

Harvard Law School Record



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Schlesinger Claims:

GOP Conceals Its Real Views

"The Democratic party must seek points of difference between itself and the Republican party if it is to win the 1956 elections," Arthur M. Schlesinger, Jr., told the Harvard Law School Young Democrats last Wednesday.

Professor Schlesinger, Pulitzer-prize winning author and professor of history at Harvard University, called on the Democrats to rescue themselves from the "Eisenhower bearhug" which he saw as the new strategy of the Republican high command.

Realizing that they are a minority party in America because they do not support the interests of the majority of the people, the Republican leadership has hidden behind the mantle of General Eisenhower, Professor Schlesinger said. In so doing, they seek to obscure the issues which actually differentiate them from the Democrats, he added.

The Senate Democratic leadership has played into the hands of these Republican strategists, Professor Schlesinger maintained. Senator Walter F. George (D., Ga.), chairman of the Senate Foreign Relations Committee, was termed "under the influence of Secretary Dulles and the State Department." Senator George mustered Democratic support for President Eisenhower's resolution calling for United States military support of the Chiang Kai-Shek regime in its defense of islands off the coast of China.

Professor Schlesinger also criticized Senator George for supporting the "mutual defense treaty" between the United States and Chiang Kai-Shek. This treaty is said to recognize legally for the first time that Taiwan is legally part of China. This means that to Great Britain and other countries who have recognized the Chinese Communist government, the conflict over Taiwan is actually a civil war, among two rival Chinese regimes.

Although Professor Schlesinger saw little chance for the Democrats to differ with Republicans in foreign policy, he urged the new majority to adopt domestic programs which President Eisenhower would be forced to approve or veto.

The bill sponsored by Senator Lister H. Hill (D., Ala.) was termed by Professor Schlesinger as more adequate than President Eisenhower's aid-to-edu-

(See SCHLESINGER on page four)

MORGAN ROOM



Law School Room Gets A New Name

On recommendation of the Faculty, the Harvard Corporation has voted to name the practice courtroom on the third floor of Austin Hall the Edmund M. Morgan Room.

Professor Morgan was graduated from the Law School in 1903. After teaching at Minnesota Law School and at Yale, he was a member of the Faculty at Harvard Law School from 1925 to 1950, and was acting dean in 1937-38 and from 1942 to 1945. Since retiring from Harvard, he has been actively teaching as a member of the Faculty at the Vanderbilt University Law School, Nashville, Tenn., where he is now Frank C. Rand Professor of Law.

Professor Morgan served as reporter for the Model Code of Evidence of the

(See MORGAN on page four)



Edmund M. Morgan

Head Of SEC Will Give Talk

Ralph H. Demmler, chairman of the Securities and Exchange Commission has accepted an invitation from the Bull & Bear Club to speak here on March 14. As yet, Mr. Demmler's topic has not been announced; probably he will speak on the work of the SEC.

Mr. Charles Gates, manager of public utility investments for New England Mutual Life Insurance Company addressed the Bull & Bear Club on Feb. 17 on "Public Utilities As An Investment." Mr. Gates was with the public utilities division of the Securities and Exchange Commission for eight years before joining New England Mutual, with which he has been associated for nine years.

To give a rough indication of the magnitude of the public utility industry, Mr. Gates began his talk by comparing the industry with General Motors Corp. GM's sales last year were half again as large as the utilities' while the latter's plant account is almost nine times as large as GM's. Utility earnings available for dividends are up 40 per cent; GM's are up 300 per cent.

The primary characteristic of the utility industry is that it is a regulated one. The extent and fairness of regulation are the first matters considered by prospective investors. And while utilities are typically monopolies, there is to some extent competition among them, as between electricity and gas for some purposes.

Regulation is primarily in the hands of the states, the SEC exercising direct control only over some half dozen operating companies. The degree of regulation of course varies among the states.

Contest Standings

Standings in the Club's \$50,000 Investment Contest were tabulated for the last meeting. Entrants began with the above sum in cash in October, and the contest will end in April. Presently in first place with a portfolio valued at \$70,709.75 is Charles T. Albert, 2L of Fallston, Md. The next four highest are William Gaillard, 2L of Scarsdale, N.Y.; Paul F. Glenn, 3L of Sharon, Pa.; Richard B. Treanor, 2L of Jamaica Plain, and Walton O. Schallick, 3L of Salem, N. J.

On March 2 the Club will tour the Boston Stock Exchange. Arrangements are in charge of Robert A. Belmont, 3L of Belmont, First Vice President of the Club.

Professorship Is Named After Henry L. Stimson

Two new professorships in the field of international legal studies will be established by the Law School with \$800,000 of the recent Ford Foundation grant.

The Harvard Corporation has voted to name one of the new posts the Henry L. Stimson Professorship of Law, in honor of Henry L. Stimson, sp. '88-'90, the late Secretary of War in Franklin D. Roosevelt's cabinet.

Mr. Stimson was Secretary of War under President Taft from 1911 to 1913, Governor-General of the Philippine Islands from 1928 to 1929, Secretary of State during the whole term of President Hoover, and Secretary of War from 1940 through most of 1945 under Presidents Roosevelt and Truman. Stimson's appointment by Roosevelt, together with the simultaneous appointment of Frank Knox to head the Navy Department, came as a great surprise to the general public, since both men had been lifelong Republicans. Official party circles found the appointments very hard to stomach.

COFFEE HOUR TODAY

John Carter Vincent, former Foreign Service officer, will speak at the Coffee Hour this afternoon at 1:30 in the large Harkness meeting room. His topic will be related to the Asian situation.

