

Harvard Law School Record



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Roscoe Pound Room Dedicated Dean Emeritus Honored By Faculty

Dean Emeritus Roscoe Pound was honored last Monday at a faculty meeting presided over by President Pusey. The occasion was the formal inauguration of the Roscoe Pound Room in Langdell Hall.

The Pound Room is located in the west wing of Langdell on the top floor.



Roscoe Pound

It occupies the section that was formerly part of the old Langdell Courtroom. The room will accommodate about 100 people and will be used for faculty meetings and other gatherings.

Dean Griswold, during the proceedings, described Roscoe Pound as the man who has contributed more than anyone

else to the international standing and reputation of Harvard Law School.

It was to the phenomenon of growth that Dean Pound devoted most of his remarks.

He spoke not of physical growth, but of the expansion and development of the law in this country, and the role that Harvard Law School has played in this. Dean Pound, 84, though he dealt with the past of the Law School and with the history of legal thought and learning, was essentially concerned with the problems and solutions of the future.

Pound addressed himself to the "transformation" of American law. He traced American legal history through the law reports and emphasized that legal development in this country may be placed in its proper perspective by analyzing the frequency with which certain types of cases appear in the reports. First procedural cases, then torts cases were in the forefront. The current reports deal more often with cases where pertinent legislation is decisive of the issues. Cardozo's plea for the legislatures to come to the aid of the courts is being heeded more and more.

Pound termed the present lego-political set-up that of a "social service state," and predicted that the courts will have to deal more and more with legislative matters. He views the law as an ever changing phenomenon, "experience de-

(See POUND on page four)

Dorm Council Poll On Grading System To Be Revised At Request Of Faculty

A poll of student opinion on the Law School's grading system, approved by the Dormitory Council at its Nov. 30 meeting, was postponed by Paul F. Glenn, 3L of Sharon, Pa., council president, after Vice Dean Livingston Hall and several faculty members said that the Dorm Council's questionnaire would not accurately reveal student sentiment.

Vice Dean Hall suggested to Glenn that further thought be given to the precise questions the Dormitory Council would ask the student body to answer.

The council will meet on Monday evening to consider Glenn's report on the faculty comments, and hear his suggestions for meeting criticisms of the proposed poll.



Marvin A. Sachs and Irwin Kimmelman

At the meeting on Dec. 13, the President will recommend to the Council that the Council appoint a committee consisting of one man from each of the major Law School organizations to discuss fully the merits of the present ranking and grading systems used in the Law School and any benefits which might result from a revision in them. The committee would particularly study placement of graduating students and the development of optimum study habits.

As originally planned by the Council, the poll was to have asked students seven questions. (1) Should the present grading system be retained? (2-6) If the system should be changed, which of five alternative changes would be the best? (7) Should a student's class standings be expressed as upper or lower half of the class, as in one third of the class, or one quarter?

The original decision to take the poll apparently reflects strong feeling among third-year men that the grade distinctions between 62 and 70 are largely artificial and that a difference in one point between leads to an unjustified difference in class standing.

The ballot was submitted to Vice Dean Livingston Hall, and it was requested that he furnish to the Council any suggestions that he might have that would improve the effectiveness of the questionnaire. The Vice Dean discussed the questionnaire with Dean Erwin N. Griswold and Prof. Lon Fuller.

Both Prof. Fuller and the Vice Dean individually felt that the ballot which the Council had prepared was inadequate and would NOT succeed. (See GRADE POLL on page five)

Forum Weighs United Nations Charter Revision Friday Night

Four of the world's leading authorities and thinkers on world government will be assembled to discuss the possible problems and advantages which can grow out of a United Nations' commission set up to revise the UN Charter.

The three principal speakers will be Ernest A. Gross, LL.B. '31, former deputy United States representative to the United Nations; Frank P. Graham, United Nations representative for India and Pakistan (in charge of the India-Pakistan dispute) and former United States Senator from North Carolina; and Norman Cousins, honorary president of the United World Federalists and editor of the *Saturday Review*.

The moderator will be Milton Katz, Professor of Law and Director of International Legal Studies at the Harvard Law School.

The focus of the evening's discussion will be on that article of the United Nations Charter which provides for automatic consideration by the General Assembly in 1955 of whether or not a commission should be appointed to review and perhaps revise the Charter.

Mr. Gross has generally taken the position that any such commission would have its chief result in providing the Communists with a propaganda platform and would serve only to weaken the United Nations, not to strengthen it. Mr. Gross is presently serving as Special Counsel to the Secretary-General of the United Nations. After attending Harvard College and Oxford University, he graduated from Harvard Law School in 1931. He is a partner in the New York law firm of Curtis, Mallett-Prevost, Colt, and Mosle.

Dr. Frank P. Graham is expected to offer a more optimistic view of the possible accomplishments of a United Nations Charter Review Commission. It is understood that he feels that there is even the possibility that such a Com-

mission might lead to an abolition of the veto. At least limited improvements can be accomplished, he feels. Dr. Graham has served in many capacities in the United Nations, having represented the United States in the Dutch-Indonesian dispute among others. In addition to having been a United States Senator, he was President of the University of North



Ernest A. Gross

Carolina from 1930 to 1949. Dr. Graham graduated from the University of North Carolina, received his M.A. from Columbia University and a host of honorary doctorates, including one from Harvard University.

Norman Cousins, the third panelist, considers the Charter Review Commission a possible door to a drastically strengthened United Nations, possessing the powers of world law. He stressed the need for survival of values as much as the need for the survival of man himself. Mr. Cousins believes that these ideas must be put into practical operation—and that this is practically possible.

The key to a revised United Nations, according to Mr. Cousins, is one in which (See CHARTER on page four)

Baker-Smith Equity Club Takes Ames Semi-Final

Baker-Smith Equity defeated the Hall Club on Monday in the first half of the Ames Competition semi-final round. The winning oralists were Irwin Kimmelman of Newark, N.J., and Marvin A. Sachs, of Bayonne, N.J. They were opposed by Roger R. Philips of Pelham, N.Y., and Mercer D. Tate of Philadelphia.

In the Ames final this spring, Baker-Smith Equity will meet the winner of the Jaffe-Seavey Club argument.

