

Harvard Law School Record



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PRICE TEN CENTS

Prof. Glueck Urges Reforms To Prevent Prison Mutinies

Sheldon Glueck, Roscoe Pound Professor of Law, has called on the Commonwealth of Massachusetts to adopt a new method of sentencing and rehabilitating convicted criminals. He advocates the creation of a special body to impose sentences upon convicts.

"With the opening of the new state prison in April, Massachusetts has an opportunity to take steps to advance its administration of criminal justice," according to Professor Glueck.

Professor Glueck, a member of the Massachusetts Special Commission Relative to Prisoners, told the RECORD in a recent interview that outbreaks like the recent one at Charlestown prison do not surprise him. He is surprised that there are not more like them. "These outbreaks," Professor Glueck says, "only

"While the law can fulfill several aims at once," Professor Glueck continued, "there must be an underlying guiding purpose governing our penal institutions. We are now seeing the results of a system which arose to deal with convicted criminals before science had developed an understanding of human motivation, and to which we still cling despite its proven shortcomings. In the past there has been too much reliance on deterrence and retribution in the penal process; the result has been too much recidivism."

No Basic Theory

For a long-range system, Professor Glueck is convinced that a program stressing therapy and rehabilitation should be provided. Since 95 to 98 per cent of those confined to penal institutions are to be released, the therapeutic program, aimed at a psychologic, religious, educational, and vocational re-orientation, would act as a far more potent deterrent than the present system, by reducing the number of repeaters in our penal institutions and by salvaging useful members for the community.

To establish a program of this nature requires an overhaul of the present system, so that the process of determining the original sentence can be intimately connected with the program of treatment undergone by the prisoner and with the work of releasing him.

New Court Recommended

To implement this program, Dr. Glueck has recommended a Treatment Tribunal. It would be composed of a psychiatrist, a psychologist, a sociologist or cultural anthropologist, an educator, and a criminologist, under the chairmanship of a Superior Court judge, assigned for the purpose. Its primary duty would be to determine the treatment plan appropriate to the individual as well as its tentative and ultimate duration, and to see that the plan is followed.

The Treatment Tribunal would be charged with coordinating the correctional processes from the stage of conviction through institutional treatment, to the release of the prisoner under parole, and his ultimate rehabilitation in the community. This, it is believed, would cure one of the major weaknesses of the existing system, its disconnectedness.

"The test of any system is: Does it work? This one doesn't," Professor Glueck concluded. "Retribution has failed, and deterrence has proven inadequate; humanitarianism alone is not enough. Both a head and a heart are required. We must use the existing disciplines to the fullest and open the door to a saner administration of criminal justice, both for the imprisoned man and for the community."

Ethics Forum Is Friday Night

Three well known political figures will discuss "Ethics in Politics" at the Harvard Law School Forum at 8 p. m. tomorrow evening at Sanders Theatre.

The two New York State officials who will participate include Carmine G. De Sapio, Democrat, and Jacob K. Javits, Republican. William Benton, former senator, will complete the trio. Associate Dean David F. Cavers will moderate the discussion.

Mr. Javits, the only winning Republican during the last election of major New York officials, will discuss the ethical problems a candidate faces in conducting a campaign. He will also present, the Forum reported, the possible conflicts between party loyalty and conscience that are present in any campaign. Javits is Attorney-General of the State.

Mr. De Sapio, recently appointed Secretary of State of New York by Governor Averell Harriman, will present the views, the Forum said, of the party "boss." Mr. De Sapio will also mention some of the factors that are

(See DE SAPIO on page four)

Ames Prize-winners Selected By B. S. A.

Prizes for excellence in the fall series of the Ames Competition were awarded last week by the Board of Student Ad-

First-year students receiving awards were: John C. Liffand, Choate Club, of Jersey City, N. J., for the best brief; Peter Oddleifson, Root Law Club, of Honeoye Falls, N. Y., for the second best brief; and William V. Caplan, Brewster Equity Club, of Pacific Park, Calif., for the best oral argument. Prizes in the second-year qualifying round went to Samuel Potter, Jaffe Club, of South Westport, for the best oral argument, and to Charles E. Zeitlin of Chicago and Samuel Potter, both of the Jaffe Club, for the best brief.

The Roscoe Pound Prize for the best club record in the qualifying round went to the Choate Club, whose members are: Donald J. Bain of Fairlawn, N. J.; Ernest W. Gibson of Brattleboro, Vt.; Herbert Prochnow of Evanston, Ill.; Eli D. Schoenfeld of N. Y. C.; Herbert Trazenfeld of Long Beach, N. Y.; Donald M. Wilson of Binghamton, N. Y.; John P. Manwell of Fayetteville, N. Y.; and Frank A. Weil of Katonah, N. Y. The last two named delivered the oral argument for the club.

