Annual Alumni Dinner

The Honorable Allen W. Dulles, Director of the Central Intelligence Agency, was the featured speaker of the Annual Meeting of The University of Chicago Law School Alumni Association, held in the Morrison Hotel, November 30, 1954. Mr. Dulles' address is reprinted in full elsewhere in this issue.

The dinner meeting was attended by about 375 Alumni and friends of the School. Glen A. Lloyd, '23, retiring president of the Alumni Association, presided and reported briefly on the progress of the School during the past year. Mr. Dulles was introduced by Laird Bell, '07, former president of the University's Board of Trustees. Earl Simmons, '35, presented the report of the Nominating Committee, recommending the election of a slate of officers and of an Alumni Board of twenty Chicago area members and fifteen Alumni residing in other sections of the country. The new officers and Board were listed in an insert to the previous issue of the Record. Morris E. Feiwell, '15, incoming president of the Association, outlined the objectives of the Association in the forthcoming year. Fred Ash, '40, was responsible for the admirable arrangements.

Address of The Honorable Allen
W. Dulles

After some thirty years of work at the law in the domestic and international fields, I now find myself, since I joined the Central Intelligence Agency four years ago, faced with problems for which the lawbooks fail to supply the answers.

One of these problems which I shall discuss with you tonight is this: How can a society like our own, which bases its actions on respect for law, deal with the Soviet bloc of countries, whose actions in international affairs are motivated by rules of conduct totally outside the law?

To put this issue quite concisely: How can we best conduct ourselves to counter the subversive cold-war techniques of international communism?
We do not attempt to maintain cells of political activists in foreign lands, and we do not dominate foreign labor unions or foment strikes abroad. Nor do we organize and subsidize political parties within the deliberative assemblies of other countries.

Today on the world scene we confront, as a reality, a vast political organization that works on wholly different principles. This organization engages in all the activities I have just mentioned and many more. I refer, of course, to the international Communist movement, with its headquarters in Moscow and an affiliated organization in Peiping and with branch offices in Warsaw, Prague, and many other parts of the world.

It is my conviction that here in the United States we still have not thought through the problem of how a peaceful law-abiding society can deal with an international conspiracy which operates under none of our legal or moral inhibitions, either domestically or internationally, and which promotes a world-wide plot to undermine free institutions.

One hears a good deal of comment to the general effect that this country is not doing too well in the cold war. There is a superficial tendency to dismiss the problem in the hope that somebody in Washington can find some mysterious formula that overnight would change this situation. What is really needed is a better public understanding of the fundamentals of the issues we are facing. Only thus can we recognize the techniques of international communism and take more effective measures to meet them. This is a job which is beyond the capabilities of any single government bureau and will not respond to any trick formula.

Until recently we have pushed this problem into the background. Quite understandably we have been preoccupied with the Soviet military build-up and the urgent requirement for an adequate defense in terms of

A general view of the Annual Alumni Dinner, with Laird Bell, '07, in the act of introducing Mr. Dulles.
our Army, our Navy, and our Air Force. The Moscow-inspired attack on South Korea and the Soviet development of nuclear weapons dramatized our need for a strong and alert military establishment.

Because we have so largely responded to this need, the Soviet seem to find it prudent to divert their efforts into other channels—the covert subversion of free countries with methods that are subtle and hard to identify and that cannot be met by military means alone. As you may surmise, these methods are the subject of particular study in the Central Intelligence Agency.

Possibly it would help to clarify the discussion to have a brief look at the Soviet cold-war apparatus.

The nerve center is in Moscow. Peiping is an important outpost. The relationship between the two is in the nature of a partnership, with Peiping being the junior but nonetheless having an important voice in the shaping of policy, particularly in the Far East.

Current events indicate that, while the Moscow partner is holding the brief for “coexistence” in Europe, the Chinese partner is trying to make a shambles out of this concept in Asia.

In various places in the U.S.S.R. and in the satellites there are training centers to teach the techniques of subversive action and propaganda. Here are indoctrinated not only Soviet citizens but also candidates from China and the satellites as well as agents of every nationality for their world-wide network. Persons from the countries which are high on the target list for a subversive campaign are given priority.

Here is an example that is close to home. When Guatemala was marked for Communist take-over and the pro-Soviet government of Arbenz had been securely installed in power, the leading Guatemalan Communists went to Moscow to get their orders. The number-one Guatemalan Communist, Victor Manuel Gutierrez, and the secretary of the party, Manuel Fortuny, were in the Soviet and satellites for several months in 1953 and 1954. A bit later, when the Guatemalan Communists were preparing for a complete take-over, they sent one of their number—a certain Daniel Alfaro Martinez—to Prague. There he negotiated the notorious arms deal for some four millions of dollars in cash. The Soviet drove a hard bargain. The arms they sent were second-rate. But when this secret arms deal was penetrated and given wide publicity, it shocked the Guatemalan people into action, and they threw out the Communists.

The Soviets keep as a closely guarded secret the number of their citizens and foreign indigenous agents who are trained for subversion in the U.S.S.R., in China, and in the satellites. Certainly the number runs into many thousands. As the students graduate, they flow into the Soviet apparatus throughout the world.

The free world has no mechanism like this, and hence its role has tended to become somewhat defensive. To deal with Soviet penetration technique, the non-Com-
orders. If they could gain any substantial added strength under the present free Italian parliamentary procedures, they would claim the right to organize a Communist government. Then, of course, following the Czechoslovak pattern, they would abolish all the rights and procedures under which they came to power.

Here is one of the techniques of the Communists to which I call your attention as lawyers. Freedoms under our laws and parliamentary procedures are used and abused by the Communist for the very purpose of gaining the power to destroy the legal bases of free government.