The federal district court in Ames had dismissed a negligence action brought by Baker-Smith's client, the guardian of the injured. The district court held that the Ames statute if applied in this case to give plaintiff a right of action against the insurance company directly would be unconstitutional. The accident giving rise to this action occurred in Ames. But the contract of insurance, which contained a "no-direct action" clause, was issued in Langdell by an insurer incorporated under the laws of Langdell.

Judge John W. Ford, LL.B. '14, who had been scheduled to sit, took sick suddenly. Judge Ruben L. Lurie of the Massachusetts Superior Court agreed to sit in his place. Hon. Stanley H. Fuld of New York Court of Appeals was chief justice. The other justice was William A. Edwards of the Rhode Island bar.

Earlier in the same afternoon, unknown apparently to judges or counsel, the Supreme Court of the United States unanimously upheld direct action statutes, reversing *Watson v. Employers Liability Corporation*, 202 F.2d 407 (5th Cir. 1953).

The district court held that the Ames direct action statute, as applied to a Langdell contract, is an attempt to exercise extra-territorial jurisdiction and therefore void as violative of due process. The district court did not spell this out, merely citing the *Watson* case.

However, while dismissing on this ground, the court also held that the requirement of diversity for federal jurisdiction was met by the residence in Ames of the plaintiff who had been appointed by a Langdell court to be a guardian of the injured (a resident of Langdell, rendered feeble-minded by the injury), suing a Langdell insurer.

Kimmelman spoke first for the appellant (the injured's guardian). Even if

(as was assumed for the purpose of this first oral) the Ames statute granting a right of action against the insurer was constitutional, if the insured was an indispensable party, there would be incomplete diversity from the guardian-plaintiff, as the insured was also a resident of Ames. Kimmelman argued that the insured was not indispensable: the Ames statute giving the plaintiff a right (See SEMI-FINAL on page four)

Officers Discuss Commissions At P.B.H.-Sponsored Panel

Before a standing-room audience on Wednesday night, Dec. 1, officers from the five branches of the armed services discussed opportunities in the service for Law School graduates. Although many of those present were disappointed at the lack of commissions available, the speakers provided a forthright presentation of programs offered by the armed services.

The program was sponsored by the Law School Committee of the Phillips Brooks House in order to provide draft-conscious law students with information on their prospects direct from the horse's mouth.

Rear Admiral Ira H. Nunn, Judge Advocate General of the Navy, led off the discussion by giving a run-down of procedure in the Navy. Two ways of obtaining commissions in the Naval Office of the Judge Advocate General were presented. One was through entering the regular Navy after graduation from law school and entry into a state or federal bar, and applying for the program. A small number of lawyers are taken every year in this way. Although it is no way to become rich, Admiral Nunn said "there are satisfactions in serving your country while pursuing a career."

Of more interest, perhaps, to the typical law school graduate was the second method which involves applying through a reserve group for Officers' Candidate School. Having applied, and been accepted, and on completion of a four-month course, you get a commission in the Naval Reserve requiring three years of active service. If the newly commissioned officer is a lawyer, there is an excellent chance for the performance of legal duties.

These duties, Admiral Nunn explained, are almost unlimited in scope. They range from tort claims and the administration of the Uniform Code of Military Justice, to admiralty and administrative law matters of the greatest importance. Since the OCS has expanded its program from 800 to 5,000 men, the chances for admittance are now improved.

Colonel Robert E. Doe, Headquarters, Massachusetts Military District, presented the Army's side of the picture. Application for a commission in the JAG Corps may be made before or after the applicant has been drafted. If successful, he is up for a three-year tour of active duty, subtracting such time as he may already have served as an ordinary (See P.B.H. on page five)

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For Us To Decide

Harvard Law School's grading system will come in for a substantial share of discussion as the result of the Dormitory Council's proposed and postponed poll. Since the system is considered one of the most important factors in Law School life, we feel that an evaluation by the student body would be valuable and timely.

This evaluation should, however, be conducted on a high intellectual level worth of the topic. Each student should not judge the grading system on how well it has done for him, or how well he has done by it. The student discussion of the system should bear in mind the larger issues and problems, both within and without the Law School.

Chief among these is the reaction of potential employers. While the RECORD does not advocate that Harvard conduct its University so as to please the business firms that my seek profit by hiring its alumni, nevertheless their opinions should be taken into account.

The custom of ranking students, like horses or tortoises geared for the start of a race, in a long straight line from 1 to 450 on the basis of class average, also should be studied with care. The negligible difference between no. 175 and no. 250 on this peculiar line misrepresents itself to employers by implying the same difference in ability as that between no. 1 and no. 75, or no. 375 and no. 450. On the other hand, it is said that the sheep are constantly being separated from the goats, and it may as well be done at Law School also.

The effect of the grading system on student competition is a worthwhile topic for advocates of both a change and the status quo to consider. First of all, we may ask, "Is competition desirable?" If we say that it is, to what extent ought it be encouraged? And what are its effects on students and faculty? Is the struggle for grades obscuring the basic effort to learn the law, which should be the primary aim of students here?

What of incentive? This quality is said to be the keystone of our American system of free enterprise. Will it be properly nurtured if some grading distinctions are abolished? Perhaps we are denying the capable and ambitious young man the opportunity to distinguish himself through his perspicacity. And perhaps not.

The procedures of other leading law schools should also be studied in the evaluation of our own system. Harvard's reputation and what effect any change in our grading system will have on that reputation is also a factor.

Essentially, the proposals for revision suggest reducing the number of categories into which the professors can place their students from the current 25 (55 to about 80) to five (A, B, C, D or F). We must consider whether we believe the faculty capable of making these small distinctions, as well as whether it is wise at all to use such gradations of academic achievement.

A five-division system would lead to controversy in borderline cases, as where a student was close between a low B and high C. The diligent worker who earns a 68 will be no better off than the one who coasts to a 62. Is this equitable, and if not, is it avoidable?

The process of considering this question will amount to a weighing of values. It is an application to the Law School community of the principles of democratic living.

Gallery

ENDICOTT PEABODY Attorney



Only 36 years old, Endicott Peabody, LL.B. '48, has been an All-American football player, a recipient of the Silver Star for his activities in the submarine service during World War II, counsel for several government agencies, and is now a partner in his own law firm and a newly elected member of the Massachusetts Governor's Council.