(See AMES PRIZES on page four)

Gives Holmes Lecture

Dean Shulman Suggests Changes In Labor Policy

The 1954-55 Oliver Wendell Holmes lecturer, Harry Shulman, LL.B. '26, S.J.D. '27, Dean of the Yale Law School and professor of labor law, drew upon a wide experience as impartial arbitrator in presenting his address on "Reason, Contract and Law in Labor Relations" Feb. 9. He urged a lesser role for federal courts in interpreting collective bargaining agreements; he suggested that arbitrators play a more vigorous role. Federal law sets the scope of the labor agreement by providing in general terms what the employer must bargain about;

such matters are no longer left to unilateral determination by the employer. But within that area, the agreement is the law of the parties. Today, under the Taft-Hartley Act, federal courts have jurisdiction to render money judgments for violations of the collective bargaining agreement at the suit of either side.

Doubts Constitutionality

Dean Shulman doubted the constitutional validity both of this provision and also of compulsory arbitration of disputes arising out of collective bargaining agreements. He attempted to make this point of the constitutional invalidity by an analysis of the process of arbitration to the agreement as is generally provided in the agreement.

The arbitrator is usually sternly forbidden to go beyond the agreement. He serves only at the pleasure of the parties to the agreement. Although the settlement of another dispute may be valuable for suggesting to the parties a workable compromise, the arbitrator does not bring to the given dispute anything analogous to the body of common law and the force of precedent that a judge brings to a pending case. And so the "law" which the parties must live by when an agreement is administered by an arbitrator under the agreement is so different than the "law" which a federal judge, or compulsory arbitration, would afford, it would seem that the latter would not be a mere enforcement of the agreement but would violate constitutionally protected rights to liberty of contract.

The analysis which Dean Shulman presented served both to point out the many occasions when a judge would be tempted to bring in an outside body of

(See SHULMAN on page four)



Harry Shulman

Eisenhower, Democrats Will Cooperate Until 1956 Elections, Says Braucher

Professor Robert Braucher, speaking at the Coffee Hour Tuesday under the joint auspices of the Young Republican Committee of the Law School and the Coffee Hour, forecast an era of "peaceful coexistence" between the major political parties for about a year, then a "warming up" as the 1956 presidential elections approached.

The present areas of agreement are much larger than the areas of disagreement with only a small "maverick wing"

ance, with Republicans favoring more private investment.

Changes should be made in the present immigration law, he continued, but many local political factors prevent any speedy adoption of a revision. Here, "Senators are able to rise above principle."

In the area of prosperity, the second major field, Republicans probably will continue to press their theme of stability, with the Democrats asserting we are in a constantly worsening depression. The Democrats will probably press for a higher personal exemption in income tax, but will save this until sometime near the 1956 campaign.

(See BRAUCHER on page three)



Robert Braucher

expected to dissent continually; he characterized this latter group the "morse-burgers."

One of the major shifts brought about by the 1954 Congressional elections, he said, was the transfer of power from the Republican chairmen of the Midwest and New England to the new Democratic chairmen of the South. On the main, Prof. Braucher said, the people voted for inaction last September, and "will get it."

The speaker saw four major areas of policy questions: war and peace, prosperity, welfare, and internal government housekeeping.

In the area of war and peace, he foresaw a great deal of unity, with probable disagreement only on details. However, since this area is so vital, "it can become hot." Possible disagreement might arise, too, over technical assist-

President Buchanan Heads Lincoln's Inn

At its recent annual election Lincoln's Inn chose the following new leaders for 1955-56: Eustace W. Buchanan, 2L of Pittsburgh, Pa., President; Scribner L. Fauver, 2L of Elyria, Ohio, Vice President; David H. Roenisch, 2L of Calgary, Alta., Secretary; W. Walter Braham, 2L of New Castle, Pa., Treasurer.

The new Board of Governors includes: Prosser Gifford, 2L of New York City, James M. Storey, 2L of Jamaica Plain, Thomas R. Remington, 2L of Rochester, N.Y., Donald A. Scott, 2L of Philadelphia, William S. Potter, 1L from North Andover, and Robert J. Geniesse, 1L of Seattle.

Activities Of Voluntary Defenders Show Notable Increase Under New Program

Operating on a year 'round basis for the first time, the Harvard Voluntary Defenders have shown a marked increase in both scope and case load during the first half of the year.

The Gannett House organization, which does investigative and pre-trial work in criminal cases involving indigent prisoners, acts under the direction and control of the Boston Committee of Voluntary Defenders. Included in its routine duties are daily visits to the jails in the Boston area to interview prisoners.

New Program

A new program of preliminary benefit to law students is the practice of having the men who did the preliminary work appear in Superior Court as assistants to the attorney handling the case. Although this has only recently been initiated, William O. Forbes, 3L of Nashua, N. H., president of the Harvard group, expects that it will soon be expanded to all trial cases. "Since the student is familiar with the entire background of the case, he gains a much better understanding of the trial strategy," he said. "It's a wonderful opportunity for us."

An increase in the case load of almost 100 over last year's record 413 cases is

anticipated. Part of the increase will be due to the new program of continuous operation. During the past summer the group made their services available on a limited basis. This year, for the first time, work continued through the Christmas recess and the examination period.

