



Harvard Law School Record



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Committee Of Six Named To Study Grading System

(Special to the Harvard Law School Record)

Late Monday evening the Dormitory Council unanimously voted to refer the question of revisions in the Law School's grading and ranking systems to a special Student Advisory Committee on the Grading System to be made up of the heads of six student organizations.

The group, which is to study the problem in late January and early February, will be made up of the Presidents of the *Harvard Law Review*, the *HARVARD LAW SCHOOL RECORD*, and Lincoln's Inn, the Chancellor of the Chancery Club, and the Chairman of the Law School Committee of Phillips Brooks House. The incoming President of the Dormitory Council will serve as chairman.

In case a member of the committee cannot attend all the meetings, he is authorized to appoint a deputy to take his place.

The Dormitory Council motion leaves the Advisory Committee free to consider the grading question from any approach that it likes, but the Council made it clear that it was particularly concerned with three phases of the problem: (1) what grading system would best serve in the placement of the graduating student in law firms; (2) the effect of the grading system on the student—on his study habits, on his attitude toward the law, on his personality and any other effects; (3) what grading system is the most fair and accurate, and is the easiest for the faculty to execute properly.

Committee Has Free Rein

The committee will be expected to consider the problem, without being in any way bound by prior actions or attitudes of the Council. The group is to request advice from any source which can give helpful information.

It is expected that the Advisory Committee will meet during the last week in January, after the Dormitory Council elects new officers, and possibly during the first week in February. There was some doubt as to effectiveness of the Committee's deliberations in so short a time, but Council President Paul F. Glenn said that the Committee would

(See DORM COUNCIL on page three)

Forum Weighs Charter Of UN

UN Charter Revision: Pandora's Box or Panacea, was the problem debated by four distinguished authorities on international affairs at the Harvard Law School Forum in Sanders Theater last Friday evening.

The speakers were Ernest A. Gross, LL.B. '31, Special Counsel to the Secretary General of the United Nations and former deputy United States representative to the United Nations; Frank P. Graham, United Nations representative for India and Pakistan and former United States Senator from North Carolina; and Norman Cousins, editor of the *Saturday Review* and honorary president of the United World Federalists.

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

Mr. Gross generally opposed any extended discussion of Charter revision. He felt that failure of the United Nations to achieve its expectations was due to the fundamental East-West conflict and not to any defective procedural mechanism.

Mr. Gross stated that it is misleading to assume that the United States policy in regard to the United Nations is unrelated to our foreign policy as a whole.

(See UN CHARTER on page four)

LAST ISSUE

This issue of the *RECORD* closes volume 19, and is the last issue of 1954. The editors and staff will take a rest (and catch up on their studying) during the rest of December and most of January. Volume 20, number 1, of the *RECORD* will be published February 3, 1955.

The *RECORD* staff wishes to all its readers a Merry Christmas and Happy New Year, and to second and third year students, successful mid-year exams.



Roscoe Pound at Ceremonies Commemorating the French Civil Code

Speakers Here Commemorate Anniversary Of French Code

More than 100 persons gathered in the recently dedicated Roscoe Pound Room of Langdell Hall last Wednesday afternoon to hear Dean Emeritus Roscoe Pound and Professor Mark De Wolfe Howe deliver lectures on the French Civil Code. The event marked the 150th anniversary of the promulgation of that code.

Speaking of "The French Civil Code and The Spirit of the Nineteenth Century Law," Dean Pound pointed out that the Code did not attempt to lay down once and for all those reasoned propositions which would be available for every possible combination of circumstances. Rather, it was primarily aimed at providing as far as possible a complete legislative statement of principles furnishing a basis for doctrinal development; where rules were laid down they were to serve as starting points for legal reasoning under the accepted legal technique of Continental Europe.

[This method may be contrasted with the orthodox common law approach, that legislation gives rules but not principles.]

Code Promoted "Free Will"

Providing principles was not the only way in which the French Civil Code moved down the path of legal history in search for "the more inclusive order." In addition, Dean Pound maintained, and even more important in explaining why the French Code was adopted in three national jurisdictions and followed closely as a model in 24 others, is the fact that the Code embodied what was to be the dominant idea in juristic thinking for 100 years, the promotion and maintenance of liberty—the maximum of free individual self-assertion compatible with like free individual self-assertion of all others.

Three examples, one each from the law of contracts, torts, and property were given to show how the French Code embodied this 19th century idea of the end of law—the maximum of free individual self-assertion.

In the contract area, the French Civil Code provides in article 1134 that "Le-

gally formed conventions take the place of the law as to those who have made them." That is, that the parties make law for themselves by their contracts. Hence, there exists a "lawmaking force of the individual free will enabling one who enters into an agreement to manifest the sovereignty of his free will by laying down a binding rule of law for the case in hand." This idea of sovereign will creating rights and duties enforceable at law derived from canon law and its respect for the given word, and was supported by the law-of-nature school.