He was born in Lawrence, the son of Rt. Rev. Malcolm E. Peabody. Although his family lived in Chestnut Hill, Pa., during most of his youth, he lived in this area while attending the Groton School (of which his grandfather, Rev. Endicott Peabody, was headmaster) and then Harvard.

While at Harvard, majoring in American history, Peabody also played football with such proficiency that he was unanimously selected All-American left guard and awarded the Knute Rockne Memorial Trophy in 1941. A member of the NROTC, he was commissioned an ensign immediately upon graduation and served in the submarine service for three war years. His first two years were spent in the Atlantic and Caribbean theaters, and his last in the East China and Yellow Seas. During this latter period, his submarine engaged in a unique type of warfare. The sub would surface, and Peabody would lead a boarding party aboard enemy craft, where they would engage in hand-to-hand combat. It was for action during such a patrol that he was awarded the Silver Star.

Met Bride in Bermuda

Indicative of his constant activity is the fact that he entered the Law School only two days after his release from the Navy as a lieutenant. The change was, of course, extreme, but as Peabody commented, "From anything to the Law School is like from black to white." Along with him was his bride of one year, the former Barbara V. Gibbons, whom he had met in Bermuda while in the service. They were married in June, 1944. At this time, it was necessary to go to school for at least two summers to obtain an LL.B. in three years. During the one summer in which he took a vacation, he participated in the successful campaign of Robert Bradford, LL.B. '26, Republican candidate for governor of Massachusetts. A Democrat himself, Peabody

explains this apparent inconsistency by remarking that Bradford was a neighbor and a personal friend.

After graduation he took a position with the Boston firm of Goodwin, Proctor & Hoar for two years. He also worked for the Democratic party in its campaigns. In 1951 he was appointed Assistant Regional Counsel for the Office of Price Stabilization. This job required extensive travel throughout New England, because he was primarily in charge of fieldwork. The position was administrative as well as legal, and the major problem was keeping the staffs of the various branches integrated.

Worked for the Government

Immediately after this, in the summer of 1952, Peabody took the job of Regional Counsel and Assistant to the Director of the Small Defense Plants Administration, which is now the Small Business Administration. The purpose of this organization was to increase the number of defense contracts let to small businesses. As part of his work on this agency he had the opportunity to go to Washington, D. C., and to become better acquainted with the functioning of government, as well as to meet the various Congressmen on the Small Business Committees.

There was, however, insufficient work to keep a lawyer busy, so Peabody decided to begin his own practice, a move which he had been considering for quite a while. He feels that too many Harvard graduates think "they have to practice third-year law instead of first-year law"; that is, they think it necessary to enter large firms involved with corporate, tax, and similar matters rather than work on their own with torts and contracts. He finds it an anomaly that Harvard graduates, who are among the best qualified to start their own practice, usually join large firms, while graduates of other schools who may not be so well-prepared hang out their shingles as soon as they are graduated.

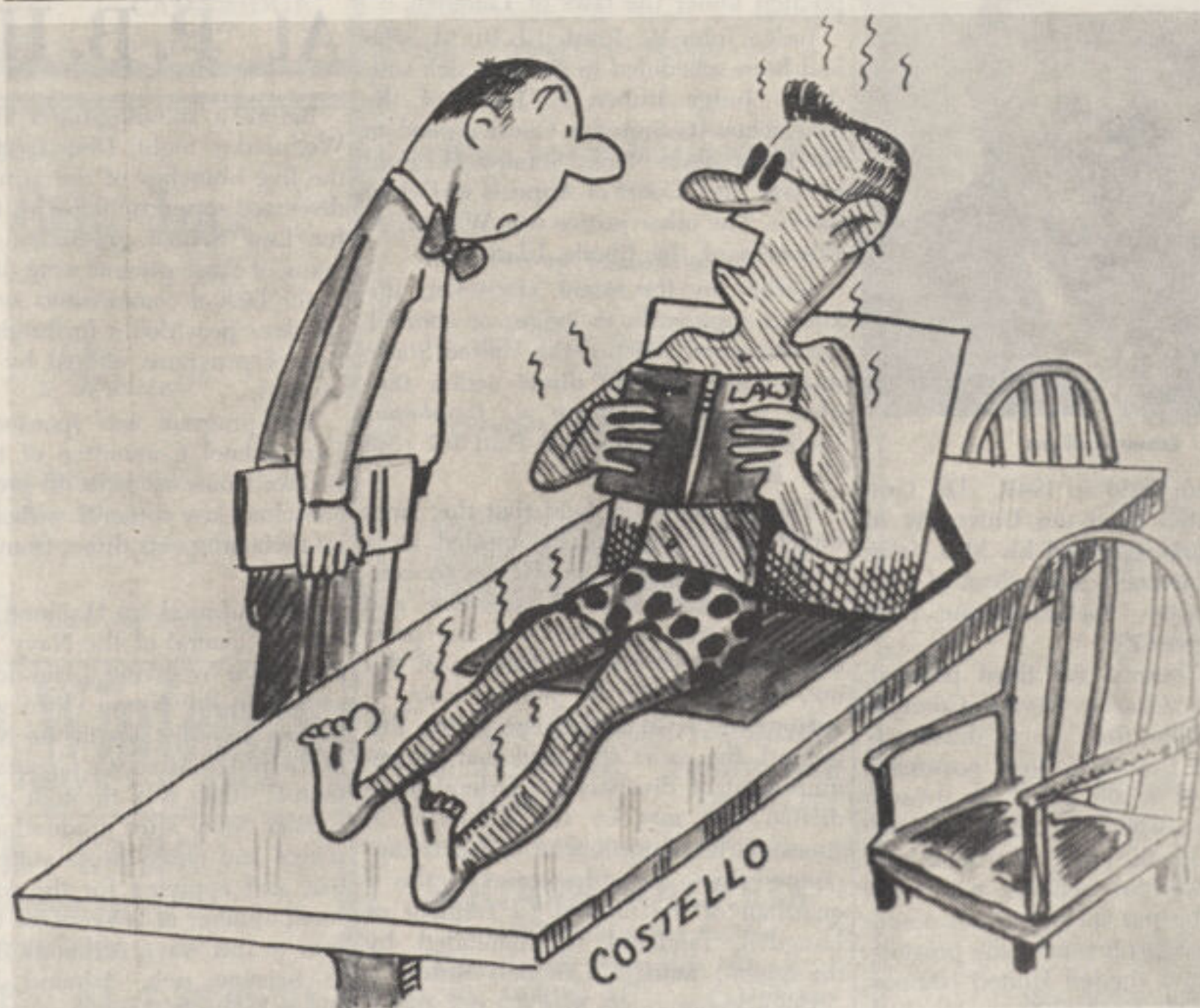
Defended Innocent Rioter

His first client was a Harvard undergraduate arrested during the "Pogo Riot" of 1952. Innocuously peering into one of the police wagons to see the interior the student was pushed in and taken down to the police station with several others. Peabody successfully handled the case.

