per cent. This feature of puts and calls makes them a convenient device for acquiring large amounts of stock of a corporation at a price which is likely to be lower than if the stock were brought on the exchange, where it might be disclosed that an attempt was being made to acquire control of the company.

Every put and call contract is endorsed by a member firm of the New York Stock Exchange, making it a bearer instrument and a safer investment. Puts and calls can be sold only in stocks listed on the New York Stock Exchange or the American Stock Exchange. The options may be exercised at any time

during the life of the option contract.

Mr. Thomas distributed explanatory literature about puts and calls. A booklet on "Growth Stocks," published by Merrill Lynch, Pierce, Fenner & Beane was also distributed to members at the meeting. Prior to Mr. Thomas' address, the club passed a revised version of its constitution.

The next meeting of the Club will be on Tuesday, Nov. 23, when Mr. Wendell Reuss of W. E. Hutton & Co. will speak on "Railroad Securities."

NEWS IN BRIEF

STREETLIGHTS

Work on the four new streetlights in front of Langdell Hall was completed Monday afternoon. Parts of the sidewalk that had been ripped up during the construction were repaired on the same day by contractors. The project had been started in late September, but was delayed by the heavy work-load on the University electricians.

BROWN DANCE

Bob Adams and his orchestra will play at the Dormitory and Graduate Councils' "Brown weekend" dance tomorrow night. As usual, the dance will be from 8:30 to 12 midnight, and will be informal.

APPEAL—(Continued)

tageous business relationship was erroneous.

Chief Counsel for the appellant is Vice Dean Livingston Hall; of counsel are Ralph Earle II, 3L of Newtown Square, Pa., and Nathan C. Shiverick, 3L of Avon, N.Y.

Dean Erwin N. Griswold will argue the case for the appellee; Edgar M. Mastinter, 3L of Huntington, W. Va., and Leonard B. Boehner, 3L of Malvern, Iowa, are of counsel.

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Nehru Seeks Indian Unity, Says Speaker

India's Nehru is playing against time in his domestic and foreign policy in the hope that the political unity of India will be maintained, declared Selig S. Harrison, Nieman Fellow and 1948 graduate of the Law School, at the Coffee Hour Tuesday.

Correspondent

Harrison spoke on the topic, "Nehru: What Does He Want." He has recently returned from a three-year stay in India with the Associated Press.

"I've come to the conclusion, Harrison said, 'the real strategy of the Indian Communist Party is to disrupt the federal unity of the country by emphasizing the basic language differences.' The 14 languages noted in the Indian constitution are spoken by peoples who live in separate and well-defined areas.

Though it is not an open movement now, he continued, the right of secession of these 'linguistic states' is recognized by the Communist Party. 'When the time is ripe, there may well be some type of breaking off by these linguistic states.'

Nehru Worried

"That the unity of India is not a dead certainty worries Nehru . . . and being a realistic nationalist, Nehru wants to keep international complications away from India." With regard to Kashmir, the government gains prestige at home and abroad "by operating internationally a nationalistic issue," even though the real heart of the Kashmir problem is the fostering of a secular viewpoint in government.

Thus, Nehru indeed wants and needs peace for the "undisrupted chance of development, and the chance to knit a precarious unity," Harrison concluded.

Professor Milton Katz will speak during the Coffee Hour at 1:30 p.m., Tuesday on the topic, "The United States' Stake in Europe."

ELECTIONS—(Continued)

ert Bruce Chipfield, '25, Republican, Illinois (x); W. K. Denton, LL.B. '22, Democrat, Indiana; Robert Hale, sp. '13-'14, Republican, Maine (x); Charles P. Nelson, LL.B. '31, Republican, Maine (x); John W. Heseltin, Torbet H. Macdonald, Laurence Curtis, Richard B. Wigglesworth, all from Massachusetts—see above.

Dewey Short, '27, Republican, Missouri (x); Clifton Young, LL.B. '49, Republican, Nevada (x); Perkins Bass, LL.B. '38, Republican, New Hampshire; Alfred D. Sieminski, '38, Democrat, New Jersey (x); John H. Ray, LL.B. '11, Republican, New York (x); Frederic R. Coudert, Jr., '22, Republican, New York (x); Kenneth B. Keating, LL.B. '23, Republican, New York (x); John Jarman, LL.B., '41, Democrat, Oklahoma (x); Walter Norblad, sp. '32-'33, Republican, Oregon (x); Daniel J. Flood, '27, Democrat, Pennsylvania (x); Richard M. Simpson, '27, Republican, Pennsylvania (x); Albert Thomas, '23, Democrat, Texas (x); and Henry S. Reuss, LL.B. '36, Democrat, Wisconsin.

The only governor elected this fall who is a Law School alumnus is Milward Simpson, '24, G.O.P. candidate, who won in a very close Wyoming contest.

Endicott Peabody, LL.B. '48, Democrat, won an exciting race for Governor's Councillor in Massachusetts. Peabody, a former Harvard football All-American, is regarded as a rising figure in Democratic party circles in the Bay State.

Defeated

Senator Sherman Cooper, '26, was defeated in his bid for re-election on the G.O.P. ticket in Kentucky. Another alumnus defeated for re-election was John D. Lodge, LL.B. '29('31), incumbent governor of Connecticut.

Also defeated was Charles O. Porter, LL.B. '44 ('47), who was running for the United States House of Representatives on the Democratic ticket. Porter was one of the founders of the RECORD.

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