As an interesting historical footnote, it is well to note that both the French and the Italian constitutions were drawn up under strong Communist influence and with hard-core Communist participation. Both of them were hand-tailored to bedevil the processes of democratic government and to facilitate a Communist take-over.

A word about the Communist trickery in the last Italian election in 1953 is in point. They saw that they could not prevent their major opponents from gaining an absolute majority by legal means, and so they proceeded to challenge votes wholesale on the most frivolous grounds. In all, about a million ballots were invalidated in this way. In Naples alone, I am told, some ten thousand ballots were thrown out by the Communists because, in sealing the ballot envelope, the women casting the votes had left a trace of lipstick. The election law provided there should be no extraneous markings on the ballot.

Unfortunately, the Italian legal machinery for catching up with this fraud was too slow, and the Communists came through with a far stronger showing than they deserved.

The Communist parties are strong in many countries other than France and Italy and are even making progress in this hemisphere, as the Guatemala incident shows.

Even in countries where they have a voting strength of 5 per cent or less of the electorate, they still maintain a well-knit underground party apparatus that can always help out where there are riots, strikes, or other such incidents. For example: The British Communists are a negligible political factor; alone they are incapable of any serious subversive efforts. Nevertheless a few weeks ago they were able to influence the leadership of London's dock workers and helped to turn a minor wildcat strike into a general port walkout which for a time crippled the economy of England—and do this despite opposition of the responsible labor leaders of the country. Today in North Africa, where the Communists are numerically weak, they abet every disruptive move taken by extreme nationalists.

In addition to the Communist party organizations, the Moscow master-plan includes a long list of highly active and vocal front organizations, ready for action in their particular sphere, for example:

1. The World Federation of Trade Unions. Two of the affiliates of this federation are the largest trade-unions in France and Italy. The federation, with its headquarters in the Soviet sector of Vienna, claims a membership of some twenty million outside the Iron Curtain, dispersed among fifty-seven countries of the non-Communist world.

2. The World Peace Council, which spearheaded the phony Stockholm peace appeal which eventually lured signatures from some two million Americans. The last meeting of the council, held in Vienna, cost a half-million dollars and was financed by the Soviet Military Bank.

3. There are two large international Communist Youth organizations—the International Union of Students and the World Federation of Democratic Youth. They claim a combined membership of eighty millions and have put on mammoth world youth rallies in Berlin and Peiping. They are used as a mechanism to recruit and indoctrinate new party cadres of able young men from the free world.

4. As lawyers you will be interested to know about the International Association of "Democratic" Lawyers, which has its headquarters outside the Iron Curtain. When the Communist high command decided to propagate the lie that we had employed bacteriological warfare in Korea, they used this association as a front to launch their false charges against us. Various other fronts then took up the refrain and played it for many months in an orchestrated campaign of vilification.

5. Then there is a Women's International Democratic Federation. We have estimated that it must cost the Communists some six million dollars to run the Women's Federation for a single year and to pay for the costs of sending large Communist delegations from some forty different countries to its various international meetings.

(Continued on page 17)
Tax Conference

The Seventh Annual University of Chicago Federal Tax Conference, sponsored by The Law School in association with University College, was held last autumn in the Loop. The three-day meeting was much the largest in the history of the conference, with enrolment reaching approximately five hundred.

After a welcome by Dean Levi, the first session of the conference was devoted to an address entitled “Tax Practice under the Decentralization Program of the Revenue Service,” by Daniel A. Taylor, then chief counsel of the Service. Mr. Taylor was followed by Harry J. Rudick, of Lord, Day and Lord, New York, who discussed “Compensation of Executives under the 1954 Code.” A paper by John R. Lindquist of McDermott, Will and Emery, on “Pension and Profit-sharing Trusts under the 1954 Code” concluded the opening session. The second session was devoted to trusts and estates, estate planning, and tax accounting and included papers on “Income Taxation of Trusts and Estates under the 1954 Code,” by Austin Fleming, of the Northern Trust Company; “Implications of the 1954 Code for Estate Planning,” by Frederick O. Dicus of Chapman and Cutler; and “Tax Accounting under the 1954 Code,” by Paul F. Johnson, of Ernst and Ernst.

The entire second day of the conference was devoted to a consideration of corporate distributions and adjustments. The program featured discussions by Anderson A. Owen, of Hopkins, Sutter, Halls, Owen and Mulroy, on “Stock Redemptions and Partial Liquidations under the 1954 Code”; by William M. Emery, of McDermott, Will and Emery, on “Complete Liquidations under the 1954 Code”; by Leonard M. Rieser, of Sonnenschein, Berksen, Lautmann, Levinson and Morse, on “Dividends, Bail-Outs, and Other Corporate Distributions under the 1954 Code”; by Norris Darrell, of Sullivan and Cromwell, New York, on “Organization and Reorganization of Corporations under the 1954 Code”; by Robert L. Rosbe, of Arthur Andersen and Company, on “Carry-overs in Corporate Adjustment under the 1954 Code”; and by Paul E. Treusch, of the Internal Revenue Service, on “Recent Nonstatutory Developments concerning Corporate Distributions and Adjustments.”

The morning session of the final day opened with a paper by Vance N. Kirby, of Ross and O’Keefe, on “Impact of the 1954 Code on Corporate Accumulation.” Partnership problems then came under consideration in speeches by Crane C. Hauser, of Winston, Strawn, Black and Towner, concerning “Partners and Partnerships: Contributions, Distributions, and Transfers under the 1954 Code,” and by Charles W. Davis, of Hopkins, Sutter, Halls, Owen and Mulroy, on “Partners and Partnerships: Determination of Tax Liability under the 1954 Code.” The final session of the conference consisted of a round table which considered selected problems of tax law submitted by those in attendance at the Conference. Professor Walter J. Blum, of The Law School, chaired the panel, which was composed of William M. Emery, McDermott, Will, and Emery; William N. Haddad, Bell, Boyd, Marshall and Lloyd; Paul F. Johnson, Ernst and Ernst; William B. McSwain, Eckhart, Klein, McSwain and Campbell; Michael Sporrer, Arthur Andersen and Company; and Harry B. Sutter, Hopkins, Sutter, Halls, Owen and Mulroy.