While he was thus engaging in his law practice, he was also seeking other young lawyers with whom he could form a partnership. Finally, in September 1952 the Boston firm of Peabody, Koufman & Brewer was born. Joseph Koufman, LL.B. '49, was a former teammate and friend on the Harvard eleven. William Brewer, LL.B. '49, was also a friend and former house counsel for a Boston insurance company.

In the past election Peabody was chosen to the Governor's Council. This group of nine has the power of approval of the Governor's appointments, state contracts and expenditures, and pardons. It is one of the oldest existing governmental groups, having been established in colonial times.

Peabody plans to continue his law practice in spite of his political activities. He feels that a lawyer should never give up his practice, if possible, when he goes into politics. By having a practice upon which to fall back, one is able to be more independent and progressive in his politics.



I slipped in a few infra red bulbs when they installed the new lighting system.

Sub Judice

This is a case with a moral.

Walter Hucaluk worked for the Universal Pants Company, a tenant of defendant Clyde Realty Co., Inc., owner of a four-story factory building. The building was serviced by a freight elevator maintained by defendant Realty Co. The framework of the elevator landing gate was covered with wire mesh, but on the right hand side, two feet nine inches from the floor, was an uncovered opening about 10 inches wide and 22 inches high—or just about big enough to put one's head through. But this is letting the story get ahead of itself.

The operation of the elevator was itself a work of art, for this was no ordinary elevator. The industrial revolution hadn't quite overtaken the entire contraption for, although the elevator was motor driven, it was necessary to use a hand cable to start it. In the ordinary course of operations, when someone wanted to use the elevator he would ring the bell (there was one on each floor, but "most of the time it was as useless as an unlit lantern in the darkness." The next step, in the event the first one was unsuccessful, was to attempt by means of the hand cable, which was accessible through the opening in the wire mesh, to bring the elevator either up or down as desired. But this method, too, proved futile whenever any of the landing gates were open, since the gates were equipped with automatic safety devices so that the elevator could not be operated unless all of the elevator landing gates were closed. Enough of the background, and on with the story.

Guillotine

Walter Hucaluk, who had been employed by the Universal Pants Co. for some three years, was required one day to move some machinery from the third floor. This called for the use of the elevator. Whether the bell worked that day the record doesn't make clear. Nor are we told whether by pulling on the cable the elevator would have answered Mr. Hucaluk's beckoning. What is clear, and tragically so, is that Mr. Hucaluk thrust his head through the opening in an attempt to discover the whereabouts of the elevator and, if need be, to yell to all those in hearing range to close the landing gates so that the mechanism might operate. Alas, all the landing gates were closed, and just at that moment the cable had been pulled to retrieve the car to a lower floor from its position on the fourth floor. As if fate had awarded Mr. Hucaluk death by the guillotine, he was struck by the descending elevator and died a few days thereafter.

Seeking to recover against the Clyde Realty Company and its insurer, the Standard Accident Insurance Company of Detroit, Helen Hucaluk, wife of the deceased, sued in wrongful death. The upper court affirmed the trial judge in entering a compulsory nonsuit on the grounds that the deceased was guilty of contributory negligence, as is usually the case when one puts his head into an elevator shaft and is struck by a descending or ascending elevator. Although it considered the possibility that defendant was "wantonly negligent" in permitting an opening to exist in the elevator's landing gate, to the exoneration of decedent's responsibility resulting from his contributory negligence, the majority found that the facts did not establish defendant's "wantonly negligence."

Ominous Dissent

In a rather vigorous dissent, Justice Musmanno noted that workers had put their heads through the opening on many occasions and it was at least for the jury to determine whether under these conditions defendant had been wantonly negligent. In support of this position the dissent said further, "One could see throughout the whole 449 pages of the record, the dark clouds gathering for the storm which was to kill Hucaluk. These telltale signs the lower court ignored as if they had never crossed the sky of reality. The situation which brought about the tragedy in this case was 15 years in the making. For 15 years the inexorable elevator in the Clyde building rose and fell like a blade of fate, just narrowly missing its quarry day after day; but with its perennially conspiring partners of Negligence and Indifference, it bided its time and finally caught Hucaluk in the trap it had set for him a long time before."

The moral: That is for the reader to figure out.

(*Hucaluk v. Clyde Realty Co., Inc. et al*, 378 Penn. 169, 106 A.2d 829 (1954).)

OFF THE RECORD

"The law must be like Caesar's wife — all things to all men." — William L. Prosser in *Journal of Legal Education*.

Illinois University Newspaper Views Law School's Prestige

(Often are heard the cries that "Harvard Law School lives on its reputation only. We print below a typical expression of that sentiment, taken from the student newspaper of the Law School of the University of Illinois.—Eds.)

YOUR LAW SCHOOL

If you ask a graduate of Podunk Law School to name the leading law schools in the country, he will quickly answer, "Harvard, Yale, Columbia, and Podunk." Of course, we know why he names Podunk. But why does he name Harvard, Yale, and Columbia?

Not that the question is very important. For years well-advised students who were financially and scholastically qualified for H, Y and C have chosen other law schools because they knew the other schools would teach them more of what they wanted to learn, and would do it with smaller classes and other superior methods. But the question leads to some interesting lines of thought.

Law-school prestige is made of many things. Partly of teachers, like Williston and Corbin and R. R. Powell. Partly of idea-originators, like Hohfeld and Llewellyn and Berle. More importantly, of distinguished alumni, who are measured in thousands, not by individual names. Less important, but significantly, of real estate—beautiful, functional building.