The biggest project of the year culminated in success recently when a man indicted for manslaughter received a suspended sentence for assault and battery. Seven men had conducted an intensive investigation, and the use of their report at the trial played a large part in dropping the offense to a lower court and winning probation for the prisoner. The defendant, who had a family, had no previous criminal record.

Thirteen second-year students joined the equal number of seniors as full members before Christmas, having successfully completed a six-weeks' probationary period. The new members underwent an intensive training program, including lectures, assigned reading, field work, and a final examination, before being given the opportunity to work on their own responsibility. Heading the training program was Allen F. Milledge, 3L of Miami, Fla., treasurer.

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JAG Reviewed

It was our understanding — with the "New Look" of the armed forces of the past few years — that the proverbial policy of the military, fitting the job with a man, would be abandoned in favor of fitting the man to the job for which he had capabilities and/or training. Yet, the first-year JAG course, when compared to this standard, has not always met the test.

While the course is informative, it could be more informative; while interesting, more interesting. The problem concerns getting the course to the level of the students at the Law School.

It would seem, judging from early lectures and the recent semester examination, that the purpose of the course was not necessarily to stress the substantive law of courts military but only to convey an impression of what military justice was all about, and the responsibilities facing a JAG law officer or counsel during a military trial. The goals of this course need restating, or at least further explanation to the participating students.

This is not to imply, however, that the course does not fulfill a major function at the Law School in providing prospective inductees with some background in military justice, and in providing others with an opportunity of earning reserve points.

Perhaps instructors should not follow the Uniform Code of Military Justice chapter by chapter and section by section; and perhaps more discussions, a few cases, and more first-hand experience should be stressed; perhaps even attendance should be stressed. In any event, interest should be fostered and classes livened up.

Certainly the Law School and the students enrolled in the first-year program are grateful to the military for providing the instructors and materials for the course. Yet, gratitude need not imply condescension; where there is room for improvement, improvement should be made.

To Choose Wisely

With the results of the practice examination in mind, many first-year students are saying that this semester they are not going to spend so much time on the Ames Competition, that they don't get anything by participating with more than a minimum effort, and that the competition cuts into time for more important study.

This attitude is wrong, and the upperclassmen on the RECORD want to do what they can to explain why it is wrong. First, grades are not the most important aspect of law school. The most important part of law school is learning a lawyer's skills. The methods of analysis that one learns in class are one kind of skill. Legal writing and research are other skills. Arranging facts to present them in the light most favorable to a client is yet another skill. All these latter skills find no place in the curriculum. They can be learned only in the Ames Competition and the Drafting Competition.

Once mastered, these talents will be valuable professional assets. The "law" that one learns in classes is soon changed, sometimes overnight (as federal tax law was changed this summer). Good methods of research, and skill in writing legal documents retain their value.

Gallery

HARRY SHULMAN
Dean, Yale Law School



—Alburtus—Yale News Bureau

There is no "Yale system," according to Dean and Sterling Professor Harry Shulman of the Yale Law School. A recipient of two law degrees from Harvard, LL.B. 1926, S.J.D. 1927, and a Doctorate of Laws from Brown University in 1953, the Dean has been a member of the Yale Law School faculty since 1930.

"The term (Yale system) is probably a vague reference to a variety of things that have been done and may be done—it is certainly not a 'system.' Nor is it exclusive with Yale, nor imposed by Yale as an institution. Its operation depends largely on individual performance by members of the faculty.

What does this "performance" seek to accomplish? It attempts to supply an "emphasis." The emphasis is on the idea that the study of law should go beyond the reading and logical analysis of judicial opinion. It should seek wider understanding of the social conditions and the social needs with which the law deals, and it should also seek some better way to determine how the law operates in fact."

The Dean was careful to point out that this approach is certainly not limited to use at Yale, nor necessarily only to law schools. Some of our better judges have long since realized that what the court does is more than a mere mechanical application of known legal rules.

Expanded Concept

A consequence of this approach has not been to alter the curriculum at the Yale Law School to include "non-legal" courses. Rather, there has been a tendency to expand the concept of what a "legal" course is. Hence, in the Labor Relations course taught by Dean Shulman, neither actual cases nor legislation is studied. Students are interested in and participate in discussions of policy considerations and are then better prepared to assume their functions as advocates.

"If thought of in this way, we can see a variety of subjects where advocacy is a function even outside the realm of cases and legislation." Gen-

erally, the case method is still used and is considered a most essential tool. But in many contexts it is thought that mere reading of the cases fails to supply enough of an awareness of the complex influences involved in creating law.

On The Grading System

Before commenting on the grading system at Yale ("after my first year at Harvard Law I was sure I had flunked out"), Dean Shulman noted that of course no grading system is universally satisfactory. At present, Yale Law School employs a four-category grading system—excellent, good, satisfactory, and failure.

For some years the grading system at Yale was the same as is currently being used at Harvard, a point score being given for each course. The reasons for changing included all of the grievances that those advocates for change are using here. "Most of the faculty (at the Yale Law School) didn't have much confidence in differentiating between a 70 or 71 student, nor between a 76 or 77. There were those who claimed to be able to read an examination paper six times and give the same grade on each reading. But most of us felt otherwise. We considered grading to be a matter not lending itself to such fine lines."