About half of those in attendance were from metropolitan Chicago, with the remainder drawn from all parts of the United States. The conference is planned by a committee, chaired this year by Mr. McSwain and made up of those listed above as participating in the round table, as well as James D. Head, of Winston, Strawn, Black and Towner; Robert R. Jorgensen, of Sears, Roebuck and Company; and James M. Ratcliffe, of The Law School.

The Planning Committee of the Federal Tax Conference with a number of the conference speakers. In the absence of Chairman William McSwain, Professor Walter Blum is presiding.
Faculty Notes

Wilber G. Katz, James Parker Hall Professor of Law, is spending the current semester in Madison as Knapp Visiting Professor at the University of Wisconsin Law School. The Knapp Chair is a general university professorship to which a distinguished visitor may be appointed to any department or school of the University of Wisconsin.

On March 9, 10, and 11 Professor William Winslow Crosskey delivered the Edward Douglass White Lectures on Citizenship at Louisiana State University in Baton Rouge. The general topic for Professor Crosskey's lecture series was "The Political Background of the Federal Convention."

During the forthcoming Summer Quarter the Faculty of The Law School will welcome four distinguished visiting professors. Francis A. Allen, professor of law at Harvard University, will teach Criminal Law. Mr. Whitney Harris, executive director of the American Bar Association and formerly professor of law at the Southern Methodist University School of Law, will offer a course in Legal History. Both of these courses are designed primarily for entering students. Mr. Delmar Karlen, professor of law at the New York University School of Law, will teach Evidence, while Mr. Myres McDougal, William K. Townsend Professor of Law in the Yale Law School, will teach International Law. Detailed announcements for the program of the Summer Quarter will be available in the near future.

The Faculty of the School, with Chancellor Kimpton, in the Chancellor's Residence. From left to right, seated: Lucas, Katz, Puttkammer, Crosskey, and Mentschikoff. Standing: Sieff, Meltzer, Dunham, Davis, Rheinstein, Kurland, Ratcliffe, Director, Blum, Currie, Bursler, Llewellyn, Zeisel, Sharp, Kalven, Strodtebeck, Sears, Teft, Chancellor Kimpton, and Dean Levi. Not shown: Bowman, Visiting Professors Dawson and Jewkes, Emeritus Professors Woodward and Bogert, the Lecturers in Law, the Bigelow Fellows, and the Research Associates.
Krock on Crosskey: II

The extensive discussion of basic constitutional doctrine stemming from the publication of Professor William Winslow Crosskey’s widely debated book, Politics and the Constitution in the History of the United States, continues unabated. By permission of the New York Times we reprint below a recent column concerning the Crosskey work by Arthur Krock, head of the Times’ Washington Bureau.

Until a President committed to “progressive moderation” as a political philosophy is replaced by another disciple of the New-Fair Deal no Supreme Court majority seems likely to adopt the basic view of the minority in the case known as Adamson v. California. This view was that the “privileges and immunities” clause of the Fourteenth Amendment made all the first eight amendments in the Bill of Rights enforceable in the states.

Justice Black spoke for himself and for Justices Douglas, Murphy and Rutledge in this constitutional construction—the largest minority possible on the court. So it was conceivable, since these four most regularly reflected the new Federalism of the Roosevelt-Truman Democrats, that this concept would become that of a majority if President Truman were succeeded by another adherent to New-Fair Deal thinking, with the power of filling vacancies in the court. The 1952 elections ended that prospect for the time being. But the concept is among several advanced by Prof. William Winslow Crosskey of the law faculty of the University of Chicago that are widely shared in the dominant wing of the Democratic party. And in witness of the fact that the minority opinion in Adamson v. California remains in the field of active controversy Crosskey and Prof. Charles Fairman, formerly of the Stanford University law faculty, contributed another chapter to the latest number of the University of Chicago Law Review.

Fundamentally at issue are the provisions in the Bill of Rights which have been held not to extend to all state cases the privilege of right to counsel and the immunity from unreasonable search and seizure which they confer. Of the 156 pages devoted to the subject Crosskey covered 143, which makes even the most contracted summary an impossibility in this space. But a citation of a few of his points can be attempted.

THE “PURPOSE” OF CONGRESS

“...One of the doctrines in the Dred Scott decision, which decreed that no person of African descent could be a United States citizen, whether or not he was a citizen of a state, was that the privileges and immunities of the Constitution were conferred on citizens of the United States only. When Congress, with Dred Scott still in force, passed the Fourteenth Amendment its clear purpose in repeating the “privileges and immunities” language of the decision was to overrule it and make good against the states, in favor of all citizens (including those of African descent), these particular guarantees.

The Fourteenth Amendment was also intended to wipe out the precisely contrary doctrine of Barron v. Baltimore (1833) with these words: “No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States,” etc.

The evidence shows that Senator Howard of Michigan and Representative Bingham of Ohio, who drafted this language, not only designed it to overrule these Supreme Court doctrines. They also were reflecting ideas common to the Republican party of their day of what the Constitution, and specifically the Bill of Rights, really intended.

The fact that subsequently Congress and the state and federal courts reverted to the judicial interpretations which Congress, at the instance of Howard and Bingham, intended to overrule by constitutional amendment does not change that original purpose, expressed in unmistakable language to achieve it.