Most of all, prestige is made of time. A school which has had a Story, a Langedell, and a Pound could slumber for decades before its prestige would slip away. New schools—let us call them Arcadia, Brobdinagia, and Concordia—will have star-studded faculties for generations before the Podunk alumnus will proudly say that the "leading" schools are Arcadia, Brobdinagia, Concordia and Podunk.

Are there some law schools like A, B and C which are today laying the foundations for a future prestige greater than H, Y and C? There are many reasons for suspecting so. Let's look at Illinois, which we naturally know best. There is no law school with a dean who has played a more important part in the nation's legal affairs: President of the

bar association of his state, of the uniform laws conference, and of the national law school association. Three of the casebooks edited (or co-edited) by present professors are the most widely used in their subjects throughout the country. We could go on.

It is likely that various western schools, mostly state universities, are today equaling or surpassing some of the old "leading schools" in their day-to-day achievements. They have caught up in the last twenty-five years. In the next twenty-five years, their fame may catch up with their achievements. And so I confidently believe that a quarter of a century hence, the Podunk graduate will name at least one state university among the "leading" schools, to share the top rung with Podunk.

Which state university will he name? In my own view, it is the manifest destiny of the University of Illinois to be that school. In terms of teachers and curriculum, Illinois has already laid the foundation for that recognition. The same dean who picked many of the present senior professors is exercising the same skill in picking their successors. In 1955 Illinois will have the nation's most modern and functional building for law study and teaching. There is no good reason why it may not have, soon after, a law residence hall adjacent, to offer an unsurpassed plant for a law center.

Maintaining a top-ranking school will cost money. Year by year, high tax rates make it harder and harder for the privately supported institution to keep up, while these same taxes aid the state universities. In respect to tax support, Illinois is uniquely situated. There are two states with greater wealth, but one of them has no state university, and the other is dividing its support among three law schools.

And so you need not be surprised if you overhear a Podunkian saying in 1979, "Oh, I suppose, Illinois, California, Indiana, and Podunk." You will know that you were there when the foundation for the school's prestige was laid. You will also know that you are one of the alumni whose distinguished performance has led people to put your alma mater first.

CHARTER REVISION

(Continued from page one)

each nation has given up at least a part of its sovereignty, much as the states of the United States have done. Mr. Cousins is the author of two best-sellers developing these themes: "Who Speaks for Man" (1953) in which he argues for ending the age of world anarchy and beginning an age of world law; the second, an essay entitled "Modern Man is Obso-



Frank P. Graham

lete" (1945) reached a circulation of one million copies and was translated into six languages. In the fall of 1953, Mr. Cousins returned from his third world-survey-tour in six years. On this tour he interviewed Prime Ministers Shigeru Yoshida of Japan, Mohammed Ali of Pakistan, and Jawaharlal Nehru of India, as well as Germans in the Russian zone of Berlin, refugees from China, and American soldiers returning from Japanese prisoner-of-war camps.

The evening's discussion will be moderated by Professor Milton Katz, who has recently returned to the law school after a six years leave of absence. During this time he served as an Associate Director of the Ford Foundation and as United States Special Representative in Europe with the rank of Ambassador. As such, he served as chief of the Marshall Plan in Europe. He is a graduate of Harvard College and Harvard Law School.

Tickets for this Forum may be obtained from the Forum offices at 23 Everett Street or at the door.

Hemenway Gymnasium Schedule Is Announced

According to the officials of Hemenway gymnasium, the following regulations have been made concerning the hours and use of the facilities.

The general hours of the building are from 11 a.m. until 6:30 p.m. Monday through Saturday; the building also stays open until 9 p.m. on Tuesday, Wednesday, and Thursday.

Reservations must be made for the squash courts, and the courts are open at all times the building is open. The Law and Graduate Schools have exclusive use of the courts during the weekday evenings.

There are no restrictions as to use of the exercise room.

As for the basketball court, it is open for law students from 11 a.m. to 2 p.m. and also from 6 p.m. to 6:30 p.m. In addition, the facilities of the court are open for the exclusive use of the law and graduate students from 6 until 9 in the evenings.

EXAMINATION SCHEDULE - January 1955

	MONDAY JAN. 17	TUESDAY JAN. 18	WEDNESDAY JAN. 19	THURSDAY JAN. 20	FRIDAY JAN. 21	SATURDAY JAN. 22
9 A. M.		Admiralty; Restitution	Securities Regulation		Local Gov. Law; Probs. of Doing Business Abroad	First-Year Practice Examination
2 P. M.	Conflicts; Taxation —Adv.	Eq. Remedies; Introduction to Common Law	Domestic Relations A	Corporations II-A; Accounting	Creditors' Rights; Am. Legal History; World Organization	Evidence; Civil Law System; Legislation

The examination in Jurisprudence will be essay; date to be set later.

Alumni Notes

LL.M. '35—George H. Pickar of Miami has been appointed city judge of Opa-Locka, Florida. Opa-Locka is a suburb of Miami.

LL.B. '48—Frank Cohen is now associated with the law firm of Lowenhaupt, Mattingly, Chasoff & Stolar of St. Louis, Mo., having left the office of the Chief Counsel of the Internal Revenue Service in Washington, D.C., where he had been employed for the past five years.

LL.B. '49—T. S. L. Perlman of the New Jersey and District of Columbia bars recently with the Department of Justice Civil Division, Appellate Section and Lester M. Bridgeman are now associated with the firm of Layne and Ephraim. Their offices are located in Washington, D.C.

LL.B. '51—Fred Hudson, Jr., of Center, Texas, has been elected District Attorney for the 123rd Judicial District of Texas, composed of Shelby and Palola Counties.

LL.B. '54—Arnold F. Ciaccio was announced that he is now associated with the firm of Stone, Hoffenberg, Mass and Boehm in the general practice of law with offices located in Rochester, N. Y.

Lester S. Cramer, formerly Chairman, New England Wage Stabilization Board, has announced the opening of an office for the general practice of law specializing in Labor Relations Law and Administrative Law in Boston.

The last day of classes for the first semester of all third-year and graduate courses is Jan. 15, 1955. Classes in all third-year and graduate courses given throughout the year will be suspended during the week Jan. 17 to 22, 1955.