First Judges Named For Quarter-finals

Monroe Freedman, LL.B. '54, has released a partial list of judges for quarter-final Ames arguments.

All the judges for the first argument have been named: they are Judge Lewis Goldberg, LL.B. '18, of the Massachusetts Superior Court, Francis J. Vaas, LL.B. '48, a Boston labor-law expert, and Samuel S. Dennis 3d, also a Boston attorney. The court will hear argument on a case that raises issues of free speech in labor picketing, and of possible federal pre-emption of certain areas of labor law. The argument will be March 24.

Mr. Vaas' firm is Ropes, Gray, Best, Coolidge & Rugg. Mr. Dennis is associated with Hale & Dorr.

Judge Kalodner Is C.J.

The second quarter-final argument will be held on March 24. So far, two persons have accepted invitations to judge this event: Judge Harry E. Kalodner, LL.B. University of Pennsylvania '17, will be the Chief Judge, and Harry Kisloff, LL.B. '31, will be an associate judge. Judge Kalodner is a member of the United States Court of Appeals for the Third Circuit. Kisloff is a proctor in admiralty in Boston. The case will involve admiralty issues.

Frank L. Kozol, LL.B. '27, has accepted an invitation to judge the argument on March 29. Mr. Kozol is a member of the Boston firm of Friedman, (See AMES on page three)

Justice Clark Will Be C. J. At Ames Final

Associate Justice Tom C. Clark of the Supreme Court of the United States has accepted an invitation to preside at the Ames Competition final argument this spring, according to Monroe Freedman, LL.B. '54, who is Faculty Assistant in Charge of the Ames Competition.

Other members of the Ames court have not yet been finally determined, Mr. Freedman's announcement said.

The final Ames argument will be held on April 13 in the James Barr Ames Courtroom. The Jaffe Club and the Baker-Smith Equity Club oralists will meet in the last stage of the final round of the Competition. Facts for the argument will be issued to the two clubs on Monday.

While no official word has been received yet, it is probable that the oralists for the Baker-Smith Equity Club will be Irwin Kimmelman, 3L of Newark, N.J. and Marvin Sachs, 3L of Bayonne, N.J. Jaffe Club is expected to depend again on John Stoner, 3L of Bloomington, Ind., and Alan Trustman, 3L of Brookline.

If these oralists argue, the following students will be of counsel on the brief for the Jaffe Club: John B. Hook of Los Angeles, William N. Jenkins of San Diego, Calif., Curtis M. Karplus of New York City, Andreas F. Lowenfeld from New York City, Richard M. Sandler of Verona, N.J., and John Wood, Bloomington, Ind.

On the brief for the Baker-Smith Equity Club will be Leslie M. Geller of Paterson, N.J., Daniel A. Jenks, Jr., of Holyoke, Kenneth J. Kirchner from New Rochelle, N.Y., Paul R. Puerner of Wauwatosa, Wis., and Edwin S. Shapiro from New York City.

Politicians Endorse Morality, Recommend A Fair-Play Code

Sanders Theatre virtually reeked morality last Friday night as the Harvard Law School Forum offered its fourth presentation of the year. The topic was "Ethics in Politics." There were many areas of general agreement among the speakers but most welcome was the fact that they were unanimous in their refusal to support corruption, crime, and slander in politics.

Present on the stage were two politically prominent members of the new New York State administration—Carmine G. De Sapio, Secretary of State, and Jacob K. Javits, Attorney General—and one "temporarily deceased" politician—William Benton, ex-Senator from Connecticut.

The speakers' apparent harmony temporarily dismayed Associate Dean David F. Cavers, the moderator of the panel, since it promised to provide him with little opportunity to "moderate." He managed to keep himself occupied, though, by keeping score of the frequent "compliments" extended by Mr. De Sapio and Mr. Javits to each other's political environment.

Mr. De Sapio devoted part of his talk to a vigorous defense of his home town political organization, Tammany Hall. He graciously acknowledged the somewhat unsavory past that is attributed to Tammany. But he fervently defended the present organization as democratic, progressive, and dynamically sensitive to the needs of the party's registered voters. It has provided many social needs in the past, Mr. De Sapio asserted, and has continually retained

its "social conscience," a requirement for every political party, and its ability to "adjust to the changing times—especially if those times change as a result of that party's constructive program." Among the proposals that Mr. De Sapio offered by which Tammany Hall (he prefers to call it by its true name, the New York County Democratic Organization) will continue to grow and change, are the "reduction of the size of the county committees . . . direct election of district leaders, permanent personal registration, and, in general, such revision of the election law as to make it easier for insurgents to seek positions of party leadership."

Mr. De Sapio pointed out that Tammany has utilized public opinion samples in selecting candidates. The simple truth of his political philosophy is that "if the people select our candidates, they will elect our candidates." These polls are most valid for the head of the ticket only. The remainder of the ticket must be balanced. A balanced ticket is a "great democratic achievement because it gives opportunities to all areas of our society to be represented by peoples of their own backgrounds who best understand their respective problems and needs." Thus the balanced ticket will contain names from all geographic areas, women, negroes, and youth.

Attorney General Javits was most impressed by the gravity of making corruption a partisan problem. The greatest vice to beware is the charge that the corruption all belongs to the other (See JAVITS on page three)

Securities Regulations Study Publishes An Interim Report

The study of state securities regulations, conducted by the Law School under the direction of Prof. Louis Loss, has published its interim report in the January 1955 edition of *The Business Lawyer*. The study is supported by a grant from the Merrill Foundation for the Advancement of Financial Knowledge, Inc.

