

The Harvard Law School Record

MAR 1

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GERMANY TO BE TOPIC OF FORUM

Series Will Begin
Tomorrow Night In
Rindge Auditorium

Whether or not we should rebuild a strong industrial Germany will be the issue presented tomorrow night as the Harvard Law School Forum opens its 1947-1948 series in Rindge Tech auditorium at 7:50 P. M. Thomas Blaisdell, Director, Office of International Trade, in the Department of Commerce will argue for the necessity of rebuilding Germany while Bernard Bernstein, former financial adviser to General Eisenhower in the Mediterranean and European theatres will take the opposite point of view.

The question has recently received a great deal of publicity since it appears to be one of the cornerstones of American foreign policy concerning the economic reconstruction of Europe to rehabilitate Germany industrially, and it has been bitterly attacked as a policy which will divide Europe and alienate some of the western European countries, notably France, as well as Soviet Russia. This argument, which was strongly advocated by Henry Wallace in his Harvard speech last week, will be advanced by Mr. Bernstein, who became convinced of his theory while serving as director of the division for investigating cartels and external assets in Germany for the U. S. Group Control Commission after the war.

Mr. Blaisdell, on the other hand, brings with him impressions gained as chief of our Mission for Economic Affairs in London from 1945-1947, and feels just as strongly that the industrial potential of Germany must be used in order to speed up the economic reconstruction of the European states under the plan for aid now being considered by our government following receipts of the recent 16-nation report from Paris.

In releasing the Forum program for the coming year, Henry Lopez, president, points out that the Forum will present eight evening meetings and four afternoon meetings as regularly scheduled items, with the possibility of spot programs being presented when topics of unusual and immediate interest arise.

In addition, he points out that there are two particular changes in Forum
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American Bar's Wealthiest Lawyer Avoided Trials; Made \$40,000,000

John W. Sterling is reputed to have earned more from the practice of law than any other attorney in the history of the American bar. Yet this legal Croesus only twice in his entire career appeared in court—both times in petty cases, one being a \$500 assault and battery action. Unknown to the public and almost unknown to the bench and bar, his name is not even footnoted in legal history. On the door of a New York City law "factory" and on the cornerstone of a New Haven gothic building group, however, his name still challenges the eraser of time.

Born in 1844 the son of a sea captain, Sterling was scarcely the boy expected of such lineage. He detested water travel, never went abroad, and even avoided river ferry boats. He was an earnest, scholarly boy and never weighed so much as 150 pounds as a man. At Yale College he was Phi Beta, Skull and Bones, a debater, and winner of the declamation contest. His awards, however, left him insecure as to his abilities and ill-satisfied. He was extremely conscientious in his school tasks, and he worked long hours with abnormal zeal.

His diary of these days is filled with pious resolutions about not smoking, resisting temptation, working hard, etc. The youth clearly foreshadowed the later man—ascetic, preaching noble general

sentiments but opposing relief work as the first step to state socialism, uncomfortable in the society of women, driven to long hours of labor by a remorseless subconscious need. Freudian psychiatry would explain this personality as based on his physical inability to emulate his father and on his subconscious attempt to overcompensate intellectually. His dislike of water would be explained as an expression of an "unresolved" father-son rivalry which is not uncommon. Thus can be understood the anxieties which drove John Sterling to amass
(Continued on page four)

GRISWOLD REVIEWS LAW SCHOOL PLANS

OPPORTUNITY KNOCKING!

THE RECORD extends a cordial invitation to all students, particularly present third-termers, who want to take a more active part in the Law School organization to come up and work on this newspaper. There are positions open on both the news and business staffs. Those interested may meet with the editorial manager at the RECORD office on the third floor of Austin this Friday afternoon at two o'clock.