The last day of classes for the first semester of second-year courses is Wednesday, Jan. 19, 1955. Classes in second-year courses will be suspended Jan. 20 to 22 inclusive.

The practice examination for first-year students will be held on Saturday, Jan. 22, 1955. Classes for that day will be suspended.

The second semester begins Jan. 24, 1955.

Europe
in '55
Round Trip via
Steamship \$280 up
FREQUENT SAILINGS
Tourist Round Trip Air
\$365.10 off season \$424.00 in season
Choice of Over 100
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'Understanding Other People' Stressed By Mrs. Roosevelt

Mrs. Eleanor Roosevelt was guest of honor at a meeting of the Harvard Dames held in Harkness Commons on Wednesday, Dec. 1. America's former first lady was introduced by Mrs. Lawrence Olson, chairman of the afternoon's program, and spoke on the difficulty of seeing things through the eyes of the peoples of other nations.

Others doubt about the value of democracy, for instance, are not wholly unreasonable when we consider their situation, she said. When she arrived in India shortly after that country's first vote as an independent nation, she found Prime Minister Jawaharlal Nehru deeply concerned about the rise in the Communist vote among students and professors. Accordingly he asked her to speak at as many universities as possible.

She soon realized that the Indian intellectual's dissatisfaction with democracy was caused by the same factors which made many American intellectuals turn to communism during the '30's. The system of higher education inherited from the British is oriented almost wholly toward the liberal arts, but the liberal arts graduate finds that in its present undeveloped state his country has little use for his talents. His education can not be made to pay off financially, and the respect accorded a man who works with his hands is denied him.

Our own actions, at home and abroad, look very different when seen through others' eyes, Mrs. Roosevelt explained. She spoke of the shock she felt when, upon emerging from a meeting in India at which she had stressed the great strides being made in America in the elimination of discrimination against minorities, she was met by a banner headline announcing the blowing up of the house of a Florida man who had stood up for the rights of his people, and she emphasized the harm which such occurrences do us among peoples acutely conscious of class and racial distinctions.

Too many Americans abroad, Mrs. Roosevelt feels, fail to realize that they are ambassadors of the United States whether they like it or not. Diplomats and businessmen as well as tourists and soldiers act without regard to the effect which their actions might have upon American prestige. They tend, too, to



Eleanor Roosevelt

give an exaggerated idea of how good things are in America. Foreigners get the impression that we do not know the meaning of poverty, misery, hunger and disease, and that therefore we cannot sympathize with them in their sufferings.

In closing, Mrs. Roosevelt pointed out that when we extol the virtues of democracy we must back up our statements with concrete demonstrations. She urged that each individual assume a sense of personal responsibility for making our nation the things we represent it to be.

SEMI-FINAL

(Continued from page one)

against the insurer forced the plaintiff to make a choice whether to sue the insured or the insurer in one action. The plaintiff is then bound by this choice, so that if she lost to the insurer on the issue of negligence, she could not then sue the insured. The insured is protected without being joined and is therefore not indispensable.

Judge Lurie brought up the stipulation that paragraph two of defendant's answer was true. This alleged that an Ames citizen was chosen as guardian "for the sole purpose of creating diversity . . . jurisdiction." 28 U.S.C. sec. 1359 denies federal jurisdiction where a party has been improperly or collusively joined to invoke diversity jurisdiction. Kimmelman replied that the appointment of the guardian by the Langdell court to establish diversity was not improper where there was at least a need that a guardian be appointed.

Sachs, second speaker for plaintiff-appellant (the guardian), urged the constitutionality of the Ames statute.

Its constitutionality should be upheld by reading the law as a conflict of laws rule. By the "contacts" theory, Ames is the state whose law should be applied. This approach was approved in *Home Ins. Co. v. Dick*, 281 U.S. 397 (1930).

The appellee (insurer) took up the question of unconstitutionality through Phillips. He had difficulty showing that any property right of the insurance company other than freedom from exposure to the jury had been violated.

Before finishing, Mr. Phillips made an argument that the Ames statute also violated the commerce clause.

Tate argued that the propriety of appointing a guardian solely for the purpose of establishing diversity jurisdiction was a federal question. Where no other reason could be offered, it should be held improper as imposing on the federal judiciary.

POUND ROOM

(Continued from page one)

veloped by reason." America began with a pioneer law, and as the nature of the country changed, our law developed to meet the agricultural needs of a growing nation. At present there exists a conflict between urban law, and rural agrarian law. Pound calls this philosophical dilemma within the law a conflict between the Nineteenth Century concept of "liberty" and the human drive for "security." This is the reconciliation the law will have to make.

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Tape Recording Shows Jury Agreed Crane Was Libelled

The recently released transcript of the jury proceedings in the model trial of *Crane v. Sloane* has shed additional light on the perplexing issues that confronted the model appeal court.

The recording of the jury session revealed that the jurors in lively discussion seemingly concluded that the plaintiff was libelled, but should be awarded only nominal damages for a "moral victory." Sentiments expressed were that the plaintiff had suffered no apparent financial loss from the libel, that the plaintiff had in effect "waived punitive damages," and that it would be sufficient for Col. Sloane to pay merely the \$9000 for the interference with the position.

A provocative discussion also took place concerning whether or not lawyers' fees should be awarded the plaintiff; but the jurors decided against that award.

The tone of the jury's verdict was set at the very beginning of the jury session. At the start, all who spoke thought the plaintiff had been libelled. A critical discussion of the issues began when one juror who had taken notes during the trial thought that Crane knew the road upon which the accident occurred, and should have been extra-careful in his driving. It was pointed out by another juror, however, that Crane "wasn't going at any speed at all"; and further, no issue has been made of his knowledge of the road.

It is now known that the trial court judge had observed the note-taking by one of the jurors. The judge brought this fact to the attention of both counsel in one of the conferences out of the hearing of the jury, but both refused

to object, and refused to ask special directions to the jury.

All jurors agreed that Crane had acted in good faith, and that he might reasonably have been in an emotional state, or temporary panic, immediately following the accident. It was noted by one juror that the alleged shot fired by Col. Sloane, and his yelling to Crane as Crane hurried away from the scene of the accident, were not established by the evidence.