In order to assure "a constant note of realism," an Advisory Committee, which held its first meeting on April 30, 1954, was appointed from among federal and state regulatory authorities, the securities industry, and the bar. Work was begun on a detailed breakdown of the existing acts in July of 1954. Definitive categorization or classification of existing acts was deferred until the completion of this breakdown, which required over seven man-months and was finished in January 1955.

Professor Loss has been assisted by

Edward M. Cowett, LL.B. '54, who was appointed Research Associate in Law by the University to devote his full time to the study for one year beginning July 1, 1954. Some work has also been done on the project by Dennis H. Greenwald, LL.B. '54, and a number of third-year students who have been employed as part-time research assistants.

As announced in February 1954, the study planned to consider five major problems: (1) the operation of present legislation, (2) the extent to which present systems unduly burden interstate business in securities and industry generally, (3) those particular aspects of

(See STUDY on page three)

HOLIDAY DELAY

The RECORD appears on Friday this week instead of Thursday because of the holiday on Washington's Birthday.

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Entered as second-class matter November 19, 1946 at the post office in Boston, Massachusetts, under the Act of March 3, 1879.

Self-Incrimination

The Constitutional right which prevents an American from being compelled to testify against himself is now under fire in Massachusetts. A series of bills have been introduced into the Legislature by Rep. Charles Iannello (D., Boston) which would withdraw the charter of any college employing "Communists or Communist sympathizers." The bills go on to define a Communist sympathizer as any one who invokes the Fifth Amendment when questioned by an official body about his political beliefs or his membership in the Communist Party.

This is a dangerous piece of legislation. It confuses dissent with disloyalty, equates ill-defined Communist sympathy with professional incompetence.

There is no assurance that those who maintain silence are Communists. The proposed legislation indulges in the assumption that silence means guilt, and punishes the school for its employee's supposed guilt.

We have often been told that Communism is an atheistic Godless alien ideology. It is said to represent tyranny over the mind of man, and to deny its subjects freedom of speech and opinion. None of us would like to live in a Communist state, because we value our American heritage of freedoms, which are expressed cogently in the Bill of Rights. These Rights, as Rep. Iannello should know, comprise the first 10 amendments to the Constitution of the United States.

These rights include freedom of speech and of religion, trial by jury and protection against unreasonable searches and seizures. They also protect Americans from being forced to testify against themselves.

In attempting to safeguard the Commonwealth of Massachusetts from the perils of subversion, Rep. Iannello is practicing his own kind of subversion, subversion of the Bill of Rights.

While the Record does not necessarily approve or disapprove of any teacher's use of the Fifth Amendment, he certainly has a right to make use of it he so desires, and he has corollary right to be immune from any sort of coercion by the State as to his decision to rely upon his Constitutional rights.

This bill is an attempt to force universities to discharge their faculty members if they offend the legislature or one of its committees. Although today Communism is the ideology under attack, tomorrow it might be Catholicism.

Who can dare say how the powers granted by this bill will be administered? What great universities may lose their charters because of their refusal to dismiss from their faculties men who invoke their Constitutional privileges? And what does a privilege mean if there is a penalty involved in using it, and if this penalty is almost as harsh as the penalty that would result if the privilege were not invoked?

The Iannello bill represents the perversion of a privilege. To its author, the Record is sending a copy of Dean Erwin N. Griswold's book, "The Fifth Amendment Today." To the Massachusetts legislature, we advise unsympathetic consideration of legislation such as this.

Gallery

ROBERT W. BAKER

Dean

University of Tasmania Law School

A frequent visitor in the classroom during the past six weeks has been Dean Robert W. Baker of the University of Tasmania Law School. Dean Baker is spending three of his five months in the United States under a Carnegie Foundation grant at Harvard Law School before making shorter visits to other law schools.

"I felt it was important to get a real feel of one institution," the fair-haired Australian explained. Consequently, he has been attending classes of all courses, concentrating on those where his particular interests lie.

"My two main impressions have been the success of the Socratic method here and the high caliber of both teachers and students," he commented, pointing out that in his estimation the success was dependent in large measure on the caliber of personnel. "The Socratic method of teaching, which to my mind is the basic way, is extremely well done here and particularly suitable for large classes. Provided that you have the caliber of teachers and students you have here, this method is obviously the best, since it achieves what it is supposed to achieve making the student think for himself."

Contrasting the Australian methods, Dean Baker explained that the lecture method predominates by necessity, since there are no casebooks. "Consequently, there is a tendency for students, especially in the larger law schools, to accept what the professor says without question." At smaller institutions, such as the law school at the University of Tasmania, the system is theoretically lectures, but the smaller classes offer far more opportunity for questions.

"Every visitor from Australia has gone back with the intention of borrowing at least some of the methods and approaches of Harvard and other American law schools," he said.

Referring to the abilities of the students, particularly to the ability to express ideas, Dean Baker cited selective admission, and the greater average as seemingly significant. In Australia, all students who successfully pass a matriculation examination at the end of high school are eligible to enter law school immediately. The course is five years, and includes four liberal arts courses. The first two years are compulsorily full time and the last three perhaps in conjunction with an apprenticeship with a law firm. An LL.B. is sufficient qualification for admittance to the bar, there being no bar examinations.

"The normal age of admittance, consequently," Dean Baker said, "is 22. Compulsory military service is limited to three months, a political compromise due to a strong public antipathy to compulsory training."

The visiting Australian commented favorably on two other aspects of the Law School. One was the international character of the student body, with students coming from all over the world. He also felt that the fact that many professors have been in practice and are encouraged to continue practical work was a highly desirable characteristic. This is contrary to Australian custom: there, teachers do not practice.