Misapplication Of Will Theory

The general acceptance of the will theory did not always produce favorable results. In England and North America, for example, when a manufacturer made something which might explode and put it on the market without adequate inspection, and it finally did explode in the hands of the buyer, the courts until 1916 looked for "privity." The question asked was: had the manufacturer any willed relation toward the

(See FRENCH CODE on page three)

Prof. Fainsod Explains Soviet Policies, Problems, Programs

Soviet policy is currently in a state of stabilization, Prof. Merle Fainsod told the Law School Coffee Hour Tuesday. A member of Harvard University's Department of Government, Prof. Fainsod said the stabilization policy is characterized externally by peaceful co-existence and internally by the expansion of consumer goods industries.

Dr. Fainsod, an expert on the Soviet Union, began his talk by describing the postwar era in Russia as "getting back on the old treadmill," which includes emphasis on the development of heavy industry, expanding collective farms and tightening ideological control by the isolation of ideas from areas outside Russia.

A new period started with the as-

Jaffe Club Wins In Ames Competition Semi-Finals

In a semi-final Ames argument, the Jaffe Club defeated the Seavey Club last Wednesday. Winning oralists were John D. Stoner of Bloomington, Ind., and Alan R. Trustman of Brookline. They were opposed by William M. Gross of Harrisburg, Pa., and John M. Reed from Cambridge.

The Baker-Smith Equity Club will meet the Jaffe Club in the spring for the final round of the Ames Competition.

Presiding judge in the new James Barr Ames Courtroom was the Hon. Shackelford Miller, Jr., LL.B. '17, judge of the United States Court of Appeals, Sixth Circuit. Sitting with Judge Miller were Ralph E. Langdell, LL.B. '32, of the New Hampshire bar, and Bertram Lowenberg, LL.B. '37, of the Massachusetts bar.

The Jaffe Club represented plaintiff-appellant Walter L. Tickle, who was suing Secretary of Defense Charles E. Wilson and high Army officers for a writ of habeas corpus. The Army was represented by the Seavey Club.

Private Shot Korean

The case arose from the following facts and proceedings: In December, 1952, Pfc. Walter L. Tickle shot and killed a South Korean citizen near Pusan. Pfc. Tickle was convicted of murder under the Uniform Code of Military Justice. The proceedings were approved by the convening authority, the Commanding General of the Eighth Army, and then affirmed by the Judge Advocate General's Board of Review, the Court of Military Appeals, the Judge Advocate General, and the President. At that point, Pfc. Tickle applied to the Judge Advocate General for a new trial, alleging for the first time that he had been ordered by his superior officer to execute the Korean, whom the Lieutenant described as "probably" a Communist spy. The petitioner further alleged that a Major in the Army's Criminal In-

vestigation Division told him acting under orders was not a defense and that he would receive harsh treatment both before the court and while in prison if he divulged these facts to anyone, including his own counsel. Petitioner Tickle then applied to the District Court in the District of Columbia for a writ of habeas corpus, claiming that the acts of the Major of the Criminal Investigation Division operated to deprive him of Constitutional rights. The District Court judge held that no statute authorized him to grant a writ of habeas corpus against the Secretary of Defense to a citizen detained by the Army in Japan.

There were three major issues in the case. The first was whether or not the District Court had jurisdiction to grant habeas corpus to the petitioner. The present version of section 14 of the Judiciary Act of 1789 reads as follows:

"Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge with their respective jurisdiction." 28 U.S.C. 2241, (1941).

Question of Jurisdiction

The last four words of the act present the source of contention. Alan Trustman, the first speaker of the evening, argued that the District Court had construed the words "within their respective jurisdictions" too narrowly, that the words do not apply to petitioners beyond the reach of any District Court. He con-

(See SEMI-FINAL on page four)



John D. Stoner and Alan R. Trustman

Symposium To Run In Jan. Law Review

The *Harvard Law Review's* symposium on the new Internal Revenue Code will be continued in its January issue.

The areas of corporate distribution, organization, and reorganization under the revenue code will be discussed in an article by Edwin Cohen, Jesse Silverman, Prof. Stanley S. Surrey, Thomas Traleau, and William C. Warren.

The conclusion of Prof. A. James Casner's article on estate planning under the 1954 code will also appear.

Four notes are planned, dealing with an investigation of the problems involved in the public and private regulation of comic books; a study of the means of administering claims against states in the respective states; a survey of the constitutional limits on copyright protection; and a note exploring the constitutional status of the Court of Claims.

This growth does not exist in the non-durable goods area. The increase in

(See SOVIET POLICY on page three)

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A Step Forward

The make-up of the Student Advisory Committee on the Grading System appointed by the Dormitory Council is calculated to inspire confidence in the integrity of the group and in its findings, whatever they may be.