However, the jurors seemed to have thought that Crane recovered his composure and made a sufficient effort to aid the boy he had hit. It was not thought the boy was in any danger as he lay by the side of the road. Further, the photographs showing the road and the mailbox of the nearest farmhouse were felt insufficient to prove that Crane must have seen the nearer house; a number of jurors thought the afternoon photographs were not adequate representations of that scene at twilight.

It seemed to be the consensus of jury opinion that Crane was "thoroughly established as principal of the Austin High School . . . and well respected."

Thus, all jurors felt that Crane had definitely been libelled by Sloane's reference to him as hit-and-run driver.

The question of damages was resolved by awarding Crane, the plaintiff, one dollar nominal damages on the libel count for "satisfaction" and a "moral victory"; and the full amount of the intended contract on the interference count for Sloane's interference with an advantageous relation.

The recording was prepared in an effort to illustrate the problems inherent in speculation on the reasons for a jury's verdict.

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P. B. H. PANEL

(Continued from page one)

draftee. There is no path to the JAG Corps through an OCS program as in the Navy.

The criteria for granting commissions include the number of vacancies open in the JAG Corps, the applicant's marks and class standing, his possible legal experience outside of school, the impression he makes at an interview before a board of examining officers, and recommendations from interested persons. In all branches of the armed forces, a loyalty and security investigation is made.

If selected, the candidate proceeds to Fort Benning for a nine-week basic infantry course required of JAG officers. Then he goes to JAG school at the University of Virginia where the course is 12 weeks.

Speaking for the Air Force were Colonel Francis W. Schweikhardt, Staff Judge Advocate, Continental Air Command, and Captain Bernard B. Brasser of the Directorate of Reserve Administration. The possibilities for a commission or appointment in the Air Force Reserve, JAG Department, were described as dim. The quota for next fall has not been decided upon yet, but this year there were 120 applicants for 20 vacancies. At this time there are no openings. Graduates from a college AFOTC course who have legal training are the first in line for such opportunities.

Other opportunities to obtain commissions in the Air Force include the Aviation Cadet Program or an enlistment.

Captain Karl E. Moore, responsible for officer procurement for the New England area, explained the Marine

Corps situation in terms of general officer commissions, there apparently being no special JAG Corps. The largest group of Marine Corps officers is comprised of college men who attend the Officers' Candidate Course at Quantico. This is a 10-week course open to those who enlist specifically for it and accepted. Term of service is three years.

Upon graduation from this course, the candidate is commissioned a second lieutenant in the Marine Corps Reserves and must pursue a five-month basic training course for officers.

Finally, Lieutenant J. A. Spear of the Coast Guard ran through officer possibilities in that service. Again there appeared to be no organized JAG Corps. The Coast Guard Officers' Candidate Program is open to college graduates and involves an application and tests at the recruiting office plus a personal interview before a board of three officers.

If successful, the candidate becomes a Seaman Apprentice and is ordered to the Coast Guard Academy at New London for a 16-week program. The period of duty is again three years, but Lieutenant Spear noted that there would be little chance of specialization during that time.

At the conclusion of the formal talks, the officers were available for questioning by students. Many took advantage of this opportunity to secure details about programs offered.

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Opp. Lowell House — TR 6-5417**Investment Banker Speaks Tomorrow**

Frank J. Manneheim, a partner in Lehman Bros., will talk about investment banking at the next meeting of the Bull & Bear Club to be held tomorrow at 1:45 p.m. in the Meeting Room of Harkness Commons.

The Lehman Brothers firm was involved in the celebrated law suit decided by Judge Medina last year in which a number of investment banking firms were charged by the federal government with operating as a monopoly.

The regular issue of *Ticker-Tape*, the official club publication, will contain a brief explanation of what investment banking consists. By publishing such a synopsis it is hoped that club members will become somewhat familiar with the terms to be used by the speaker, and that the discussion may proceed at a higher level.

This meeting will also be interesting to club members because it will introduce to them a whole new field in which there are very good opportunities. A job with an investment banking firm may serve as an opening to some particular industry, the investment banker must become intimately familiar with an industry he is to help finance some company in it. This is something that should not be overlooked by the law student when it comes time for him to ponder the inevitable question of what to do after graduation.

GRADE POLL

(Continued from page one)

ceed in obtaining the information that the Council wanted. In addition, Vice Dean Hall suggested several other questions which the ballot should contain. Hall and Fuller made the further major point that even though a perfect questionnaire were constructed the student body was not prepared to answer such a questionnaire because the student body was not acquainted with all the problems which these questions raise and with the various functions which the grading and ranking systems perform.

They strongly suggested that the taking of any referendum be delayed until the HARVARD LAW SCHOOL RECORD had had an opportunity to discuss some of the more important problems concerning the grading system and to present its history.

Grading System Background

According to faculty sources there are certain basic policy questions which must be explored in judging any proposed revision. Among these are the effect of a particular system on the work of the individual student; the demands of draft boards for information from the school, or prospective employers, and of the students themselves; and the possible confusion as to the meaning of the new system during the period following any change.

There were five possible changes in the original questionnaire, and any questionnaire probably will include most, if not all, of these suggested revisions: (1) that an A, B, C, D, F system of grading be adopted; (2) that the A, B, C, D, F system include plus and minus grades; (3) that the Business School system (high pass, low pass, (failing) be adopted; (4) that the present system be retained for the first year and the A, B, C, D, F system adopted for the second and third years; and (5) that the fourth suggested revision be adopted adding plus and minus grades in the second and third year.

There is some question whether the adoption of the A, B, C, D, F system will result in a new grading system or merely in a translation of the numerical into letter grades, with the latter, based on numerical computation, being released to those desiring information.

This latter result is often objected to as failing to make sufficient distinction between the students in a particular category, particularly the C group, which has a notoriously wide range. If the categories are narrowed by the use of plus and minus the above objection may be somewhat mitigated, but this again raises the problem of where to place the borderline case, one of the objections to the present numerical system.

The numerical system presently in force, whereby complete information is released to each student, together with his class rank, dated from about 1946 or 1947, and is the result of a considerable development and experience with previous systems.