Each grade is converted into a number, "excellent" = 3, "good" = 2, "satisfactory" = 1, and the total is averaged and the student ranked according to that average. The school does not disclose these rankings, however; students receive only their grades. The ranks are put to use to determine, for example, which students are eligible for the *Law Journal* and other honor positions. A student's rank might also, on request, be divulged to a prospective employer.

The change in the grading system did not bring about any noticeable slackening of interest or incentive. And the current grading system is not a current point of debate at the Yale Law School.

Labor Law

Dean Shulman started to "specialize" in the field of labor relations as a result of his work as reporter in 1937-39 for the American Law Institute's Restatement of the Law of Torts. It was his task to formulate that portion of the Restatement of Torts concerned with labor relations.

Since 1943 he has served as umpire for the Ford Motor Company and the United Auto Workers (C.I.O.), having settled disputes over as little as a single claim for 15 minutes of overtime pay or as much as a claim demanding lunch pay benefits involving over \$7,000,000.

In 1930, after having completed two years in private practice in New York City and having served a year's clerkship with Mr. Justice Brandeis of the Supreme Court of the United States, Dean Shulman started his career at Yale Law School as an instructor. He rose quickly to assistant, then associate, and finally full professor in 1937. He has been Sterling Professor of Law at Yale since 1940 and was appointed Dean of the Law School last September.

H. H. H.

Letters to the Editor

TO THE EDITOR:

I was intrigued to read on the front page of your issue of Feb. 3 that one Lloyd Paul Stryker, an eminent attorney, made a speech about trial practice to the unsuspecting students of the Law School. Apparently, this man whom you describe as "impressive" masqueraded with the aid of "a dark suit and vest" as the well loved dean of the New York trial bar. Luckily, the picture which you print with the article reveals the fraud that was perpetrated. The man you pictured does not look like Lloyd Paul Stryker at all. He has an oily smile, store teeth, and a shifty look in his eyes, which appear to be too closely set together. The real Lloyd Paul Stryker is a much better looking man.

While I must agree that the advice he gave the students, and which you report, seems unexceptionable, it is a matter of regret to one who is a friend of Lloyd Stryker's that you permit any one to masquerade in the precincts of the Law School in this fashion.

HARRIS B. STEINBERG, LL.B. '35

(Readers will note that the picture carried a credit line to the Harvard Crimson, from whom we obtained the cut. We have been busily attempting to determine of whom the picture could be; the description of the subject as having "an oily smile, store teeth, and a shifty look in his eyes, which appear to be too closely set together" has convinced us that the Crimson pulled a switch and sent us a cut of one of their editors. —Eds.)

Huzzle

Each word in the list below is the name of a "BHKVW" written in a substitution code, with a given symbol standing for the same letter of the alphabet throughout. When solved, the initial letters, read downward, will spell out the last names of two Harvard Law School faculty members. All of the coded words are of particular significance to the legal profession.

B E V B K E W
— — — — —
Q K T O V C O
— — — — —
A U U C S S A W C
— — — — —
P C O C V A S
— — — — —
C I K E W M
— — — — —
C Y B Q C I K C V
— — — — —
S A L
— — — — —
C V V H V
— — — — —
A U U C A S J
— — — — —
B V E G E T A S
— — — — —
Q H T H V
— — — — —

Recently Published

(The RECORD publishes below the first of a series planned to direct the attention of students and alumni to articles and books of recent publication which may be of interest. We wish to acknowledge our gratitude to the Harvard Law School Library for their co-operation in furnishing information. — Eds.)

Legal Profession In A People's Democracy

Eduard Taborsky, former Lecturer of International Law, Law School of Charles University, Prague; 28 Tulane L. Rev. 362 (1954).

Before World War II Czechoslovakian lawyers much resembled their Western European and American counterparts. Under Communist rule vast changes have taken place. All private law practice is prohibited by law. Most members of the old law faculties have been replaced. The new curriculum emphasizes a study of Communism and socialistic ownership. Commercial law courses and the attorney-client privilege have vanished. Legal education has deteriorated to the point where some judges, prosecutors, and attorneys are graduates of a one-year law course for select workers who have had no previous high school education.

The Role of Due Process In American Law

W. J. Brockelbank, Professor of Law, University of Idaho; 39 Corn. L.Q. 561 (1954).

The Constitution leaves it to the courts to assign precise meaning to such terms as just, equal, cruel, unusual, excessive, unreasonable, or due. No satisfactory standard has ever been found for the determination of due process. There is a stalemate unless it be recognized that the Supreme Court engages in direct and immediate legislation under the Due Process clause. The best practicable solution to the problem at present is judicial legislation in spite of objections that (a) it is unconstitutional, (b) the Court is in reality a second upper chamber, and (c) the legislation is enacted by fits and starts depending on the cases that arise.