The RECORD believes it would have been wise to include faculty members as they would have added a depth of vision that the Advisory Committee may not possess as an all student group.

But the appointment itself of such a committee is a long step forward toward the goal of student participation in law school affairs.

We are confident that the committee will meet its obligations, and discuss the grading problem soberly and fairly.

The Next Step

The appointment of a Student Committee on Grading as a sub-group of the Dormitory Council highlights the fact that there is currently no fully representative student group under whose auspices this work can be done.

Under the current set-up, there is an active Dormitory Council, which represents approximately one-third of the Law School, and generally looks out for the interests of an even larger number. The Harvard Law Wives represent the married students, and various other organizations represent special interests. Yet, no single group is representative of the School as a whole. No parallel of the Graduate School Council exists. No united voice is heard.

Problems and situations do arise that strike home to even the non-dormitory man. The grading situation is perhaps the ideal example. But only in the immediate past lie the questions of Hemenway hours, of football tickets for graduate students, of Sunday library hours. These assorted problems have been brought into the open by various groups—the Dorm Council, the Grad School Council and the RECORD.

It is not wise to leave all problems up to various existing groups that are forced to exceed their jurisdiction because of a huge gap in the over-all system. The system itself is in serious need of revision.

Law School is intended as a period of professional training for potential community leaders. Intelligent participation in University problems would be not only a practical application of the democratic method, but a valuable experience for the future civic-minded attorney.

This suggestion is not unprecedented. In issues of 1948 and 1951, the RECORD has advocated creation of a representative student group. The proposal has been subject to considerable thought and discussion. We believe the majority of students approve of it. Yet, nothing has been accomplished. Inertia reaps no harvest.

Now that the issue of the grading system, a problem which affects all students, has been raised by a group representative of but a fraction of us, the time is appropriate to renew the proposal for a student government. No criticism of the Dorm Council is implied here, and in fact they deserve commendation for choosing a committee to consider the grading system, and thus bringing the problem to the surface.

However, the Dormitory Council should not be called upon to assume duties outside its proper scope. The need for a student council must be faced, and some workable proposal must be adopted.

Gallery

TORBERT MacDonald
Congressman-Elect



"Torby" MacDonald is a man to be reckoned with. This is how he is spoken of now in Massachusetts politics.

Republicans so regard him because he is the man who broke their grip on the Eighth Congressional District, a seat they have held since the district was organized.

Democrats respect him because of the margin of his victory: 23,000 votes higher than the best prior run ever made by a Democratic candidate, when John Kennedy ran 14,000 votes behind Henry Cabot Lodge in the district in the 1952 Senatorial contest.

It was in that Kennedy-Lodge race in 1952 that MacDonald first became directly involved in politics. He was a key figure on the Kennedy campaign staff, and his experience in the Senatorial campaign prompted a decision to run for office himself.

The MacDonald-Kennedy relationship is one of long standing, and there are striking parallels in their careers in many ways. The two were

roommates at Harvard College and they both graduated in the class of 1940. MacDonald entered Harvard Law School thereafter, but, with Pearl Harbor, he left to join the Navy. He rose to the rank of Lieutenant Commander, serving most of his time in the Pacific—like his friend Kennedy—as a PT boat commander. Returning to the law school at the end of hostilities, he was among those who founded the RECORD. Still a member of the class of 1943, MacDonald received his law degree in 1946.

Eric Johnston, then President of the Motion Picture Producers' Association of America, called MacDonald to his staff as legal assistant in 1946 and MacDonald remained in this work for two and a half years. Then MacDonald returned to New England as Trial Attorney for the National Labor Relations Board and continued in this office until his opening of private practice in 1952.

In the midst of studies, military service, and his work as a lawyer, MacDonald travelled to Europe six times altogether between 1939 and 1953. His first trip, when still an undergraduate at Harvard, gave him a glimpse of Hitler Germany in the moments before the Second World War broke upon Europe. He arrived in the United States in 1939 on the last ship to return before the war. 1947 brought him to post-war Europe during the Berlin Airlift crisis. In subsequent travel abroad he has performed a variety of services including participation in the House of Representatives Labor Committee investigation of labor manpower problems under the Marshall Plan.

Perhaps sketching MacDonald's experiences in this way points to why he is now a man to be reckoned with in Massachusetts politics. But his classmates at Harvard College have known all along that he is such a man, for he was captain of one of Harvard's greatest football teams.

In any case, the only man to defeat an incumbent in the Massachusetts congressional elections this year is not spending his time now calculating his political prospects in the years ahead. Discounting talk of future political aspirations, MacDonald says, "I haven't even been sworn in yet!" F.W.S.