WHAT “NEVER WAS”

In his brief rejoinder Fairman, who previously has challenged Crosskey at great length, described the latter’s argument ironically as follows:

In the later years the old, original, peculiar ideas that gave [Crosskey’s and Black’s] meaning to the Fourteenth Amendment were forgotten. In the years of its youth the amendment’s true meaning was ignored; people, even justices, were unaware of its “true tenor.” There, I believe, we have the gist of the thing: Mr. Crosskey’s Fourteenth Amendment is an amendment that never was.

The book by Crosskey that started the argument among lawyers and English professors of which the current dispute is only a part dealt extensively with research into what language meant in the eighteenth century when the Constitution was drafted, and how, in the author’s opinion, Congress and the courts have mistaken its meaning. “Commerce,” he wrote, meant to the drafters “all gainful employment by the people”; hence the later distinction between intrastate and interstate commerce is unconstitutional. “States” meant “the people within those borders” and not, as the Supreme Court has construed it, “the territory encompassed by each of them.” Therefore, it was intended that Congress should have the power to regulate all gainful employment by people everywhere in the land. And “among,” in “among the several states,” did not mean “between” in 1789.

Crosskey’s general conclusion was that Congress was designed to be paramount among the federal branches, and the Supreme Court was never intended to have a general power to review its Acts, only those dealing with the province specifically assigned to the court.

The forensic fire he lit has been growing in scope and heat ever since.
Judge Arthur Murphy, '22, Jacob Braude, '20, James Bryant, '20, and Thomas Kluczynski, '27, before dinner at the Quadrangle Club. All are co-operating on the Jury Study.

Visiting Professor Ritchie Davis, '39, with Judges John Lewe and Hugo Friend, '08, and Professor Allen Barton at the Jury Project meeting.

Depicted above are judges of the United States District Court, the Superior Court of Cook County, the Circuit Court of Cook County, and the Municipal Court of Chicago who recently visited the Law School as advisers on the progress of the School's research into the jury system.

Conference on Insanity and the Law

On February 28, 1955, The Law School sponsored, as a part of its regular Conference Series, a conference on "Insanity and the Law." Professor Harry Kalven, Jr., presided over the afternoon session, which consisted of addresses by Dr. Addison M. Duval, assistant superintendent, St. Elizabeth Hospital, Washington, on "The Mental Health Program in the United States Today"; by Dr. Manfred S. Guttmacher, chief medical officer, Supreme Bench of Baltimore, on "The Problems of Psychiatric Classification"; by Mr. Abe Fortas, of Arnold, Fortas and Porter, Washington, on "The Durham Case —Repudiation of the M'Naghten Test"; and by Henry Weihofen, professor of law at the University of New Mexico Law School, on "Commitment of the Mentally Ill."

The evening session varied the usual conference format somewhat in that it consisted entirely of a panel discussion of problems in the field under examination, taking the issues raised in the previous formal addresses as points of departure. Wilber G. Katz, James Parker Hall Professor of Law, presided over the panel. Participants included, in addition to Drs. Duval and Guttmacher, Mr. Fortas, and Professor Weihofen, Dr. Franz Alexander, Director, Institute for Psychoanalysis, Chicago; George H. Dession, Professor of Law, Yale Law School; Dr. Thomas M. French, Associate Director, Institute for
Psychoanalysis; Professor Kalven; Edward H. Levi, Dean, The University of Chicago Law School; Joseph D. Lohman, former member of The Law School Faculty, now Sheriff of Cook County; E. W. Puttkammer, Professor of Law, The University of Chicago Law School; Edward Shils, Professor, Committee on Social Thought, The University of Chicago; Herbert Wechsler, Professor of Law, Columbia University School of Law; and Professor Frank Remington, of the University of Wisconsin Law School.

Distinguished Visitors

A recent visitor to The Law School was the Honorable William O. Douglas, Associate Justice of the Supreme Court of the United States. Justice Douglas met with the students of the School in the Lounge of Beecher Hall, the Law School Dormitory, for an informal discussion.

Mr. Frede Castberg, Rector of the University of Oslo, and distinguished lawyer and leader of the Norwegian Liberal party, visited the campus in February. Under the joint sponsorship of The Law School, the Depart-
ment of Germanic Languages and Literatures, and the Department of Political Science, Mr. Castberg delivered a public lecture on "Philosophy of Law in Scandinavian Countries."

"A Comparison of the Law of Business Corporations in the United Kingdom and the United States" was the subject of a public lecture delivered recently at The Law School by Mr. L. C. B. Gower. Mr. Gower is Sir Ernest Cassel Professor of Commercial Law at the London School of Economics and is one of Britain's outstanding authorities on corporation law. Members of the Chicago Bar Association's Committee on Corporation Law were guests of the School at the lecture.

The Honorable Francis Biddle, formerly judge of the United States Court of Appeals for the Third Circuit and former Attorney-General of the United States, delivered the final lecture in the School's series of six lec-

Whitney Harris, executive director of the American Bar Association; Frede Castberg, rector of the University of Oslo; Max Rheinstein, Max Pam Professor of Comparative Law; and Ernst Wolf, professor of law at the University of Frankfurt, currently Visiting Professor at The Law School, following Mr. Castberg's public lecture.

tures on judges of the Supreme Court. Mr. Biddle's subject was Mr. Justice Holmes, for whom he was once law clerk.