Substitutes For Imprisonment

Will C. Turnbladh, Executive Director, National Probation and Parole Association; 293 Ann. Amer. Acad. Pol. and Soc. Sci. 112 (1954).

Our present probation system, with its national average case load of 250 offenders per probation officer, is not only ineffective but dangerous for society. Three-fourths of all newly convicted persons could profitably be put under probation if the average case load could be reduced to about 25 so that the officer could give each offender personal attention each week. Effective probation would be preferable to the present great waste of public funds for the imprisonment of people who could learn to live in the community if given prompt and effective help with their problems.

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ADMINISTRATIVE LAW

Hearing Examiner Status—A Recurrent Problem in Administrative Law. 30 IND. L.J. 86-106.

Study of the Significant Departures from the Administrative Procedure Act, as Found in the 1952 Amendments to the Communications Act of 1934. 23 U. of CIN. L. REV. 469-80.

ADMIRALTY

Pound, R., Comments on Recent Important Admiralty Cases. 14 NACCA L.J. 201-25.

CITIZENS & CITIZENSHIP

Zimmerman, G., Judicial versus Administrative Determination of Controverted Claims to United States Citizenship. 43 GEO. L.J. 19-51.

Barone, C., Dual Nationality: With Particular Reference to the Legal Status of the Italo-American. 23 FORD. L. REV. 243-95.

COMMERCIAL LAW

Duties and Liabilities of the Stock Transfer Agent under the Uniform Commercial Code. 103 U. OF PA. L. REV. 209-37.

COMMERCIAL POLICY

Randall, Clarence B., A FOREIGN ECONOMIC POLICY FOR THE UNITED STATES, University of Chicago Press, pp. 83 (1954).

CONFLICT OF LAWS

Full Faith and Credit Clause—Its Effect on Statutes of Limitations. 4 DUKE B.J. 71-84.

Briggs, E. W., "Renvoi" in the Succession to Tangibles: A False Issue Based on Faulty Analysis. 64 YALE L.J. 195-220.

Ehrenzweig, A. A., American Conflicts Law in Its Historical Perspective—Should the Restatement be "Continued"? 103 U. OF PA. L. REV. 133-56.

CONSTITUTIONAL LAW

Self-Incrimination—Witness—Loss of Employment by Asserting the Privilege Against Self-Incrimination—A Professor's Dilemma. 34 NEB. L. REV. 88-102.

Law's Presence Felt At Home Discloses Law Student's Wife

The following article was written for the RECORD by Mrs. Valerie Handler, wife of Alan Handler, 2L of Newark N.J.—Eds.)

Not too long ago a progressive law wife asked me to tell her what it was like to live in the law school community. My first reaction was to say that there was nothing different about being married to a law student, that it was just like being married to any other student. My second thoughts on this matter are contained below and represent, of course, only one wife's impressions of "law wifery".

When I tried to answer this girl's question my thoughts spun back to the days when I, too, was a fiancée and a visitor to the law school. As a prospective law wife, I deemed it my duty to attend some law school classes that I might better understand what my future husband was grumbling about. The first class I visited was Contracts.

Animal Lover

Professor McCurdy, doubtless a lover of animals, had just finished extolling the simple virtues of "Cow Bessie" and "Horse Dobbin". At the end of the hour Professor McCurdy looked to the rear of the room to answer the question of a young lady who had her hand raised. "Yes?" said he. Suddenly I realized that the class was looking at me and that the Professor was waiting expectantly for some recitation or last minute contribution. I must confess that I was quite flabbergasted since all I was doing (so I thought) was straightening my sleeve. The class was vastly amused, Professor McCurdy had a glint in his eye, and my fiancée with studied indifference pulled down my frozen arm. And I? Well, I would have settled for prompt "constructive" disappearance.

After I recovered from my embarrassment I was able to think calmly about the content of the lecture. I came to the conclusion that the warp and woof of law consisted of the objective manifestations of the subjective states of mind of Peter Pumpkin and Sam Shrewd in effectuating the sale of unconcerned equines and bovines ambling placidly over Black and White Acres.

Underestimated Law's Jealousy

This naive conception of the law gave way to somewhat more sophisticated notions as the year passed. My greatest error in judgment, however, was not that I oversimplified the law but that I had underestimated it. I had yet to learn that the law was a jealous and exacting mistress and could not be treated in a cavalier fashion.

Now, as the wife of a second-year law student I am much more realistic in my approach to the law. While law students may with an air of self-vindication ruefully agree with Dickens that "The law's a idiot, a ass," they don't dare believe it. But, a law wife might. For the most part a law wife can live amicably—if not affectionately—with her husband. However, the conventional marital relationship, conveniently built for two, often becomes overcrowded by the constant intrusions of that "brooding omnipresence", the law. Indeed, it is something like "Big Brother"—always looking over you.

Thus the thought often occurs to me that a wife can live easily and normally with her husband, but can she always live up to the law student in him? Can she always look intelligent, alert, and

eager to hear his recently acquired solutions to capital gains problems or his learned restatements of the laws governing the flow of natural gasses "among the several states" or the purpose of the Rule in Shelley's Case in the light of Jurisprudence?