Letters to the Editor

TO THE EDITOR:

A while ago [RECORD, Nov. 18] you expressed disappointment that it had not been possible to provide tickets for graduate students, including those in the Law School, for the Harvard-Yale football game on November 20. I share your disappointment. I have long been anxious that the Law School should function as a part of the University, and that it should not be aloof or separated from the rest of the University in any way. We must recognize, though, that the athletic authorities had a very difficult program. When there are more demands than there are tickets available, something has to yield. It is a little like trying to pay all the creditors of a bankrupt in full when there are not enough assets to go around.

There is one way in which law students can avoid this difficulty. Any person buying a season ticket gets a ticket to the Yale game. These tickets are available to law students as well as other students. They are put on sale in the spring, and the sale continues until after the opening of school in the fall. Law students can, therefore, assure themselves of tickets to the Yale game by buying season tickets.

ERWIN N. GRISWOLD, Dean.

(The RECORD shares Dean Griswold's concern that the Law School should function as a part of the University. The Dean's suggestion would aid in making Yale game tickets available to graduate and law students.)

(According to Frank Lunden, ticket manager of the Department of Athletics, the system works as follows: former season ticket holders receive an application for a new ticket early in April. After they have had a chance to apply for the same seats that they had the year before, the public is entitled to apply for tickets on a first-come, first-served basis. Public sales usually begin early in May. Last year the cost for such tickets was \$20 for side-zone seats, and \$12.60 for end-zone seats. The cost covered six home games, including the Yale game. About 3500 such tickets were sold. Season ticket holders at the Yale game this year had good seats near the goal line, while alumni were seated "deep in the bowl," as Mr. Lunden put it.)

(Mr. Lunden explained the Yale game ticket situation in this way: Yale took about 15,000 of the 37,114 seats in the stadium. Of the 22,000 left, 3500 went to season ticket holders. Next on the list were the undergraduates. Each undergraduate was entitled to one free ticket (part of the package plan when tuition in the College was raised from \$600 to \$800), and one ticket for a date. The next priority went to College

alumni, then graduate students (including Law School students), and the last with any priority were alumni of the graduate schools.

(A solution for those who do not or cannot buy a season ticket might be to put graduate students and College alumni in the same priority, or to put tickets for dates for undergraduates into the general public category. The latter suggestion would probably meet with outraged cries from undergraduates who have come to regard football games as social affairs rather than sporting events.—Eds.)

TO THE EDITOR:

I was quite interested in your article [RECORD, Nov. 18] in regard to the Chancery Club.

I graduated from Harvard in the class of 1910 and was a member of what was then known as the Lincoln's Inn Club. This club had been formed, as I recall it, in 1907 or 1908. At the time of its formation there was quite a discussion as to the name which was given to this club since at that time they leased the former home of Dr. Bailey who had been the college physician for many years. Some thought the club should be called "Old Bailey"; however, proponents of "Lincoln's Inn" prevailed.

About a year or so later the club had a very active, though not sanguinary, battle over its operation arising from the fact that in that day of prohibition the club would serve drinks in its lounge. It availed itself of the so-called locker system in which every man was supposed to have his own stock of liquor which he used in ordering drinks. The locker room was in the basement and had one locker which was quite dirty around the keyhole and the handle; the others carried their pristine purity. Whenever the police investigated the club they were taken by the steward to this locker room and shown the club members' names on the lockers. They were also permitted to inspect the dirty locker and found it full of a reasonable amount of liquor, however, no inspector ever had the temerity to look in any other locker.

This method of operation went on smoothly from the start of the club until the late Robert A. Taft and Charles E. Hughes, Jr., became members. They felt that a law club at Harvard Law School should strictly observe prohibition and raised quite an objection to the then method of operation of the club. As I say, the battle was long and intense and not sanguinary and the club still retained its liquor privileges even though two of its most prominent members objected strenuously.

ROBERT H. JAMISON, LL.B. '10.

Off the Record

STUDENT AND DOCTOR

(The following Dialogue was written for the RECORD by Earl L. Croman, 3L):

STUDENT: When that a transferor grant his interest and the use remain, to what end may the feoffee grant that same use?

DOCTOR: None, if it remain in fee.

STUDENT: But where the feoffor would grant the use, shall it not by that act result in the feoffee?

DOCTOR: No, for it did not move with the livery.

STUDENT: Yet, if he should give the use to that same feoffee, that would be good also?

DOCTOR: No, for it would want sufficient delivery.

STUDENT: But a delivery of both livery and use, would not that suffice?

DOCTOR: No, for it might be to the use of another.

STUDENT: A use by bargain and sale shall not result to the feoffor if such person that shall have the use be named, likewise with the surrender?

DOCTOR: No, for a surrender by any other name serves but to becloud the grant. Such is distraught by tribulation. For it was the purpose of my Lords to secure such grants. Seemingly, shrewd language might alter, but it can never void, this grant. The use will remain despite the livery. If I give you a horse to sell at market and you the use despoil, though the horse remain whole, the law will give you no recourse. Privity in use does not excuse. He that liveth by the livery must suffer the use. Tens of liveries may despoil, but not one nullity for use. And there is a teaching in this: naught ariseth that perceives not the origin; foul deeds breed foul use.