Moot Court

During The Law School's Winter Quarter, the Hinton Competition sponsored its fourth round of intramural moot-court arguments, a round in which eight teams of second-year students participated in qualifying contests, while two teams of third-year students fought for the annual prizes which the program offers. As in previous rounds, the arguments were based on transcripts culled from the files of the Court of Appeals for the Seventh Circuit. Each team, acting as counsel for a party to one of these transcripts, was required to prepare a brief and to argue orally before a tribunal composed of top third-year students, members of the Faculty, and visiting members of the bar. Winners were chosen on the quality of their arguments rather than on the legal merits of their particular case.

The most august of the tribunals that sat during the Winter Quarter comprised the Honorable Walter Schaefier, '28, of the Supreme Court of Illinois; the Honorable Luther Swygert, of the United States District Court for the Northern District of Indiana; and Dean Edward Levi, of The Law School, who heard the third-year prize competition. The case used for this final argument involved the attempt of a Lithuanian immigrant to obtain a declaratory judgment exempting him from liability
under the draft laws. The decision rendered by the Court of Appeals when the case was actually tried is reported as *Ramsa v. Hershey* 212 F. 2d 927 (C.A. 7, 1955).

The fact that Judge Schaefer was a member of the bench hearing this prize argument, the first that the program has sponsored, was particularly appropriate, since he had a direct part in launching the Hinton Competition during the Winter Quarter of last year. When the nine-man student committee that had conceived and designed the program set out to enlist participants, it called on Judge Schaefer and on Mr. James Dooley of the Chicago Bar, to address the first- and second-year classes on the art of advocacy, and incidentally to recommend moot-court training as a means of acquiring an advocate's skills. As a result of Judge Schaefer's and Mr. Dooley's talks, which were transcribed in Volume 3, Number 2, of the *Law School Record*, and of the committee's work, thirty members of the then second-year class signed up for the program and participated in qualifying contests during February and April of last year.

Although the program did not get started last year until the Winter Quarter, now that it is in full swing second-year teams are required to participate in qualifying rounds during each quarter of the school year. On the basis of the results they achieve during these qualifying rounds, four of the teams are chosen to argue in third-year semifinals. Of course, the winners of these semifinals are later pitted in the prize competition.

The entire moot-court program is directed by a student committee whose task it is to select transcripts, obtain judges, and administer the actual arguments. Professor Solla Mentschikoff has been the Faculty sponsor of this committee since the competition was first conceived.

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**Mr. Robert Park makes a difficult point in the Moot Court competition.**

**Student Standau Weinbrecht arguing in the semifinal round of the Moot Court competition. On the bench, presiding, The Honorable James Emmert, Justice of the Supreme Court of Indiana; on the left, Mr. A. J. Bowe, of the Illinois Bar; on the right, Mr. Ben Heineman, of the Illinois Bar.**

**Swiren Scholarships**

The School is pleased to announce that Mr. and Mrs. Max Swiren have contributed two scholarships, to be awarded to students of the School for the academic year 1955–56. Mr. Swiren was graduated from the School in 1927 and is a partner in the firm of Swiren and Heineman. The scholarships will aid materially the legal education of two promising students; the School is most appreciative.
Supreme Court Law Clerks

The Law School is happy to announce that two current third-year students have been selected to serve as law clerks to Justices of the Supreme Court of the United States.

Harold A. Ward III, of Winter Park, Florida, received the Bachelor of Arts degree from the College of the University of Chicago in 1952. At the last computation Mr. Ward ranked second in his graduating class. He is a Managing Editor of the University of Chicago Law Review. During his first year in The Law School Mr. Ward was a Kosmerl Scholar, in his second and third years he has been a Wormser Scholar. Mr. Ward will serve as law clerk to Mr. Justice Hugo L. Black.

Robert W. Hamilton, of Arlington, Virginia, was graduated from Swarthmore College in 1952 with the degree of Bachelor of Arts. He was awarded the Swarthmore College—University of Chicago Law School Honor Scholarship upon his admission to The Law School and has retained that scholarship during his two subsequent years in residence. Mr. Hamilton currently stands third in his graduating class. He is a Managing Editor of the University of Chicago Law Review and was the winner last autumn of the Walter Wheeler Cook Prize, awarded annually for the best paper written pursuant to the work of the second- and third-year seminars. Mr. Hamilton’s clerkship is to be with Mr. Justice Tom C. Clark.

Placement—Class of ’54

Many alumni have expressed an interest in the placement of current classes. What sort of professional starts do young lawyers make in these confused times of draft calls and almost-war and not-quite-peace? A report on the members of the Class of 1953-54 is probably fairly typical. As might be expected, the largest group, nineteen in number, is in the armed forces. Eleven remained in Chicago in law firms, in the law departments of corporations, with insurance companies, and public agencies. Eleven also are in practice outside Chicago, with locations ranging through New York City, Dallas, Alaska, downstate Illinois, Salt Lake City, Europe, and Los Angeles. Five are teaching law, and four remained at The Law School as Research Assistants. Finally, two are in government agencies, two are in business, two are doing graduate work, and two are clerks to judges.

Statistics thus far available show that job placement of the current class will be equally various. Already students have commitments to practice in New York, Washington, Omaha, Oklahoma, Hawaii, and several other points, while those who have made connections in Chicago seem to be a somewhat larger group than in previous years.
Annual Student Dinner

Late in the Autumn Quarter, The Law School held a dinner for the student body, with members of the Alumni Board and the Visiting Committee as special guests. Purposes of the dinner were threefold: to hear the featured speaker of the evening, Mr. Whitney Harris, executive director of the American Bar Association, who spoke on "The Work of the Hoover Commission in Improving Legal Services and Procedures"; to provide an opportunity for students and alumni to meet Mr. Harris and other executives of the American Bar Association; and to enable members of the student body and of the alumni to become better acquainted. Prior to the dinner, which was held in Hutchinson Commons and attracted about three hundred participants, cocktail parties were held for the guests in The Law School Residence and at the Quadrangle Club.