Denies Existence of Law Grad Surplus In Speech to Alumni

Three hundred members of the Harvard Law School Association met at the annual luncheon meeting held in the Hotel Cleveland, at Cleveland, Ohio, on Wednesday Sept. 24, 1947. The group, which included among others such distinguished guests as Senator Alexander Wiley, Chief Justice McRuer of the Canadian High Court, President-elect Gregory of the American Bar Association, Judge William L. Ransom and Mr. Murray Seasongood, heard speeches by Dean Erwin N. Griswold, Professor Lon L. Fuller and Louis Toepfer, Director of the Placement Office. The group sent a telegram of congratulations to Professor Samuel Williston on the occasion of his eighty-sixth birthday, and on motion by Reginald Heber Smith, unanimously elected Dean Griswold's father, Mr. James H. Griswold, Cleveland attorney, an honorary life member of the Harvard Law School Association.

Professor Fuller briefly discussed the objectives and work of the Legal Education Committee of which he is chairman. The Committee, he stated, was reviewing the curriculum and at the same time working with the other members of the faculty in exploring teaching methods in the Law School. He assured the graduates that the Committee was cognizant of the traditions of the Harvard Law School and that it did not intend to change the essence of the case method of teaching nor to dictate to any individual on the faculty as to his method of teaching.

Professor Fuller was followed by Dean Griswold who spoke of the operation of the school for the past year under the accelerated program, and of prospects for the future.

The School, he stated, will turn out
(Continued on page three)

Record Elects Officers for New Term



Front row, left to right: Lord, Logan, Deutsch, Wolford; Second row: Taft, Kayle, Goldston, Corbett; Back row: Evans, Karlin, Flanagan, Fitts, Myskowski; Other Board Members: Culbert, Juhl, Kirby, Litschgi, and Spear, are not pictured.

At the conclusion of the summer session, a new RECORD Board was elected to guide this publication through its fifth term at Harvard Law School. Those elected as Corporation Officers were as follows:

President—Richard H. Wolford (Harvard '43) succeeded Henry Karlin (Pitt, '39).

Editorial Manager—Joseph P. Logan (Dartmouth '42) succeeded Wolford in this office.

Business Manager—Marshall J. Deutsch (C. C. N. Y. '42) was re-elected.

Those elected to the Board of Editors were: **News**—Laurence P. Corbett (Harvard '43) replacing Robert Maier (St. Lawrence '43); **Features**—Milton P. Kayle (Hamilton '43) replacing Logan; **Opinion**—Eugene Flanagan (Yale '44) re-elected; **Current Case**—Robert W. Culbert (Drexel Tech. '41) re-elected; **Articles**—Eli Goldston (Harvard '42) replacing Loren E. Juhl (Ill. '40); **Calendar**—Stanley R. Evans (Northwestern '46) replacing Samuel Schwartz (Wisconsin '45); **Alumni**—Nathan C. Fitts (Amherst '39) re-elected; **Comment**—Nathaniel B. Taft (Fordham '40); **Technical**—Walter J. Myskowski (George Washington '44) re-elected; **Associate**—former president Harvey Karlin replacing Charles O. Porter (Harvard '41); **Secretary**—Charles A. Lord (Colby '42) was re-elected.

Members of the new Business Board are: **Advertising Manager**—Harvey M. Spear (Brown '42) replacing Thomas N. Bantivoglio (Princeton '45); **Circulation**—Paul Kirby (Harvard '44); **Promotion**—Loren E. Juhl, former **Articles Editor**; **Treasurer**—A. Byrne Litschgi (Florida '41) who dropped out for a term, resumed his office.

Other members of the staff for the coming term include: William P. Cunningham (Harvard '44), Bancroft G. Davis, Jr. (Harvard '41), Elliott S. Gross (Syracuse '46), George Powell (Rensselaer '45) Sydney Rothstein (C. C. N. Y. '43), Jerome Shestack (Penn. '43), Alvin Silverman (Cornell '46), Saul Touster (Harvard '44), Miles Wedeman (Swarthmore '43), Kenneth G. Weinberg (Miami '40), Robert P. White (Maryland '38), Bernard Marcus (Penn. '45), Richard Wincor (Harvard '42).