STUDENT: When that a feoffor retain the use, doth not the livery remain?

DOCTOR: Nay, for that there was seisin.

STUDENT: But if seisin too would pass?

DOCTOR: O thou stupid knave! The seisin was passed. How can there be livery without seisin? Sooner would there be master without serf! Thou art a dolt. But, come, I have taught thee many things. See, now. What is a use?

STUDENT: A use is that which depriveth a feoffee of his land when he hath it not, and which depriveth him of his land when he hath it.

DOCTOR: Excellent! Now, then, what is a feoffor?

STUDENT: He that giveth by delivery with one hand and taketh away by use with the other.

DOCTOR: And what is seisin?

STUDENT: That's the time of the year that feoffors grant livery to feoffees.

DOCTOR: And you would . . . ?

STUDENT: Take a bargain and sale.

DOCTOR: And if the Statute should execute it?

STUDENT: Take a use on a use.

DOCTOR: And that too should be executed?

STUDENT: A use after a use.

DOCTOR: But if the Statute should find that too?

STUDENT: I'd hide it well.

DOCTOR: Thou art a good Student.

STUDENT: You is a good Doctor.

DOCTOR: Let's be tenants in friendship.

STUDENT: May I have the use?

DOCTOR: Nay, you've been using me too long. I'll have the Statute execute you.



"Christmas Greetings to all our friends at the Voluntary Defenders . . ."

Inquiry Shows No Close Ties Between Two Lincoln's Inns

Recent investigations have exploded one of the most tenacious and widespread dogmas of the Lincoln's Inn Society of 44 Follen Street. No longer can it be assumed, as for so long it had been, that the Society is somehow linked with Lincoln's Inn of London, one of the venerable and hoary Inns of Court.

Members of the Society, however, have accepted this news without dismay, for it has long been apparent to them that the strength of the organization is solidly bottomed on a sound indigenous tradition.

The true facts concerning the history of the Inn, of course, cannot be told. For one thing they are not known. To discuss them would be to tread on preserves better left to poets laureate or perhaps historians of the future armed with some sterner purpose. However, much of the recent past is a matter of public record.

Lincoln's Inn began its corporate existence in 1908, and it is from that year that its written records date. By adopting the name of a great English legal institution the Inn established what in later years became a pattern among social organizations around the Law School.

One Of Many

At first the Society was typical of the many small eating clubs which flourished on the Cambridge scene at the turn of the century. A small group of students met once a day for meals in a hired room, hoping to rediscover over a pleasant meal the pleasures of comradeship and keen conversation.

As the group grew, the Society acquired permanent quarters, first on Church Street and then in the small building on Garden Street, next to the Commander Hotel.

During World War II, as in 1917, the activities of the Society were suspended. The clubhouse was sold in 1942 and Professor Zechariah Chafee, Jr., a staunch member, kindly consented to keep an eye on the funds during those troubled times. After the war the present premises at 44 Follen Street were acquired, much to the astonishment of local real-estate men, who pointed out that organizations that had been prior owners were unable to meet the high taxes on this choice piece of secluded property.

Teams Beat Varsity

During these years, as the Inn multiplied and diversified its activities, it enriched the life of the Law School with its unique contributions on many fronts. Inn football teams not infrequently defeated the Harvard varsity in the days before World War II. After the war, when challenges to the college teams were no longer accepted, the Society found that Law School championships fell easy prey to its relentless eleven. The squash team was so successful in Massachusetts Squash Racquets Association Class B play that modestly dictated entrance of the first team in Class A.

Perhaps the most lasting development, at least in the advanced crypto-intellectual area, was the evolution of the Lincoln's Inn Christmas Show, which is performed at the annual Christmas Dinner to the accompaniment of thundering applause from the faculty and members. Thought by some to be a domestic counterpart of the ancient Japanese No play and viewed by others as a distinctly

Druid art form, it is acknowledged by all to be a mordant instrument for the expression of subtle meaning (a rare thing in these days).

Good Faculty Relations

Two years ago the show took a rare twist when faculty members, led by accordion-toting Professor Leach, intervened and commandeered the stage at the Hotel Continental. After expressing their intense weariness of the seldom-changed plot, Professors Leach, Berman, Sutherland, and Loss treated the assemblage to selections from their own works and demonstrations of their accomplishments on sundry musical instruments.