Mr. Whitney Harris, executive director of the American Bar Association, addressing the student body and Alumni guests in Hutchinson Commons.

Dwight P. Green, '12, Charles F. Russ, '51, and Paul Moore, '23, at the Faculty-Alumni cocktail party preceding the dinner at which Mr. Whitney Harris spoke.

Dinner in Hutchinson Commons preceding Mr. Harris' speech. George McKibbin, '12, was Alumni host at this table.

The Honorable Ivan Lee Holt, Jr., '37, of St. Louis, Mr. Richard Levin, '37, Professor Strodtbeck, and Professor Katz before the Harris Dinner.

Tax Conference Chairman

Mr. William Haddad, of the Chicago firm of Bell, Boyd, Marshall and Lloyd, is the new chairman of the Planning Committee for the Law School's annual Federal Tax Conference. Mr. Haddad has served with the Committee for several years. He succeeds Mr. William McSwain, of Eckhart, Klein, McSwain and Campbell, who has chaired the Committee for the past two years, and Mr. Robert R. Jorgensen, of Sears, Roebuck and Company, who was chairman in the early years of the Conference and played a major role in establishing it.
**Student Luncheons**

For some time past The Law School has sponsored a series of small, informal lunches at which members of the entering class might meet with members of the Bench and Bar. During the current academic year the general plan has been to arrange a series of meetings with trial judges during the Autumn Quarter, with appellate judges during the Winter Quarter, and, in the forthcoming Spring Quarter, with trial lawyers. Participants ordinarily speak informally to the students on some aspect of their work and then answer a flood of questions. The School believes these meetings to be a valuable adjunct to the classroom work of the students and is extremely grateful to the judges and lawyers whose co-operation has made the series possible. Speakers thus far in the current academic year include:

In the center, United States Circuit Judge H. Nathan Swaim, '16; second from left, Bigelow Fellow David Jackson, at a student luncheon.

United States District Judge William Campbell with students in the Quadrangle Club, before one of the student luncheons.

Circuit Judge Richard Austin, '26, speaking on the work of the trial judge to a student audience.

Judges Elmer J. Schnackenberg, '12, and H. Nathan Swaim, '16, United States Court of Appeals; Judge William Campbell, United States District Court; Justice Walter V. Shafer, '28, Supreme Court of Illinois; Judges Richard B. Austin, '26, Harry Hershenson, and John F. McCormick, '16, of the Superior Court of Cook County; Judge Jacob M. Braude, '20, of the Municipal Court of Chicago; Judge Morton Fisher, of the Tax Court of the United States; Mr. Albert E. Jenner, Illinois Commissioner on Uniform State Laws; Mr. Robert Tieken, '32, United States Attorney; Mr. Albert H. Robbins, '23, barrister-at-law, London; Mr. Edwin Johnston, of Johnston, Thompson, Raymond and Mayer; Mr. Sidney Schiff, '23, of Dallstream, Schiff, Hardin, Waite, and Dorschel; Mr. Forest Siefkin, '19, vice-president and general counsel of the International Harvester Company; and Mr. Uriel Gorney, district attorney of Tel Aviv, Israel.
New York Meeting

During the Christmas holidays, on the occasion of the annual meeting of the Association of American Law Schools in New York, The Law School was host at a luncheon meeting of New York alumni, current and previous members of the Faculty, and alumni now on the faculties of other law schools. About seventy-five were in attendance at the Biltmore Hotel to hear Dean Levi and Professors Strodtbeck and Zeisel report on some aspects of the School's current research into the nature and functioning of the jury system, and to meet other members of the research staff for informal discussion. Tape recordings were played in illustration of the project's use of an experimental case and of the consideration of that case by a mock jury drawn from an actual venire.

Alumni Notes

It is with great pleasure that we note the President's recent appointment of ALLIN H. PIERCE as a judge of the Tax Court of the United States. Judge Pierce received his degree from The Law School in 1923 and has been in private practice in Chicago.

Professor Tefft informs us that during his most recent visit to Des Moines he discovered that HENRY J. TEPASKE, of the Class of 1929, is currently vice-president of the Iowa State Bar Association and in the ordinary course of events will succeed to the Presidency later in 1955.

The recent death of ARNOLD A. BAAR, Class of 1914, is noted with regret. Mr. Baar received the Ph.B. degree from the University of Chicago in 1912, and then went on to the J.D. cum laude in 1914. After a short period with Mayer, Meyer, Austrian and Platt, he formed the firm of Kixmiller and Baar, later Kixmiller, Baar and Morris, with which he was associated until a few months before his death. For most of his professional life his special field of interest was federal taxation; he was for many years editor of the tax publication of the Commerce Clearing House and has written extensively in the field. In 1944 he was cited by the University for his extensive public service, including, among many other positions, the offices of president of the City Club of Chicago, president of the Civic Federation of Chicago, and president of the Citizens School Committee of Chicago. Last spring, Mr. Baar was appointed a judge of the Tax Court of the United States, and was serving in that capacity at the time of his death.

The election of CHARLES H. DAVIS of Rockford, Class of 1931, brings to three the Alumni of the School now members of the Supreme Court of Illinois. Justice Davis will join Justice Walter V. Schaefter, '28, and Justice Harry Hershey, '11. Justice Davis has been in practice in Rockford for many years and at the time of his election was a partner in the firm of Thomas and Davis.

We are informed by mutual friends that HORACE DAVIS, of the Class of 1916, has recently been appointed to the Supreme Court of Montana. Mr. Davis is a resident of Billings and has been a partner in the firm of Brown, Rockwood and Davis.