WALLACE HITS WALL STREET

Declares War Avoidable
Before Harvard Audience

Over 6000 persons braved the frosty evening last Wednesday to hear Henry Wallace speak in Soldiers' Field. The former Vice-President and current editor of the *New Republic* reasserted his thesis that "war is not inevitable and that peaceful abundance without depression is possible."

His audience at the mass meeting, sponsored by the American Veterans' Committee's local chapter for the benefit of its Evans Carlson Memorial Scholarship fund for the international exchange of students, was typically Harvardian in its lack of violent partisanship. Mr. Wallace's introductory comment that Harvard has apparently perfected a "fall-bearing raspberry" was not fully justified by the restrained attitude of the audience. The only exception was provided by a man, costumed
(Continued on page three)

Scribe Challenges Hollywood With An Epic of Langdell Frustrations

Some years ago a movie producer in Hollywood picked up a book called "Psychology Made Easy," directed his secretary to read the first two chapters to him, and was at once convinced that he had made the greatest discovery since talking-pictures.

Ever since then we have been plagued by what Hollywood has laughingly called "psychological dramas." There have been movies about doctors, engineers, architects, dancers, male drunks, female drunks, etc., all of whom, for one reason or another have been slightly "off the beam."

Now what I would like to know is: Why haven't we had a psychological movie about lawyers? I'll thank Hollywood to know that lawyers and law students (especially) can be just as crazy as anyone else. Just to prove it I've drawn up a rough scenario about a mad law student and how he got that way.

I've adopted what I believe is called the flashback technique, since that seems

to be another current movie vogue. Every self-respecting picture nowadays has to start at the end and proceed to the beginning. So our scene opens at the end of the picture (that still seems silly to me) in the consulting room of a large hospital where a young female psychiatrist (I think perhaps Ingrid Bergman could handle the part) is telling the case history of one Robert D., till very recently a Harvard Law School student, to the head of the institution, a crotchety and gruff, but kindly old man (Lionel Barrymore, of course).

Our hero himself, the aforementioned Robert D., is also in the room, a happy but vapid smile on his face, busily engaged in what appears to be some kind of writing. The camera fades in on Robert D. (I hope "fades in" is the right term. It doesn't sound right.) and we see that what he is doing is writing the letter "G" over and over till he reaches the edge of the paper. Then he takes
(Continued on page three)

JOWITT TALKS TO NEW CLASS

English Jurist Reviews
His Role In Government

"You are going to belong to a great and honorable profession. You will fight vigorously for your client; but you will fight with weapons of the soldier, not of the assassin," Viscount Jowitt, Lord High Chancellor of Great Britain, told the 550 members of the Law School's entering class in the Court Room, on Monday afternoon, September 29.

Viscount Jowitt was introduced to the class by Dean Griswold, who told the group that when he had originally called this meeting as part of the regular orientation program he had not foreseen that it would be made such an auspicious occasion by the unexpected and honored presence of the leading British jurist. Dean Griswold informed the meeting that the Lord High Chancellor of Great Britain is the only official who occupies a position in all three of the government branches.

In his address, the Lord Chancellor stressed the fact that this English governmental set-up, which is so different from our system of division of powers and checks and balances, is well suited to the English situation, that it has many general advantages, and above all, "it works." Though the Lord Chancellor is the only officer exercising all three functions, every member of the executive branch is necessarily a member of Parliament. The purpose of this set-up
(Continued on page three)

LAW WIVES' DANCE

The Harvard Law Wives group is sponsoring a dance next Friday evening, October 10, at Kendall House, for all students (Marriage no prerequisite to admission). Ken Reeves and his orchestra will furnish music for dancing from 8:30 until 12:30, and beer and set-ups will be available. Tickets are now on sale at Kendall House and Langdell for \$1.20 per couple.