The Society is approaching its golden anniversary with a sense of the grave responsibility which has befallen it as the inevitable concomitant of world-wide recognition. Members of the Society have held key positions throughout the nation. One need only mention Winthrop W. Aldrich, (Ambassador to the Court of St. James), former Secretary of State Dean G. Acheson, the late Robert A. Taft, and Senator Leverett Saltonstall. Archibald MacLeish, distinguished poet and political ghostwriter, is an Innman. On the Law School faculty Professors Austin Wakeman Scott and Zechariah Chafee are the leaders of a large representation of Inn members.

It would be misleading not to mention, in passing, that one Innman has just been released from prison after paying the penalty for his alleged overenthusiasm for some of the frowned-upon excesses of the 1930's. At least it can be said that Inn men have never been ones to turn their backs on the fashions of the times. Rather, they have sought to mold them.

Inn Sponsors Art

In keeping with its reputation as a cultural mainspring the Inn has become a patron of the arts. Last year a prominent Boston artist was commissioned to begin a series of portraits of members of the Law School faculty. To date the Society is the proud possessor of portraits of Professors Scott, Seavey, and Chafee. The Inn is also fortunate to own the original of the celebrated Lady Ellesmere portraits, which now hangs in the Lady Ellesmere room at the 44 Follen Street headquarters. This remarkable life-size pastel has received favorable comment from several conservative authorities.

This year the inside of the Inn has been completely overhauled. The almost nautical intimacy of the kitchen has been eased somewhat by the further exploitation of cellar space and the installation of new equipment throughout. Amid the sulphurous fumes of acrid dissension the bar has been doubled in size (and in custom) and television has been introduced into an upstairs sitting room. Fortunately, lobbyists for piped-in Musik have so far been repulsed.

Profuse Activities

The Inn has continued its policy of faculty luncheons and has extended its hospitality to many foreign students. During the football season there were informal dances every weekend and during the rest of the year formal and informal dances are held from time to time. Thus in the profusion of its activities and facilities Lincoln's Inn Society continues to make legal education a more friendly and pleasant experience.

SOVIET POLICY

(Continued from page one)

durable goods is small in real numbers despite high percentage figures which result from low production during the base period. Non-durable items are food and clothing, while radios, TV sets and refrigerators are durable goods.

The Soviet Union faces continuing agricultural crises, Prof. Fainsod said. They are being combatted by increased incentives, more capital and specialists, and greater acreage under cultivation. In Dr. Fainsod's opinion, this program has not as yet been successful.

Prof. Fainsod noted that the "subtlety, sophistication and effectiveness" of the current foreign policy has had considerable success. He claimed that the Soviet Union's peaceful coexistence policy is a tactical maneuver designed to create a breathing spell for Soviet Russia and does not mean a cessation of conflict in non-military areas.

Terming China "Russia's junior partner," Dr. Fainsod saw no prospect of a split between the Russian and Chinese governments or the return of Yugoslavia to the Soviet bloc. The main problem in understanding Russia today is the tendency to interpret what is really a phase as a basic change and thus a long range trend, Dr. Fainsod told the Coffee Hour.

Prof. Fainsod has recently written a book, "How Russia Is Ruled," for which he was named a winner of the Woodrow Wilson Foundation award. In addition to his position on the Harvard faculty, he has appeared as a Russian expert before numerous United States government agencies, and has lectured at the Canadian and American war colleges.

Alumni Notes

LL.B. '37—Max Cutler recently formed the firm of Cutler & Cutler in association with his wife, Claire M. Cutler. Their office is located in New York City.

LL.B. '52—Walter N. Kaufman recently became associated with the firm of Arvey, Hodes & Mantynband in Chicago.

Europe

in '55

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Dormitory Council Appoints Special Committee To Consider Changes In School's Grading System

(Continued from page one)

not be required to submit its report by that time if it felt that further discussions were needed.

If the committee decides that the grading system should be revised, it is to state the revision it favors and the reasons for the system it thinks best. If the committee conclusion includes a recommendation that the student body be polled on the subject, the committee will draft a questionnaire and submit it to the Dormitory Council.

Final Decision With Council

In any event, the committee's findings will be only advisory, and the Dormitory Council has reserved the right to accept, reject, or modify the group's report.

The prospective members of the committee are Dennis G. Lyons, 3L of Pascaic, N.J. (Review President); Chas. H. W. Talbot, 3L of Walla Walla, Wash. (Record President); Henry Heher, Jr., 3L of Trenton, N.J. (President of Lincoln's Inn); Robert C. Boozer, 3L of Atlanta, Ga. (Chancery Club Chancellor); and Martin Bresler, 3L of New York City (Chairman of the P.B.H. Committee).

Lyons Will Accept Post

Lyons told the RECORD Tuesday morning that he "certainly" would accept when officially notified of his appointment. He said that he had not yet had a chance to think through the problems of possible revision of the grading system.

Talbot praised the decision to name a committee: "Dormitory Council did well to ask the advice of representative student groups. The RECORD will be happy to participate in these potentially important deliberations, and we hope that a rational solution to the serious problem of the grading system can be found. Personally, I hope that the committee would be more broadly based in the Law School, possibly with some faculty members like Seavey or Cavers included. However, the important thing is to have student participation in the discussion of the issue."