The achievement of Alumni of the School has not been confined to the judiciary. Last November's election
brought A. A. Ribicoff, Class of 1933, to the governor's chair in the state of Connecticut. Prior to his election, Governor Ribicoff served for two terms in the legislature of Connecticut, for two terms as judge of the Hartford Police Court, and for two terms as a member of the United States House of Representatives. He resides in Hartford, where he has practiced in the firm of Ribicoff and Ribicoff since his graduation.

The Law School Fund

The Law School Alumni Fund Campaign for 1954-55 is now well under way. Dwight P. Green, '12, general chairman of last year's successful campaign, has agreed to head the drive once again. Laurence A. Carton, '47, will be assistant general chairman. A campaign committee, the members of which are set forth below, is now engaged in securing chairmen and co-chairmen in each class and in completing general plans for the months to come. It is expected that this year the general drive will open about April 1 and that before its conclusion virtually all alumni residing in large metropolitan centers, and many of those in smaller communities, will have been called upon personally by a fund worker. Last year the campaign resulted in more than 1,100 gifts totaling almost $75,000 from Alumni and special gifts. The committee hopes this year to improve on both these totals.

CAMPAIGN COMMITTEE

Group I—Classes 1904-12
Charles R. Holton, '10, Chairman
Claude O. Netherton, '10
Walter H. Chambers, '12
Charles P. Schwartz, '09

Group II—Classes 1913-19
Leo Carlin, '19, Chairman
Clay Judson, '17
Jacob Fox, '13
Henry F. Tenney, '15

Group III—Classes 1920-29
Louis Silver, '28, Chairman
Max Swiren, '27
Frederick Lundgren, '20
Roger Bloch, '23
Roger Q. White, '29
Robert McDougal, Jr., '29
Bernard Nath, '21

Group IV—Classes 1930-39
Earl F. Simmons, '35, Chairman
Stanley A. Kaplan, '33
P. Newton Todhunter, '37
Stuart Bradley, '30
Lee Shaw, '38

Dwight P. Green, '12
Finally, they control newspapers and news media in many countries of the free world. These papers get their guide lines from Moscow. It is always amusing to see what they will do when an event occurs that is not covered by standing instructions. Generally they temporize until the Kremlin has reached its decision, but sometimes they cannot wait to get their guidance. Then there is real confusion, as, for example, when Moscow was hesitating over its policy toward the Marshall Plan and again after Stalin's death when the eulogies of the foreign, and even the satellite, Communist press found little echo in Moscow.

This list of Soviet "fronts" touches only the high spots. Every important and vulnerable country in the free world has its particular type of subversive penetration apparatus, tailored to meet the particular political, social, or economic weaknesses of the country in question. The Communists thrive on the fact that it is easier to destroy than to build, that many people everywhere are dissatisfied, and that the promise of power and the prospect of change is seductive medicine.

We do not claim to have insight into the book of regulations under which the international Communist apparatus operates, but we know a good bit about it. High members of the MVD have revolted against the methods they have been taught to practice and have come over voluntarily—"defected"—to the free world and told us much. Some of this has been published to the world. Some, for security reasons, should be held back to help us to delve more deeply into the Communist organization and practices. Of course, the Communist political parties and front organizations, like icebergs, show a small percentage of their bulk above the surface, and this helps in following the apparatus to its underground.

Recently the Tudeh (Communist) party apparatus in the Iranian defense forces was thoroughly uncovered. Here they had made a deep penetration. Several hundred Communist agents in the armed forces were caught red-handed, and valuable lessons were learned as to the Soviet methods of operation in the Middle East. Also, it opened the eyes of many in that part of the world as to what the Communists were doing.

The defection in Australia of a single important Soviet agent and his wife was taken so seriously by Moscow that they removed their entire "official" establishment from Australia, and Communist penetration there received a severe blow.

We estimate that Communist expenditure in support of its over-all subversive mechanism is approximately 10 per cent of its expenditure on its over-all armaments program. On a comparable basis, that is, taking a comparable percentage of our defense budget, we would be allocating some three to four billion dollars annually to this type of activity. I need hardly tell you that such is not the case.

This Soviet expenditure does not include the costs of their occupation and security forces maintained to hold down countries like East Germany, Poland and Hungary, Romania and Bulgaria, nor the cost of the armaments they contribute to Communist paramilitary operations such as those in North Korea and the Viet-Minh. Furthermore, it does not include the outlay in maintaining and manning the Iron Curtain itself—that physical barrier across the breadth of Central Europe to divide the free from the slave.

Possibly this brief survey will give you some idea of the tasks which are faced in shoring up the protection of the free world against subversion. I can assure you that I have not exaggerated. If anything, it is an understatement. While here in the United States we have developed a relative protection against this particular brand of Communist penetration, the same is not true of many countries of Europe, of the Middle East, or of Asia, particularly today in Southeast Asia. Also, we know what is now going on in North Africa, and we have had the recent experiences of Guatemala and Iran. The task of meeting subversive warfare is real and immediate.

On the European front we hear much from Moscow these days of the possibility of coexistence and of the relaxation of tensions. Let us hope that these possibilities will be realized in some tangible concrete fashion. Clearly since Stalin's death the Kremlin has been trying to play down the idea that it was threatening overt aggressions or military action. Their Far Eastern partners, Mao Tse-tung and Company, do not seem to be following suit either in the Formosa Straits or in the treatment of prisoners.

Though from time to time the Kremlin does appear to favor a softer line in dealing with the West, there is nothing in its actions which indicates that Moscow is willing to abandon the subtle type of subversive warfare which I have described.

It may be well to recall the Soviet action when hard pressed during the war and anxious to insure our continuing military aid. They then decided it would be tact-
ful to play down their objectives of world revolution. So they purported to disband their central organization for such activities, and on May 22, 1943, announced the dissolution of the Comintern, the head organization of the Communist International.