Graduating from the University of Tasmania Law School in 1938, Dean Baker attended Oxford as a Rhodes Scholar the following year. Returning to Australia ("Studying law didn't seem very useful in August 1940"), he joined the Royal Australian Navy and served over four years, primarily in the Pacific area. After the war he went back to Oxford, earning his Bachelor of Civil Law degree in 1946. Although the work is primarily in the common law, the name of the

degree survives as an historical anachronism from Oxford's ecclesiastical foundation.

In 1947 he completed his work for the Bachelor of Letters degree with a thesis on the hearsay rule and returned to Australia to replace Dean Kenneth Shatwell as Dean of the University of Tasmania Law School. Dean Shatwell, now also at Harvard on a Carnegie grant, had left to become Dean of the Law School in Sidney, Australia.

Following his visit to Harvard, Dean Baker will spend two months journeying to other law schools in the United States and another month at law schools in Canada. He will leave the end of May for England, there to attend a series of meetings and colloquia. Included is a colloquium on comparative law for which he is preparing a paper on comparative aspects of confessions and evidence illegally obtained.

An enthusiastic tennis player and fan, Dean Baker was one-time captain of the Oxford Tennis team. He since has turned his attention to court or royal tennis, a variation of tennis which finds some favor in Australia, England and the United States. He previously held the Australian championship. His wife, who with their young daughter has accompanied him on his trip, was a ranking tennis player.

Off the Record

LITTLE KNOWN CAUSES OF ACTION

1504. Action of Distrust. The common law action of distrust can be maintained against a settlor by a trustee entrusted with a trust res dangerous to the life or limb of the trustee. Very early it was held that a feoffee to uses who was buried for two days in quicksand was entitled to recover from the feoffor of the land. *Jameson v. Throckmorton* (1099). In more recent times the scope of the action has been broadened to include recovery for any distressing, obnoxious, or inconvenient trust res. *Jones, Untrustworthy Trusts*, sec. 616. Thus, a trustee entrusted with a skunk can recover from the settlor who falsely represented the animal to have been deodorized. *Marshall v. Stenchan* (1862). And a trustee required to wind daily 1333 clocks held in trust for 10 years recovered damages for the partial loss of use of his hands. *Wood v. Stone* (1909).

1505. Assumption of the risk is a defense to the action of distrust according to the best authorities. 4 *Callstone's Commentaries* 755. But in *Marbury's Estate v. Madison*, 417 App. Cas. 112 (1828), Judge Erudite Foote adopted a contrary rule: "It is undoubtedly true that the settlor entrusted the cookies, that the trustee ate the cookies and died therefrom. The law must sweep aside the subtle quiddities to which we have so long been accustomed on this bench. Substantial justice must be done. Therefore, we hold that assumption of the risk is sufficiently offset by the countervailing policy of consumption of the risk to permit recovery by the unfortunate trustee's estate."

1506. The only other defense to this cause of action is the equitable dissipation of the cause of action itself. A recent decision held that a hydrogen bomb entrusted with the deceased corporality exploded with such swiftness that the deceased's cause of action evaporated before it accrued, leaving not so much as a *scintilla juris* upon which recovery could be based. *In re Bikini Institute*, 13 Odd Rep. 777 (1952), cert. den. 77 Oddest Rep. 455 (1953). But for a contrary result in which a *scintilla juris* did remain after a gunpowder explosion, see *Scott's Executor v. Faust*, 650 App. Cas. 226 (1954).

Sub Judice

ASHLEY v. CHINDELL
12 K.C. 427

This is an appeal from a motion on demurrer to counts 7, 8, 11, 12 and 13 of the complaint brought in a joint action for repartition. The facts of the case are sufficiently given in the opinion below.

PARKER, J.: There is sufficient evidence appertaining to the delivery at the premises during the month of June of the goods averred to in the bill in the first action brought. Equity will not allow a disclaimer unless in pursuit of an agreement. The plaintiff in this case appeared to be normally engaged in the trade for profit. We are not concerned with the averments as to the bill of exchange, for that would transcend the defendant's demurrer. Even if this were not the case, a court of Chancery cannot be seen with one hand to recognize the very privity which would bar recovery as aiding a volunteer with the other. *Ashley v. Chindell*, 12 K.C. 427.

We are not concerned with allegations of fraud, for though the bill may have been tainted with dubious practices and the transaction steeped in fraud, it ill lies in the mouth of the plaintiff to assert matters having as their origin the very same transaction on which plaintiff depends in his defense to the demurrer. True, no defense is required, but that is all the more reason to deny the plea. The cases are too numerous to mention holding that a bailor for hire in disposing of the consigned goods must first obtain a release from the consignee.

Although plaintiff here approached consignee's agent, the law, unlike equity, does not delight to apportion by halves. And there is good reason for this. If a common carrier bring goods into a city without having first secured authority to transfer, sell or otherwise alter, any buyer is not only at his mercy, but will be denied even the right of counterclaim. There are numerous instances in the books where land put up at a sheriff's sale might properly be sold and no writ attach.

It is commonly understood in such cases that no privity exists. It is not so with equity, but that is no answer. Equity follows the law, but the reverse is not so. Defendant argues that plaintiff was a volunteer. While it may be true that vendors are free to volunteer their services as common carriers and vendees to accept, this case is concerned with a buyer and seller. The suit does not attach to the land.