1 a.m. Duties

Is it, I wonder, part of the duties of a law wife that she listen enthusiastically to her husband's 1 a.m. explanation of a problem which was the topic of conversation during supper? How meekly or submissively can she react to her husband's accusation that her indorsement of a check was in blank or conditional or restrictive or qualified or maybe all of these at one time? Is a law wife to feel contrite and inadequate for failing to read the Negotiable Instruments Law before she went blithely off to cash the weekly check?

LIFO Or FIFO?

And, query, whether she is not justified in feeling some exasperation when her husband insists on naming the plants that my mother gave her, "FIFO" and "LIFO"? These are some of the problems that a law wife may face and I grant that there are probably one hundred more of varying natures ranging from lack of legal tender to finding a reliable baby sitter on Saturday nights.

Those special problems and aspects of life which make being a law wife a different and unique experience are precisely the features which make it worthwhile and satisfying. Indeed, any woman with an open mind and a willingness to grow intellectually with her husband will find that being a law wife is a wonderful experience. I, for one, have enjoyed with my husband the ups and downs of his journey from *ferra natura* to *strictissimi juris*.

Alumni Notes

LL.B. '31—J. Jacques Stone and Marvin M. Notkins have formed a law partnership with Arthur Levitt, Controller Elect of the State of New York and Morton G. Rosenberg under the firm name of Levitt, Rosenberg, Stone & Notkins.

LL.B. '34—C. Alan Phillips is serving his second term as Chancellor of the New Jersey Society of the Sons of the American Revolution.

LL.B. '35—Carl F. Paul, Jr., Commander, USNR, has returned from a tour of duty in the Far East (which began in May 1953), as Staff Legal Officer to Commander Service Squadron three, and has reported for duty in the Office of the Judge Advocate General, Navy Department, Washington, D. C.

LL.B. '38—Sidney H. Willner, formerly Associate Solicitor of the Securities and Exchange Commission and Associate Director of its Public Utilities Division, Adviser to the U. S. High Commission on the Reorganization of the German Coal, Steel and Chemical Industries, Adviser to the U. S. Delegation to the European Coal and Steel Community, announces the establishment of his offices for the general practice of law including practice before the Federal Courts and the Agencies and Departments of the Federal Government. His office is located in Washington, D. C.

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Noted Shareholder Views Management

Lewis D. Gilbert, professional minority shareholder, delivered an address entitled "A New Look at Management-Shareholder Relations" at the Law School last Friday. He spoke before a joint meeting of Prof. Loss' seminar in Regulatory Aspects of Corporate Finance and Prof. Gower's in Problems of the Management-Shareholder Relationship. The meeting was held in the Roscoe Pound Room.

Mr. Gilbert opened his remarks with the question, "What makes good management-stockholder relations? With an ever greater number of proxy contests on the horizon, this subject has greater importance to the lawyer of tomorrow than ever before in corporation history." He then proceeded to examine the proxy statement of a corporation in which he is a stockholder and the annual meeting of which he recently attended.

Wants Meeting Place Changed

Among the Gilbert proposals urged at the meeting were changing the place of the annual meeting from Wilmington, Del., to a more accessible place and one where the company has more contacts, and ownership of shares in the corporation by directors to make them "partners in the enterprise" along with the other shareholders (Mr. Gilbert admitted that a man who does not own stock in the company is capable of managing it well, but asserted that he would be no less a good manager if he did own stock).

Also among his proposed changes were annual election of auditors by the shareholders and having their report addressed to the shareholders, the owners of the company, rather than to the board of directors; post-meeting reports adequately disclosing what transpired at the meetings; regional meetings for those who cannot travel to the annual meeting; and cumulative voting for directors.

Report Distributed

Members of the seminars had received copies of Gilbert's "Fifteenth Annual Report of Stockholder Activities at Corporation Meetings (1954)," a booklet of over 200 pages, in advance of his talk. These had been forwarded to Prof. Loss, whom Gilbert termed "the greatest exponent of SEC legislation in the public interest in America."

During the question period which followed his talk, Mr. Gilbert was questioned closely by seminar members about the various reforms he advocates and their underlying basis. His support of Louis Wolfson, currently enjoying notoriety in his battle to take control of Montgomery Ward, was also subjected to close scrutiny. Mr. Gilbert said he judged men by their present conduct and proposals for the future, not by their past mistakes.

Hardee Here Tomorrow

The two seminars will meet in joint session again tomorrow to hear Covington Hardee, sometime Professor of Law at Harvard, discuss the New York Central proxy battle. On Feb. 28 the two groups will again join ranks to tour the New York Stock Exchange.

Bressler Selecting Temporary Committee To Organize Class Of '55, Hold Elections

Members of the 1955 Temporary Class Committee are being selected this week by Martin Bressler, 3L of Roosevelt, N. J., chairman of the Law School Committee of Phillips Brooks House. The committee will draft the organization for the class of 1955 and will supervise the nomination and election of officers of the class.