In other actions Monday evening, the Dormitory Council rejected a resolution calling on the School's Dormitory Office to foot the bill for pay phones in the

dormitories. The Council is obligated to pay a penalty to the New England Telephone & Telegraph when local traffic over the pay phones falls below a certain point—35 message-units a day. These rebates have amounted to as much as \$45 per month in previous years.

The Council voted instead to ask residents of "delinquent" floors to contribute to the cost of the phones. If this move fails, the Council may have the phones removed from floors where the volume of calls does not pay the fixed charge.

Prof. Zechariah Chafee, Jr., received the thanks of the Council for his offer to buy \$100 worth of records to supplement the collection in the Wheeler Room. The original records and the phonograph were also gifts from Professor Chafee.

FRENCH CODE

(Continued from page one)

ultimate buyer?

In the area of torts, article 1382 of the French Civil Code provides that liability arises from fault and only from fault. Here, the moral ideas of the 17th and 18th centuries are joined with the "liberty," free-will idea of the 19th century.

In the property field, article 544 of the French Civil Code providing that "ownership is the right of enjoying and disposing of things in the most absolute manner" is another example of the 19th century aim of law. Noteworthy in this connection is that the French Code set forth what has been universally accepted as the common law of riparian rights. Every riparian owner is entitled to use the water to the extent of a like use by all the other riparian owners.

Decline Of Code Explained

Dean Pound then explained how the general bigness combined with the fast economic unification and increasing complexity of the recent decades have turned men's thoughts from liberty and the free self-assertion state to security, equality, and the welfare or service state, and how these changes produced alterations in the propositions which had formerly been universally accepted. And though we have been giving up the guiding principles of the French Civil Code, Dean Pound doubted the likelihood that a new Code could be framed under so complex a society as the 20th century has wrought, which would receive such wide acceptance.

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NEWS IN BRIEF

POLITICAL NOTE

Torbet MacDonald, LL.B. '43, Representative-Elect from the 10th Massachusetts District, will address a meeting of the Harvard Law School Democratic Club in the Grey room of Holmes Hall today at 4 p.m. Mr. MacDonald will speak of his campaign experiences, plans in Congress, and devote most of his time to answering questions which his audience may direct. This meeting will be open to all who wish to attend. Further information about Mr. MacDonald appears in today's gallery. (page two)

KING'S BENCH SUPPER

On Saturday, Dec. 11, King's Bench held a buffet supper in the Associated Harvard Clubs room in Holmes Hall. About two dozen members of the organization, plus dates, attended the affair. Rum punch and beer were the beverages. The supper itself was roast beef, ham, cold cuts, cheese, and potato salad.

CONSTRUCTION COMPLETE

Monday, Jan. 3, Austin Hall office space will be in full use, according to Dean Erwin N. Griswold. The Teaching Fellows' offices will be on the floor. First-year group work meetings will be held in the new rooms.

STUDENT BAR

The Harvard Student Bar Association has announced that it will sponsor a lecture by Lloyd Paul Stryker in January. The tentative date is the 19th.

THURSTON HONORED

Warm tributes were paid to the late Professor Edward S. Thurston, LL.B. '01, at the annual initiation banquet of the Thurston Society, scholastic honor organization at the University of California's Hastings College of Law, which was held Nov. 6.

Professor Thurston taught at the Harvard Law School from 1929 until his retirement in 1942 when he became professor of law emeritus. He subsequently became a lecturer in jurisprudence at the University of California, and later was professor of law at the Hastings College of Law of the University of California until his death in 1948.

Professors and deans of the California law school paid tribute to Professor Thurston as a former member of the faculties of six universities.

The honor society at the Hastings College was founded in 1948 in memory of Professor Thurston, whose life work was spent in the fields of Torts and Restitution.

Bull & Bear Hears Investment Banker

Investment banking has a continually growing need for lawyers in the present stage of its evolution, declared Frank J. Manheim in an address before the Bull & Bear Club last Friday. Mr. Manheim is a partner in Lehman Brothers, New York investment banking house.

Starting with genesis of investment banking after the Civil War, when this nation's economy began to change from agricultural to industrial, Mr. Manheim traced its evolution through the "golden age" prior to World War I and the middleman stage of the '20s. Up to this point, investment banking performed its classic function of raising capital for business in a free market, unrestricted by regulation.

After the Great Depression, the federal and state legislation which followed imposed strict regulation which has transformed investment banking into a competitive, controlled, and public business. The result has been that an investment banker will hardly proceed beyond the rough outlines of a proposed transaction before seeking legal counsel.