Defendant has advanced interesting arguments regarding the rights of a broker to withhold such amounts from a transaction as will affect the purchase price without altering the cost basis. While these are not completely novel, in fact, they incorporate most of the reasoning advanced by this court last term in the case of *Liverpool Barges Act*, yet they would so serve to overthrow the contentions of the plaintiff which we have already decided to uphold on other grounds, we must decline from further considerations of them.

There but remains the mere defense of the statute of limitations. Although this is not, strictly speaking, a suit in equity, there are such manifestations appealing to the conscience of the chancellor in the defendant's brief, as to make it inherently unjust not to apply certain doctrines of equity here as the case may arise. Since this arises at the instance of the defendant, it ill behooves him to protest the application of equitable principles only to his disadvantage and none to his benefit.

Plaintiff suffered severe head injuries, several broken limbs, various bruises and contusions as well as internal hemorrhage. The plaintiff was suffered to walk away from the scene without offer of aid. This not only aggravates the matter, but destroys all notions of privity. Defendant's evidence was properly rejected. A sufficiently intelligible view of the affair could be adduced by the court without the addition of conflicting testimony.

The chancellor properly rejected the notion that the landlord had prior rights in the assignment. Although this is a clear case of fraud, plaintiff cannot be estopped if the writ were notarized.

JUDGMENT FOR PLAINTIFF REVERSED, CAUSE REMANDED FOR INDEFINITE STAY, MOTION GRANTED.

PUZZLE SOLUTION

CIRCUIT
HUNDRED
APPELLATE
FEDERAL
EQUITY
EXCHEQUER
LAW
ERROR
APPEALS
CRIMINAL
HONOR



Langdell Receptionist And 70 Other Secretaries Really Run Law School

Mrs. Richard C. Hoffman, the Law School's multi-purpose functionary, better known as "the receptionist in Langdell Hall," views her approaching departure with some measure of regret. Her employment will end when her husband, a third-year student, graduates in June. Mrs. Hoffman began her association with the School as a student wife who poured tea at faculty functions, and following an interruption for her husband's military career, re-joined the secretarial staff in her present capacity two years ago.

Since that day, she has, in addition to offering aid to the many faculty secretaries in Langdell when she has any free time, served as the Law School's guide to both faculty and students. Among her more regular duties are obtaining veterans' signatures on the proper forms each month, re-addressing mail to students whose only specified location is "Harvard Law School" (only the really elusive must seek their mail in the Library boxes), distributing information on the bar requirements of the various states.

Other of Mrs. Hoffman's functions are to guide students to seminar rooms "even third-year men"—and to inform hungry faculty members of the current menus at Harkness Commons. And there is always the intrigue involved in informing inquisitive women of the time and place of a tea dance, or perhaps the class schedule of an elusive beau.

In addition to the variety of requests for aid and information handled by the receptionist, the job offers the attractions of "never knowing who will walk in through those doors next," as did Dean Acheson the other day. Dealing with many people on many missions is but one of the attractions of Mrs. Hoffman's position, and which make it one "I will miss when we leave in June."

Although Mrs. Hoffman is perhaps the member of the secretarial staff who is best known to the students, she is one of more than 70 secretaries who are in their present positions through the efforts of Miss Mary Conlan. Through Miss Conlan's office are filled the secretarial positions for nearly all of the Law School offices, from Langdell to Hastings' basement and Gannett House.

A majority of the staff are faculty secretaries, and many of them are wives of law students. Some few of the feminine staff are in semi-administrative positions, however, such as those in the offices of Messrs. Cavers and Hall. Most are caught in the web of stencil-typing for the storms of mimeographed materials which emerge from the professors' offices, and typing books and treatises in embryo, which constitute the routine of the faculty-secretary. Each secretary ordinarily handles the work for two faculty members, according to Miss Conlan.

Miss Conlan was quick to indicate her preference for filling the School's secretarial openings with law wives. "They have an interest in the work, in that they often seek a familiarity with the jargon of the lawyer and the type of work he does, and, of course, share the common bond of working to put their husbands through school."

AMES

(Continued from page one)

Atherton, King & Turner. Other judges for this argument have not been selected; no judges have yet been named for the fourth argument, on April 11.

A schedule of spring Ames arguments is printed below. Two of the quarter-final arguments will be held in the Roscoe Pound Room; it is thought that this room is better suited to the size of audiences that attend quarter-final arguments.

Quarter-finals

Casner Law v. Scott	Mar. 22
Courtroom	
Hardee Club v. Langdell	Mar. 24
Pound Room	
Choate v. Morgan Law	Mar. 29
Pound Room	
Gardner v. Griswold	
Equity	April 11
Courtroom	

Final

Baker-Smith Equity v.	
Jaffe	April 15
Courtroom	

RULES CHANGE

Quarter-final Ames Courts may not permit anyone to attend "dry run" oral arguments except members of the Court itself, Monroe Freedman has announced. This rule forbids the former practice of seeking advice from third-year students.

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STUDY

(Continued from page one)

existing laws in which uniformity and simplicity would be desirable, (4) constitutional problems involved in delegating authority to administrators to achieve such uniformity as well as coordination with the Securities and Exchange Commission, and (5) possible Congressional devices to promote state uniformity.

Despite local peculiarities it has been possible broadly to categorize the state statutes into one or more of three basic philosophies: fraud prevention, broker-dealer registration, and securities registration.

On the basis of this categorization the study has tentatively concluded that it would be highly desirable to work for uniformity within each regulatory philosophy rather than a single uniform act. In pursuit of this objective the study hopes to come up with either a single act in three separate parts or three separate acts, each a self-contained expression of a particular philosophy or philosophies. During the drafting stage the study will consult the Advisory Committee and such interested groups as the National Conference of Commissioners on Uniform State Laws.