At that time, though somewhat skeptical, we hailed the action as "welcome news," and Secretary Hull added: "The elimination of that organization [the Comintern] from international life and the cessation of the type of activity in which that organization was in the past engaged is certain to promote a greater degree of trust among the United Nations and to contribute very greatly to the wholehearted co-operation necessary for the winning of the war and for successful postwar undertakings."

The war once terminated and the hope of further military aid from us ended, Moscow reverted to type and created the Cominform at a meeting in Warsaw in September, 1947. Interestingly enough, Moscow's spokesmen at that meeting, attended also by officials of the then European satellites and representatives of the French and Italian Communist parties, were Zhdanov and Malenkov. This meeting marked the commencement of Moscow's attempt to wreck the Marshall Plan and was followed by a series of grave strikes in France and Italy.

The postwar revival of the Comintern under a new facade was only the beginning of the build-up of the Communist apparatus, and what we face today dwarfs the Comintern of prewar days.

Certainly if there is to be any coexistence or period of relaxation, it cannot be achieved merely by treaties banning overt acts of aggression. Real coexistence must also hold safeguards against the continuance of subversive warfare that bores from within, that is unacknowledged and insidious—and yet holds fearful danger for any free society.

When diplomatic relations were resumed with the Soviet Union in 1933, we tried to write into our agree-

ments with Litvinov safeguards against subversion. They proved futile. How to accomplish this will, I fear, be beyond the reach of legal formulas. It is interesting to note that, according to my researchers, no lawyer was ever admitted into the charmed circle of the Politburo. Possibly this explains the Soviet disdain for written agreements and its preference for a type of action which knows no law.

It is contrary to our character and to our principles to interfere in the internal affairs of others as the Soviets do in the free world. Hence our response to this particular type of Soviet warfare must in part be defensive. But, even if we should wish to emulate the course of conduct set by the Communist International, we would run into almost insurmountable obstacles.

A few words will suffice to show why. The free world is largely open to unrestricted travel and observation, and, consequently, penetration by any malevolent power which wished to engage in this activity is easy. We have a free press, and we tell friend and foe alike of what we are doing. Within certain limitations persons can travel throughout the length and breadth of the free world and there take part in industrial, educational, literary, and other activities. They can freely express their views and try to influence others to their way of thinking.

This free system, which we cherish and must preserve, does in itself tend to leave us wide open to the subversive techniques of international communism.

In the Soviet Union and the satellites, their practices preclude contact of the free world with the Iron Curtain countries and their peoples. They have constructed a physical barrier against us; they jam the airways; they have no free press which gives our views; and they allow no freedom of expression. They keep their people in ignorance of what we are doing; they do not freely publish significant information about events in their own country or abroad.

Therefore, on the territory of the free world, we are on the defensive against actions we cannot return in kind. But we can be aggressively defensive—not by restricting our liberties or by becoming a police state, but by creating conditions under which subversive communism wilts away and where their agents and front organizations are quickly unmasked for what they really are.

In this regard we have made real progress here in the United States. But in many other parts of the free world, for a multitude of reasons, people are far less alert to the danger. However, there is no tendency in Washington either to accept passively future Soviet successes in the field of subversion or to recognize as final Communist subversive conquests which have extended the frontiers of international communism into the very heart of Europe and into Southeast Asia.

There are many positive steps which can and have been taken. For example, we can show the difference between our way of life in a free society and that in Com-
munist dictatorship. Today this is being done in West Germany and West Berlin, in Austria, and in many other places where the free world comes closely into contact with the slave world.

We can help develop the resources of backward areas, which are particularly subject to Communist infiltration, and raise the living standards of the free above that of Soviet-controlled peoples. Many programs for this purpose are now being carried out; more can be initiated. Through the use of radios and many other means we can keep alive the hope of freedom which has never gone out in the Soviet satellite states. No Iron Curtain can completely cut off one section of the world from another.

We can and do offer asylum to those fleeing to freedom from the dictatorship countries, and their messages can be beamed back to the peoples they have left. We can give aid to those countries which are determined to root out the Communist subversive apparatus from their midst, and we should be prepared to do so.

And, finally, we can unmask the Soviet subversive apparatus by opening its activities to the light of day. We can identify their front organizations; we can harass their underground agents. Each free country must act under its own laws and procedures, but, once there is better comprehension throughout the free world of the nature of the peril, the incentive to take vigorous countermeasures will follow. In this, as in many other matters, knowledge is the beginning of wisdom, and wisdom should lead to action.

At best, however, I suspect that we must look forward to a prolonged period of cold war during which those who love liberty must be prepared to defend it against the organized attack of the totalitarian faith that is communism. Certainly, our objective must be to hold our own in this struggle and to expand the area of freedom.

At the same time we must avoid the kind of thoughtless impatience or panic that could lead to the disaster of a general atomic war. This struggle that has been forced upon us will require cool nerves. It may require sacrifices of Americans and other free men in far and primitive corners of the globe. It will demand of us sympathy and respect for peoples whose faiths, customs, and conditions of life are far different from ours but who share with us opposition to totalitarianism.

Eventually, there is solid ground for hope that we can build on our side of the Soviet Iron Curtain a free world that is so militarily strong, so politically stable, so economically prosperous that the Soviets dare not attack and cannot subvert. This free community will exercise a powerful attractive force on the satellite peoples. It will demonstrate for those not completely blinded by fanaticism the falsity of the Communist historical predictions.

With this may come the withering of the fanaticism which holds together the international conspiracy. Then "peaceful coexistence" will become an actual condition to enjoy rather than a slogan of which to be wary.