Trusts And Funds

The recent flourishing of investment trusts and pension funds with their huge aggregates of capital has had a marked effect on the industry. The growing tendency for the small investor to place his funds with an investment trust has resulted in fewer direct, but more indirect, customers for newly-issued securities. Moreover, private placement—the direct sale of an issue without recourse to investment bankers, the customary middleman—is becoming more frequent. Certain insurance companies are with in creasing frequency negotiating privately for whole issues.

The result of these pressures is that investment bankers are developing into merchant bankers-investors for their own accounts. With increasing frequency the firms are acting as promoters, arranging mergers, and otherwise acquiring direct interests in enterprises and a voice in their management.

The function of an investment banker on a corporate board of directors is not to render advice in regard to raising capital, but rather to direct operational activities to the benefit of the shareholders, of which his firm is one. For this, the best background is not training in business management and accounting, Mr. Manheim said, but rather the general background derived from training and discipline in a field such as law or the social sciences.



Milton Katz

UN CHARTER

(Continued from page one)

Because the two are connected by "live tissue" anything affecting one will affect the other. Since a general review of the Charter would probably cause a "parade of sharp and explosive issues which create tensions in the free world and which would be exploited by the Soviets," the time for such debate should be carefully chosen and perhaps limited, he said.

Dr. Graham stressed that he believed in discussion, "however controversial, however hazardous." From a broad discussion of both the practical and impractical he hoped that we might find "common ground" with both the Communist bloc and the nations "in between."

He suggested that although agreement on the veto might be impossible, at least by this discussion we might agree on the common goal of survival. In the interest of survival there might evolve agreement on universal disarmament and all the nations could "join hands in a campaign against poverty, hunger and disease," Dr. Graham told the Forum.

Mr. Cousins stated that he believed not only in the national interest but also in the "human interest" and that the present emphasis on national interest is endangering the survival of mankind. He felt that the basic reason for continuing aggression is the absence of any authority in the United Nations to exert powerful sanctions in situations such as Korea. The United Nations is our best hope for survival and should be given effective power, he said.

Only by discussion can we "clear the air" and prepare for settlement of the fundamental problem of disarmament. Mr. Cousins concluded that although we are living in a world of "total danger," we have "fabulous opportunities" to eliminate human want and create new prosperity.

SEMI-FINAL

(Continued from page one)

tended that the present wording of the statute had in mind the stopping of forum-shopping among persons within the United States who wished to apply for the writ. He further argued that to hold otherwise would deprive the petitioner of his constitutional right against suspension of the writ, there being no other remedy open to Pfc. Tickle.

John Reed, the third speaker, argued that the wording of the statute did not give jurisdiction, that possibly a legislative remedy was necessary. Reed denied that petitioner was necessarily without remedy, arguing that it would be possible for Pfc. Tickle to seek habeas corpus directly before the Supreme Court.

The second issue was the competence of civil courts to review the issues passed upon by military tribunals. Trustman argued that the District Court can review Constitutional questions and whether or not there has been a fair trial. He tried to show that the burden is on the military to show fair consideration.

John Reed argued for the respondent that the scope of review of military decisions is narrow, especially so since the adoption of the new Uniform Code of Military Justice which has been very liberal in the safeguards which it offers to members of the military on trial before military courts.

The third issue was whether the petitioner was denied the Constitutional and jurisdictional right to a fair hearing. John Stoner, second speaker of the evening, argued for the petitioner that the military had violated Pfc. Tickle's Constitutional rights in that they deprived him of raising the defense of superior orders. He attempted to show that the petitioner had been threatened with harsh treatment if he mentioned the fact that the shooting had been at the order

of a superior officer. William Gross argued for the respondent that there had been a fair hearing, that the matter of the alleged defense of superior orders had been considered by the Judge Advocate General. He further contended that even if the court should look further into the matter, the defense was invalid because a reasonable man would have known the order to be unlawful and therefore not to be obeyed.

The court decided that the case should be remanded to the District Court. They decided that the District Court had jurisdiction, the chief reason being that petitioner had no other court to which he had unqualified right to appeal. The majority of the court decided that the District Court should decide on remand whether the military had given fair consideration to the claim of Constitutional right. They further decided that if the District Court should find on remand that a fair consideration had not been given, a hearing should then be allowed to decide whether the defense of superior orders is valid.

Library Christmas Schedule Revealed

The Reading Room will be closed all day on:

Sunday, Dec. 19.

Saturday and Sunday, Dec. 25 and 26.

Saturday and Sunday, Jan. 1 and 2.

It will be open from 9 a.m. to 5 p.m. on:

Monday to Thursday, Dec. 20 to 23.

Monday to Friday, Dec. 27 to 31.

It will be open on Friday, Dec. 24 from 9 a.m. to 12 noon.

The display in the cases at the North End of the Reading Room has been changed, and a new one explaining the uses of the Commerce Clearing House Federal Tax Services has been arranged on display.

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