A final report of the study, with draft bill or bills attached, should be published in the fall of 1955 or early 1956. This final report will deal with the amount of diversity now existing, the



Louis Loss

amount of such diversity actually necessary, an analysis of the case law, the administration of the present acts, the adequacy of compensation of the administrators, conflict-of-laws problems, a possible statistical evaluation of the efficiency of the various types of acts, and the proper role of state as opposed to federal regulation.

In addition to academic research based on statutes and published regulations a considerable amount of time has gone into field work. During the last three months of 1954 Mr. Cowett visited 15 states, conferring with securities administrators, lawyers engaged in "blue sky" practice, and local dealers and brokers, in an attempt to secure from them answers to many troublesome questions.

Before the drafting stage is reached there are still several areas of research to be covered, in particular, complete annotations of the case law and published administrative rulings, and a study of the problems of conflict of laws which arise in this area.

Health Service MD's On Call In Emergency

Changes designed to provide additional medical service for Harvard students were announced recently by Dr. Dana L. Farnsworth, Director of University Health Services. Law School students will continue to be served on regular class days by the clinic in Austin Hall. The new procedures affect only those who need medical attention in an emergency or after regular clinic hours.

If a physician is needed for emergency treatment on week-days between 8:45 a.m. and 4:30 p.m., students may call the Hygiene Building (Kirkland 7-7600, extension 567), and at all other times Stillman Infirmary (Kirkland 7-7600, extension 597 or (Kirkland 7-7047), and he will be put in touch with a physician.

If a student is ill but able to go to Stillman Infirmary during the evenings or week-ends when the regular clinics are not open, he ought to go to Stillman for he will receive prompt attention from newly appointed resident physicians. A charge of \$2 will be made to each student who receives treatment out of hours at the Stillman Infirmary unless a great deal of time is required to take care of an accident or injury. In the latter case the charge may be slightly higher.

If the illness or injury is of an extremely serious nature, a consultant will be called in, and his fee will be charged to the student and the \$2 charge will be waived. This, of course, does not include the cost of X-rays or any laboratory tests ordered by the physician in charge. If a physician is called to the room or residence of a student, a charge of \$5 will be made. These charges will appear on the term bill.

SCHLESINGER

(Continued from page one)

education program, which the speaker labelled as a sham.

Professor Schlesinger said that most of the domestic legislation proposed by the Eisenhower administration was inadequate to solve the country's needs, and only proposed to gain publicity for the President and to create the impression that the Republican party is a liberal organization. The liberalism of the Republican party is a myth, Professor Schlesinger stated, and it is up to the Democrats to use their majority in Congress to explode this myth.

A speechwriter for Adlai Stevenson in the 1952 presidential campaign, Professor Schlesinger predicted the re-nomination of Governor Stevenson. He said that bad economic conditions especially unemployment would heighten Democratic prospects in 1956, and "the prospect of Southern Viet Nam falling under Communist domination which cannot be blamed on Dean Acheson, may help the Democrats regain the White House.

JAVITS

(Continued from page one)

party. In support of his claim that all parties should be concerned with corruption he described briefly the Code of Ethics that was passed in the waning days of Governor Dewey's administration last year. The Attorney General hopes we will soon have a similar code for political campaigns. Such a code would bring the libel and slander laws to bear upon political candidates who use the campaign to vilify their opponents unjustly. This would be an essential piece of protection for the voter in a campaign which moves so quickly that usually the voter can be deceived. The danger inherent to the present system is made more evident by noting the difficulty involved in overturning elections, even those where there is much evidence of foul play. It is the fundamental rules of the game, Mr. Javits concluded, which must be agreed upon by all parties.

'Politics Are Not Dirty'

Ex-Senator Benton urged that if we are to approach the desirable goal of an ardent and informed citizenry we must remove the notion that "politics is dirty." This causes the cynicism and apathy that "keeps nearly half of all our eligible voters away from the polls, even in presidential years." Mr. Benton's suggestions are to remove some of the many pressures that act upon the man in public life. These pressures are: financing campaigns, the character of the campaign itself, the hazard of compromise, and a system of recognition independent of newsworthiness.

Mr. Benton thinks our laws relating to campaign contributions are both too lax and too unreliable. By allowing more money to be contributed but by requiring all such contributions to be published both before and after election day, he feels that the campaigns would be more above board and the public would be less suspicious of them. In the area of the character of the campaign, Mr. Benton does not seek to "overcome the current excessive flamboyance of campaigns." He only seeks to remove the vilification that attends them. In this respect, he echoed Mr. Javits in looking to a tightening of the libel and slander laws to achieve this effect. Also, he recommends a permanent Citizens Elections Practices Commission, "to report on low blows delivered during the heat of campaigns and to admonish against them, and then to recommend criteria of responsibility."

In the third area of political hazards, Mr. Benton suggests a broader use of compromise. "A good compromise," he asserts, "is the best practicable solution of a problem, possible at a given time, in the interest of one's constituency, and of one's nation."

In support of an unofficial selection of the 10 most valuable Congressmen each year Mr. Benton notes the requirement of publicity if a Congressman is to stay alive politically. "This is no mere matter of ego satisfaction for the performers. A good press translates into tickets at the box office, and into votes at the polls."

Forum President Arnold J. Goldman, 2L, Rochester, N.Y., announced that the next Forum, "The Loyalty and Security Program" will be presented on March 11. The panel will feature Roy M. Cohn, Alan Barth, and Prof. Ralph Brown.