Members Not Revealed

Bressler was reluctant to reveal the names of committee members whom he has already selected, but he did discuss the basis for his selections. There will be seven third-year students on the committee. Bressler himself is the chairman. The other six members will be representative of various Law School organizations and groupings.

Members of the committee, it is understood, will agree not to seek class offices in this spring's elections. The purpose of this restriction, Bressler reports, is to permit all member of the temporary committee to watch the polls and to count ballots. Committee members who were also candidates for office would have to be disqualified, in Bressler's view.

Former Plans Outlined

The organization of the Classes of 1953 and 1954 was attacked by some members of the present, on the grounds that the governing body could become self-appointive. Under the 1953 and 1954 plans, which were almost identical, the class is governed by an executive council of seven members who serve for nine-year terms. Three of the members are appointed by the class officers and elected members of the council. From then on, the council retains its composition of four elected members and three appointed ones. The council also nominates the candidates for council membership.

Under the constitutions of the last two classes, the officers were a secretary, a treasurer, and a marshal. The marshal's duties are almost exclusively ceremonial.

BRAUCHER

(Continued from page one)

In the welfare area, the Democrats are not going to oppose openly the President's program, but will try to block it, he stated.

In the final area of internal government housekeeping he predicted there would be little conflict ahead. Though the Bricker amendment is still alive, it is, for all practical purposes, a dead issue. The public seems tired of security investigations, and little activity is foreseen in this field. "McCarthy-ism is a Was'm."

On the whole, the speaker looked for a more decisive hand by the Administration. The Eisenhower team has become better acquainted with their tasks, and will proceed with more confidence.

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SHULMAN

(Continued from page one)

law to resolve a difficulty, and also to show the heavy responsibility on the arbitrator.

Because today employees bargain for more than their wages, an object of the bargaining process is to reach agreement on standards and to avoid the necessity for ad hoc decisions. But the generality of standards makes it impossible to eliminate areas of discretion in the day-to-day administration of the agreement. In addition to the exercise of discretion in the application of standards, there may be areas where discretion will have to be exercised to determine what or whether standards are provided by the agreement.

Where the agreement is silent, is the agreement a grant of limited power to the employer or is it a set of restrictions on otherwise unlimited power? Can the employer discipline as he wishes except as restricted by the agreement, or can he discipline only as stated by the agreement?

Arbitrator's Functions

Believing that a clear conception of the arbitrator's function is essential to the success of our private law collective bargaining, Dean Shulman sketched him as one who must perform to both parties' satisfaction, be more active in reaching decisions than the trial judge, since he must encourage the parties to supply him with all the relevant information, and must consider the effect on the continuing relationship of the parties.

Most significant is the opinion he writes which accompanies the award. Despite some claims that the opinion results in rigidity, Dean Shulman indicated that guidance for the future as well as solving the particular problem is part of the arbitrator's function. But one great danger of arbitration is deciding "too much too early," just as it is in constitutional law.

Without suggesting that the arbitrator under the agreement should usurp the function of either management or the union by going outside the agreement, Dean Shulman did suggest that the arbitrator by a skillful and judicious threat to go further into the twilight areas of the agreement might be able to bring effective pressure on both sides to negotiate settlements of some of the almost impossible problems set out above rather than denying jurisdiction because the dispute is not squarely within the agreement.

Independents Lead Basketball League

The Law School basketball season approached the halfway mark last week, with teams in two leagues battling for league honors and playoff berths.

In the "A" League, the Independents have forged into a commanding lead, reaching mid-season with a 4-0 record. In recent games they have dumped the Harvard Medical School 85-50 and trounced the Ajax's 64-39. Fred Anson scored 25 points against the Medical School and Odie Scruggs countered with 23 markers against the Ajax quintet. Another strong contender in the "A" League are the Chancery Reds, who have a 2-0 record and recently crushed the Clowns 69-40. High scorers in this aggregation are Dick Beresford, 3L of Denver, and Alexander Ross, 3L of Ridgewood, N. J. The Independents and Chancery Reds clash on March 10, the last day of the regular season, with the Independents favored.

The Testators loom as the strongest contender in the "B" League, with a 3-0 slate. They handed the Interpleaders their only loss in a 74-38 game. Currently leading the league are the Rangers, who have taken four for four although they have yet to play the Testators or Interpleaders. These three teams are expected to battle it out for the top position, the Chancery Tigers being a possible dark horse.

'Governor's Cup' Playoffs

At the end of the regular season the four leaders in each league will tangle to determine the league championship. The season has been running since shortly before Christmas but was suspended before exams. Games are held three nights weekly at Hemenway Gym.

The leagues were organized through the Law School Committee of Phillips Brooks House. Commissioner of the Law School Basketball League is Alexander L. Ross, 3L of Ridgewood, N. J.

AMES PRIZES

(Continued from page one)

Prizes for the best briefs and oral arguments in both years will be books donated by the West Publishing Company. Members of the Choate Club and the writer of the second best brief in first year will receive credits with the book department of the Coop.