Prior to 1870 there were neither grades or exams. By 1909 a single letter, reflecting the student's average in all his courses for the year was being released. In the twenties this was changed to the reporting of a single numerical average, reflecting a view which considered the individual course relatively insignificant.

In 1935 a questionnaire prepared by a Student Advisory Group, showed 88.2 per cent of the students in favor of receiving written reports in individual courses. Such action was recommended by the Committee on Curriculum. The faculty, however, voted to issue only letter grades in the individual courses, turning down a proposal to release the numerical grade as well. This action was made effective in June, 1937, and the numerical average for the year, the letter grade in each course, and the student's class rank were released.

Despite the effort to confine the information released concerning each course to the letter grade in that course, there was considerable leakage of the numerical figure; in many cases, according to faculty members, at the instigation of the students themselves. Information also was prone to leak to the bar associations and prospective employers.

As previously stated, in 1946 or 1947 the present system was adopted, and all effort to conceal any information was abandoned. This system is outlined on page 21 of the 1954-55 catalogue. Under it the numerical average in each course, together with the class standing, is released.

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Dean To Argue In High Court

Dean Erwin N. Griswold has been requested by the Supreme Court of the United States to argue as *amicus curiae* in support of the judgment below in a case involving the same issues that were raised in *Alton v. Alton*, a case on the Supreme Court docket last year.

The principal issue in the case, docket number 261, *Granville-Smith v. Granville-Smith*, is the power of the Virgin Islands to grant divorces to people not domiciled in the islands. The *Alton* case was not decided last year, because the case became moot when one of the parties obtained a divorce of unchallenged validity in Connecticut, the parties' domicile.

Alton v. Alton, under the name of *Haskins v. Haskins*, was the Ames final case last spring. The Court of Appeals for the Third Circuit had held the Virgin Islands divorce invalid, and Mrs. Haskins sought review in the Supreme Court. The Gardner Club, which won the Competition, appeared as *amicus curiae* to represent the interests of Mrs. Haskins' home state, Langdell.

The Chief Justice of the Ames court was Associate Justice Harold H. Burton, LL.B. '12.

Alumni '54 Donors Reach Record High

Some 5,178 donors contributed \$247,757.58 to the Harvard Law School Fund during the past fiscal year, according to Assistant Dean Wesley E. Bevins, LL.B. '48, Director of the Fund. These figures represent an increase of 34 per cent in number of contributors and 27 per cent in amount given over last year.

Dean Bevins' report which is published in the November issue of the *Harvard Law School Bulletin*, cited the projects of lasting value which the Fund has made possible in addition to the scholarship aid which it provides. Thus, the Law School's share of the Graduate Center and the Teaching Fellow program owe their existence to those who have contributed to the Fund.

Year IV (1953-54) was the best year the Fund has had. Almost three times as many donors gave about four times the dollar amount of Year I (1950-51). Each year of the Fund's existence has seen a substantial increase in both participants and contributions.

Included in the report is a listing of donors, with alumni broken down by classes.

NEWS IN BRIEF

PRIZE FOR AMES OPINION

A prize will be awarded by the Board of Student Advisers for the best-written opinion submitted by a judge in one of the first-year arguments (either first or second series). This may be the opinion of the court, or a dissenting or concurring opinion.

The opinion should be written after the argument, and should be based upon the briefs, oral argument, and further research by the judge if necessary. It should consist of from two to five double-spaced typed pages. However, no prize will be awarded unless approximately 10 opinions are submitted.

SOUTHERN CLUB

On Saturday the Southern Club will hold a cocktail party for members and their dates in the Wheeler Room, Holmes Hall, beginning at 7:30 and continuing until the start of the formal dance in Harkness. Admission will be \$1 per couple.

HYGIENE DEPARTMENT

Dr. Dana R. Farnsworth, director of the University's Hygiene Department, has announced that physicians are now on duty in the university 24 hours a day. Formerly, doctors were in attendance at the Hygiene Department only and at the medical offices at the Law School and the Graduate School of Business Administration only during regular office hours. A \$5 fee formerly was charged for night calls made by members of the Hygiene Department. The charge for night-time consultations at Stillman will now be \$2.

INSURANCE EXPERT

Powell B. McHaney, LL.B. '28, and now President of General American Life Insurance Company in St. Louis, has received his city's highest award for civic accomplishment on Nov 17, he was presented with the St. Louis Award.

The Award is given annually to the person or persons who have done most to further the progress of St. Louis.

Annual Yule Dance Planned Saturday

Tuxedos and gowns will be preferred, but not required attire at the Dormitory Council's Christmas Formal dance in Harkness Commons this Saturday evening from 8:30 to 12 p.m.

The dance will be held on both the lower and upper levels of the Commons. Bob Adams' orchestra will supply music on both floors. Six members will perform on the lower level, and three on the upper. The Dunster Dunces, an eight-man singing group from Harvard's Dunster House, will provide intermission entertainment.

No women will be permitted to wear corsages at the affair. Admission will be by Graduate or Dormitory Council social activities card only. For information concerning guest privileges contact Richard M. Lilly, 1L of Charleston, S.C., in 401 Story or Paul A. Kennedy, 1L of Westbury, N. Y., in 209 Story, KI 7-9814. Guests will not be able to buy tickets at the door, but prior arrangements are possible.

This dance is held annually the Saturday before the beginning of Christmas vacation.

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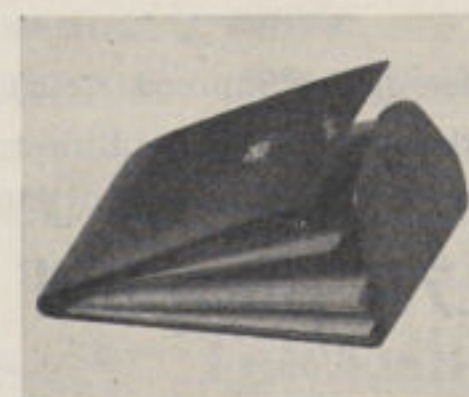
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Chicken Salad Sandwich
Pot. Chips — Chefs Salad 65c
Grilled Sirloin Flank Steak
Baked Pot. — Tossed Salad 95c
Rolls & Butter Beverage
Dessert

WE NOW HAVE DARK BEER
Tel. EL 4-1366 Jim Cronin, Mgr.

The COOP