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NEWS IN BRIEF

TOURNAMENT

The Dormitory Council is sponsoring a ping-pong tournament that will begin as soon as enough contestants have entered, according to Ralph Perlberger, 2L of New York City, who is athletic chairman. Sign-up sheets are in Holmes Hall. The tournament is open to law students only.

TUESDAY'S COFFEE HOUR

Duke Ellington, the world-famous band leader, pianist, composer, and arranger, will appear at the next Coffee Hour, which will be held this Tuesday.

WHRB DUCKS DISPUTE

Radio station WHRB, the student-owned University broadcasting company, has declined to play the Canadian record "The Investigator" on its exclusively University network. A station spokesman said last week that the record, a satire presumably directed at Senator Joseph R. McCarthy (R., Wis.), is not "impartial," and is therefore unsuitable for broadcast to Harvard audiences.

The record has been broadcast throughout Canada.

FACULTY IN CHICAGO

Dean Erwin N. Griswold, Professor A. James Casner, and Professor Archibald Cox attended the mid-year meeting of the American Bar Association held in Chicago this past weekend. The meeting was held on Feb. 19 and 20 in the new Bar Association Building.

MORGAN

(Continued from page one)

American Law Institute. He was a member of the Advisory Committee for the Supreme Court on the Federal Rules of Civil Procedure. In 1948-49 he was also chairman of the Committee to draw a uniform Code of Military Justice.

Drive To Begin Monday For Combined Charities

The 1954-55 Combined Charities drive will begin in the Law School on Feb. 28 and will run one week, until March 7, according to Martin Bresler, 3L of New York City, chairman of the Law School Committee of P.B.H.

The drive is ordinarily held in the fall, but "this year we have agreed to co-operate with the other parts of the University in our annual campaign to cut costs and waste of time," according to Bresler.

Goal: Exceed \$2000

Bresler says that the P.B.H. committee hopes contributions will exceed the \$2000 given during the 1953-54 solicitation. He pointed out that the Combined Charities drive is the only organized solicitation for charity that is made at

CORRECTION

The RECORD wishes to apologize for a reporter's error in last week's issue. By inadvertence the chairman of the Law School Committee of Phillips Brooks House was said to be Martin Bresler, 3L of Roosevelt, N.J. Actually, the chairman is Martin Bresler (one s) of New York City. The other gentleman is a first-year student, who spells his name with two s's. We deeply regret the mistake.

the Law School, and said that students should gauge the size of their gifts accordingly.

Among the organizations that will be the recipients of unallocated gifts will be the Community Chest and the Salzburg Seminar. The Law School Committee is to retain some of the gifts for more text books for its loan collection.

Solicitation slips are to be mailed to all students living outside the dormitories. The College committee will help in this project. Residents of the dormitories will be solicited personally.

Money given to the Law School Combined Charities will be administered separately from the funds of other University drives.

Restatement Under Revision By Seavey

An advisory group on the Agency Restatement of the American Law Institute met here Friday and Saturday to discuss revisions in the first five chapters of the Restatement, according to Prof. Warren A. Seavey, who is the Reporter for that work.

The group which met here considered Prof. Seavey's proposed changes in the Restatement, changes which would make the work more useful for students, and would make a few minor changes in the legal conclusions that the Institute reached when the Restatement was first issued.

Explanations Added

Prof. Seavey reports that there will be a good deal of explanatory material in the revised version. The Agency Restatement was one of the first such works, and was singularly barren of rationale; later Restatements, in other fields, gave more reasoning to support their conclusions.

The revision is also to contain an appendix with some notes on points of particular difficulty. Prof. Seavey's Comment on Subagents and Subservants in the February issue of the *Harvard Law Review* (68 Harv.L.Rev. 658-671) is the proposed text of one such note.

In addition to Prof. Seavey, those who attended the sessions here included Judge Herbert F. Goodrich, LL.B. '14, of the Court of Appeals for the Second Circuit; Justice Raymond S. Wilkins, LL.B. '15, of the Massachusetts Supreme Judicial Court; Vice Dean Livingston Hall, LL.B. '27; Prof. Austin W. Scott, LL.B. '09; Prof. Louis Loss, and Visiting Professor Laurence C. B. Gower.

Other members of the group who were here are Chas. Willard, of the New York City bar, Israel Padsel of the Philadelphia bar, and Judge Flood of Philadelphia.

It is expected that the revised first five chapters of the Restatement will be presented to the Council of the A.L.I. this March, and to the full membership at the annual meeting in May. If the revisions are approved, the Reporter and his advisory group will have another nine chapters to complete.

YEARBOOK

All subscriptions for the 1955 *Harvard Law School Yearbook* are due and presently payable. It is requested that all those who have not done so, please pay them as soon as possible. Checks should be sent to the 1955 *Harvard Law School Yearbook*, 23 Everett St., Cambridge 38, or left at the Yearbook offices.

There are 15 remaining subscriptions to the Yearbook and these will be sold on a first-come, first-serve basis. Checks for \$7 should be sent as above.

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Display Is Based On Famous Trials

More than 20 famous American trials are currently the subject of an exhibit in the Treasure Room in the north end of Langdell Hall. The exhibit, which includes books, documents, and printed transcripts, will continue through the first week in March by virtue of a special extension.

Among the eighteenth century trials represented is that of New York printer John Peter Zenger for libel in 1735. The 1738 pamphlet in connection with this trial is one of the earliest legal writings in the American colonies. Also on display is a 1734 copy of Zenger's *Weekly Journal* containing foreign news (not the cause of the libel trial).