NEW TREASURE ROOM IN VIEW

The Harvard Law School Association, led by the former Secretary of War, Robert P. Patterson, has launched a campaign to raise \$100,000 for the construction of a Memorial Treasure Room for preserving and displaying the Law School's rare books and manuscripts. According to Arthur C. Pulling, Director of the Harvard Law School Library, these books and manuscripts which include significant documents in the history of the law in Europe, Asia, and the United States, comprise "the greatest collection of legal rarities in the world."

The Treasure Room, which is to be located at the northern extremity of Langdell Hall as an architectural balance to the Root Room, will serve two purposes. It will be an air-conditioned, dust-free storage where the collection can be seen as well as used; heretofore, these legal treasures had been stored in basement vaults where, in time, varying temperature and humidity would have caused serious deterioration. The room will also serve as a fitting memorial to the 193 students and graduates of the Law School who lost their lives in World War I and World War II; the names of these men will be inscribed on a tablet situated at the entrance to the Treasure Room.

Although there will be no formal campaign for funds among the students of the school, all contributions—no matter what amount—will be received gratefully. Such gifts can be left at the Dean's Office or can be mailed to the Treasurer, Harvard Law School Association, 60 State Street, Boston, Mass.

The Harvard Law School Record

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Editorials

With this issue the RECORD increases its circulation by over five thousand. Through an arrangement with the Harvard Law School Association, each active member of that organization will receive a subscription to the RECORD, the cost of which will be included in his regular dues. It is contemplated that eventually circulation will rise to over ten thousand. The RECORD thus becomes a publication of national scope, read by a large audience of great influence in national and international affairs.

It is the hope of the Editors of the RECORD and the Officers of the Association that this arrangement will benefit the Law School, its students and its graduates. The School needs and welcomes the continued interest of the graduates; the weekly receipt of the RECORD containing first hand news of the School should more closely tie them to the School. The RECORD will bring to students news about and views of practicing attorneys and will, it is hoped, give them a picture of some of the problems they will face on graduation. The graduates will find here news of the school, of some of the newer developments in the law and especially of the varied viewpoints of young men about to enter the legal profession.

It is important to point out that the columns of the RECORD are open to expressions of opinion from faculty members, students and graduates, whether in the form of letters to the editor or of articles of varying length on any subject which they believe should be discussed. It is in this way, more than any other, that the RECORD can fulfill its function as a journal of news and opinion.

H. K.

Letters to the Editor

To the Editor of the RECORD:

I want to submit a letter to the Board as an expression of my support of the RECORD. It seems unthinkable that the Law School never had a newspaper until so recently. The paper is now a very essential part of the law student's life at the School: the long lines that form weekly when the paper comes out is proof enough that the students want and appreciate the paper.

I hope the RECORD continues to be supported by the Faculty and Administration. The expense is well worth the results.

Hunter L. Martin, Jr. 2-L

To the Editor of the RECORD:

Last Term the RECORD took exception to Mayor Hynes' action in advising against bringing a Broadway production, "Dear Judas," to Boston.

The editorial sarcastically intimates that the sole objection to the play "Dear Judas" is that "the character of Judas is depicted in a more favorable light than in the New Testament." If that be the objection, that is enough; does the RECORD say that Judas, the greatest traitor in history, deserves a favorable showing? What benefit to the people of Boston, or to the people of any city, can come from showing any traitor in "A more favorable light?"

The editorial further suggests that there would be nothing wrong with depicting Satan as a "rather nice fellow" nor with a play which suggested the idea that "there is no God." Perhaps the RECORD believes that those who profess any belief in God, be they Baptists, Presbyterians, Catholics, Episcopalians, Luther-

ans, or Jews, are lacking in normal intelligence. The student body of this law school is representative of the American nation, and though there be here diversity of sects, there is faith in, and devotion to, the Creator.