DE SAPIO

(Continued from page one)

considered in choosing a candidate. Mr. DeSapio is the present leader of Tammany Hall, the New York County Democratic organization.

Mr. Benton, an early critic of Senator Joseph R. McCarthy (R-Wis.), will



Carmine De Sapio

devote his attention to the different standards of conduct expected of politicians.

A dinner for the speakers and the Forum executive board will be held at 6 p. m. at the Faculty Club.

Tickets of the Forum are being sold in Harkness, and will be sold at the door to Sanders Theatre.

Scholarships

Scholarships for the next academic year, granted by the Committee on General Scholarships at the University, will be awarded in March. Law students eligible for these General Scholarships must file applications with the Financial Aids Office by Feb. 20.

The scholarships available are described on pages 104-110 of the current Law School catalogue.

Capp Picks Beauty

"I'm a Pogo fan," confessed Al Capp, famed creator of the comic strip "L'il Abner," at the mid-winter formal dance in Harkness last Saturday night. Capp's glib comments capped the highlight of the evening, a beauty contest in which Mr. Capp crowned as Queen of the Ball Miss Sydney Stoller of Brighton. Miss Stoller, attractive 21-year-old brunette, was the date of Gerald Gura, 3L of Floral Park, N. Y.

Several hundred couples from the Law School and the Graduate School of Arts and Sciences attended the event, which featured music by Bob Adams' orchestras on two levels of Harkness. St. Valentine's Day provided the motif for the colorful decorations. Parietal rules were extended until 1 a. m. to permit Cupid to proceed at a somewhat more leisurely pace.

NEWS IN BRIEF**BARRISTERS**

At the annual election for 1955-56, the Harvard Student Bar Association on Feb. 9 elected the following officers: Benjamin R. Wolman, 2L of Baltimore, President; Charles T. Albert, 2L of Fallston, Md., Vice-President; Sidney A. Stutz, 1L from Urbana, Ill., Secretary, and Paul A. Kennedy, 1L of Westbury, N.Y., Treasurer.

COCKTAIL PARTY

The Harvard Law Wives will hold a cocktail party Saturday, Feb. 10, from 5 to 7 p. m. in Harkness Commons. The faculty and their wives are invited.

The Law Wives will hold their bridge and canasta night at 8 p. m. Wednesday, Feb. 23, in the Wheeler Room.

SURREY TO RETURN FEB. 22

Mr. Surrey is recovering from a cold and will be back in his office on Feb. 22. He left the hospital last Sunday, according to his secretary, Mrs. Florence Littlefield.

HEMENWAY GYMNASIUM

The gym will now be open for law students from 5 p. m. to 6:30 p. m. Monday through Friday, whereas previously law students only had access to the gym on weekdays from 6 to 6:30 p. m.

The rest of the schedule remains the same as previously announced, with the gym remaining open till 9 p. m. on Tuesday, Wednesday, and Thursday evenings for the intra-mural basketball leagues.

AUTOMOBILES

All students who have put new license plates on their cars should come to the police office in William James Hall to give their name and new license number, it has been announced by the University Police.

LAUNDRY ROOM

From midnight to 8 a. m. the washing machine room in the basement of Richards Hall is closed, according to the University Police and Vice Dean Livingston Hall. The officials have ordered the room locked after midnight to prevent further vandalism and thefts from coin boxes of the machines.

Expert On Utilities Talks Here Today

Mr. Charles Gates will address the Bull & Bear Club this afternoon at 1:40 p. m. in the Wheeler Room of Holmes Hall. Mr. Gates, who is manager of the public utilities investments of the New England Mutual Life Insurance Company, will speak on "Public Utility Stocks as an Investment." He was with the Public Utilities Division of the Securities and Exchange Commission for eight years before joining New England Mutual.

Contest Prizes

At this meeting Club members will vote on prizes to be awarded in connection with Bull & Bear's investment contest. The contest, which began last October, will terminate this April. A tabulation of present standings prepared by Charles L. Convis, 2L of Lansford, N.D., contest manager, appears in the current issue of *Ticker-Tape*, the Club's publication.

Bar Results Given For N. Y. And Pa.

Harvard Law School graduates have achieved a percentage of success on the Pennsylvania bar examination which ranks the school first among all those represented in the July 1954 test 22 of the 27 Harvard applicants passed the examination, for a record of 81.48 per cent, Dean Erwin N. Griswold reported.

The June 1954 New York bar examination proved a more formidable obstacle. Although 75 per cent of the Harvard applicants were successful on the substantive part of the test, placing the Law School second highest among six schools represented by more than 100 applicants, the results of the adjective section cut that percentage to 61, placing Harvard fifth among those six schools in the latter category.

Stevenson Visits

Adlai E. Stevenson, '25, Governor of Illinois, visited the School Saturday, and attended Prof. W. Barton Leach's first-year property class. In the absence of Prof. Leach, Teaching Fellow Donald C. Osmond, LL.B. '52, conducted the course.

Mr. Stevenson was visiting his son, Adlai E. Stevenson III, 1L of Chicago.

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