John Adams and Josiah Quincy, Jr., upheld the dignity of an independent bar by taking the unpopular side of the Boston Massacre Trial, in which two were found guilty of manslaughter and burned in the hand and seven others acquitted.

A volume of copies of documents used at the trial of Major Andre is on display, including the very moving letter he wrote to General Washington asking for a soldier's death by shooting rather than a spy's hanging.

Among the famous murders represented is a book bearing the subtitle "The Five Fiends or the Bender Hotel Horror in the Western Prairies." The Benders made a living murdering travellers in their hotel. Evidently the alleged coddling of criminals is not a twentieth century invention for the author wrote: "Now had this fiendish woman been in St. Louis or New York, she would have had all sorts of sympathy, and perhaps would have been made a martyr of." The defendant was hanged in Texas around 1850.

Circumstantial Evidence Upset

In 1819 the Boorn brothers in Vermont were tried for the murder of a victim who had disappeared seven years before. Counsel advised the hapless brothers to plead guilty, for which they were sentenced to death. But happily, the victim returned to town in response to an advertisement in time to save two men convicted by gossip.

Of particular interest to those interested in the history of the Harvard Law School is the Charles River Bridge case, in which Professor Greenleaf successfully opposed a bridge in which Harvard had a financial interest. His original notes are on display in which he tried to refute the charge that his argument was "agrarian in its character, and tended to the destruction of vested rights."

In 1870 Charles Hazeltine, proprietor of an art store, was tried for displaying a lewd and lascivious plaster statue in New Bedford, Mass. The case attracted much publicity and the jury could not agree. One newspaper observed: "New Bedford people are so modest that they dare look with only one eye at the naked truth."

Alumni Notes

LL.B. '25—William M. Allen, president of Boeing Airplane Co. has been unanimously named by a "secret committee" of the Seattle Real Estate Board to receive Seattle's First Citizen award for 1954. This annual award is presented by the realty board to the Seattle citizen who contributes the most outstanding civic services to the community.

LL.B. '29—Benjamin Goldman announces the removal of his law offices to 25 Pemberton Square, Boston in association with Meyer H. Goldman, LL.B. '29 under the name of Goldman & Goldman.

LL.B. '35—Nelson P. Rose has been named a new member of the board of directors by the stockholders of Reliance Electric & Engineering Company.

LL.B. '36—Morton E. Rome has been elected Vice President of the Bar Association of Baltimore City for 1955.

LL.B. '39—David Kauffman has been appointed as one of the assistant attorney generals of the State of Maryland.

LL.B. '42—Frederic O. Floberg has become associated with the firm of Mitchell and Conway in Chicago.

LL.B. '43('46)—Marvin Mohl and Stimson Bullitt announce their partnership for the practice of law under the name of Bullitt and Mohl. Their office is located in Seattle.

LL.B. '49—Geo. Hardy Rowley announces that the firm of Whiteman, Voorhies, Dilley & Keck has been changed to Voorhies, Dilley, Keck & Rowley. The firm is located in Greenville, Pa.

Lester J. Tanner has become a member of the firm of Gallop, Climenko & Gould in New York City.

LL.B. '50—Victor J. Baum did some part-time teaching at Wayne University Law School in Detroit where he taught a course in Real Estate Law.

LL.B. '51—Edward Blau has become associated with the firm of Pacht, Ross, Warne & Bernhard in Los Angeles.

James D. White and Starr Calvert, Jr. announce the formation of the partnership of Calvert and White. Their office is located in Wichita, Kansas.

LL.B. '52—Alvin L. Arnold has completed his tour of military duty and has become associated with the firm of House, Grossman, Vorhaus and Hemley, in New York City.

Claude W. McLesky and Waymon B. McLesky announce the formation of a partnership for the general practice of law under the firm name McLesky and McLesky with offices in Columbus, Ohio.

Richard A. Norris has recently been appointed law clerk to Chief Judge Phillip Forman of the U. S. District Court for the District of New Jersey. Prior to this appointment he served as Assistant Staff Judge Advocate at Wright-Patterson Air Force Base.

Forum Will Evaluate Effect Of Tax Code

"Estate Planning as Affected by the Internal Revenue Code of 1954" will be the subject of a forum to be conducted by the Federal Tax Institute of New England on March 19, 1955. Dean Erwin N. Griswold is President of the Institute. The forum, which will be held in Boston at John Hancock Hall, will begin at 9:30 a.m. and will consist of morning, luncheon, and afternoon sessions. It is open to students for a reduced charge.

Many changes of major importance to the proper planning of an estate are effected by the new Code. In particular, changes have been made in the taxation of trusts and estates.

Prof. A. James Casner will be chairman of a panel of distinguished experts who will review the subject of estate planning with emphasis upon the changes made by the new Code. They will discuss the extent to which the current law has made changes favorable or unfavorable to taxpayers. The subject matter will be presented by a

series of case studies in "dramatic" form with individuals in the roles of clients, officers, insurance representatives, and attorneys. This form of presentation was employed at the most recent forum on partners and partnerships with favorable reaction from the registrants attending this forum, and the Institute feels that estate planning is also particularly adaptable to this form of presentation.

Outlines will be mailed to registrants prior to the forum and will outline the facts and the key will and trust provisions to be considered. Questions submitted at the forum will also be taken up in the customary manner to the extent time permits.

Students may attend the forum for the price of \$2 which price does not include the luncheon. The regular price is \$8 including luncheon. Request for a ticket of admission should be sent to: Federal Tax Institute of New England, Room 723, 6 Beacon Street, Boston.

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