Had the RECORD confined itself to a consideration of the process by which the Boston mayor "banned" the play, it might have served a good purpose. Civil liberties must be protected and no sound-thinking individual quarrels with that statement. A judicial system protects these liberties. But does the RECORD declare that there is no case in which human decency is so far violated that action by the executive branch of the government is improper and unconstitutional?

It is a sorry sight to see a publication of an institution of this caliber denounce any man who has the courage to improve the morals of his community. It may be said that a Christian nation does have a minimum standard of decency. That decency requires that where God is mocked someone should act. Merely because the RECORD prefers to lower itself beneath that standard is insufficient reason to blast one who who seeks to uphold it, under the guise of the "defense of civil liberties."

GEORGE H. CAIN, 2L.

Gallery

ARNOLD RAUM

Tax Expert

Many untutored critics complain that the average law professor inhabits a legal Taj Mahal and never ventures into the open battlements of a courtroom. Whether practical experience in the profession is or is not valuable in the teaching field will probably be a matter of debate for generations to come. But the statement that "he lacks experience" can never be applied to Mr. Arnold Raum who has assisted in the litigation of over 300 cases and whose production of legal literature covers 43 volumes plus.

Physically Mr. Raum is a mild-looking medium-sized man with a well carrying voice that stood him in good stead in his crowded classroom sessions in Austin North last term. He was graduated from Harvard College ('29) summa cum laude with mathematics as his field of concentration. Mr. Raum then entered the Harvard Law School and was awarded an LL. B. magna cum laude in 1932, after having served for two years as an Editor of the *Law Review*. Upon graduation he was awarded a fellowship from Harvard to do research in the field of Future Interests at Cambridge University. However, shortly after commencing graduate study, an offer from the Reconstruction Finance Corporation arrived. Prompted by a desire to eat, Mr. Raum accepted and returned to the United States to begin a career of government service which has since continued uninterruptedly except for several war years.

Mr. Raum went to work in the fall of 1932, and at that time RFC was swamped with a wide variety of cases involving the financial structure of the country: chiefly bank reorganizations, liquidations, and closings. For the next two years he remained with RFC and was intimately connected with the administration of the Roosevelt monetary reforms, being in charge of the legal aspects of the gold purchase program which preceded the revaluation of currency in the 1930's.

In 1934 Mr. Raum went to work for the tax division of the Justice Department as one of the many special assistants to Attorney General Homer Cummings. The change was prompted by a wish to get into active litigation. Two weeks after joining the department he was given notice that he would represent the Government in a case being litigated in Chicago within the next twenty-four hours. Happily enough he won the case and thus commenced a career in court work that has carried him to every Federal Circuit and to the Supreme Court on occasions too numerous to record. In the academic year 1937-1938 Mr. Raum gave a course in Taxation at the Yale Law School and commuted between Washington and New Haven in order to meet his class two times a week. Incidentally, that year constituted his only teaching experience before coming to Harvard. However, lest it be felt that his familiarity with the material in Taxation be insufficient to handle his overflowing section, let it be known that he has argued a goodly percentage of the cases in the Taxation Casebook and consequently has somewhat more than a passing acquaintance with said cases.

Among the more outstanding cases in which Mr. Raum has represented the government is included *O'Malley v. Woodrough*, 307 U.S. 277, 59 S. Ct. 838 (1938), noted p. 356, Griswold, *Cases on Taxation*, which decided that federal income taxes can be assessed on the salaries paid to federal judges. Mr. Raum argued the case in the lower court, and Solicitor General Robert H. Jackson (now Mr. Justice Jackson) represented the government in the Supreme Court.

In 1939 Mr. Raum moved into the Solicitor General's office and has been there since, except for a period of several years' service with the Coast Guard. He held the rank of Lt. Comm. and was attached to the office of the Commandant. Mr. Raum was married early in 1944.

Since joining the staff of the Solicitor General Mr. Raum's volume of litigation has remained high but its variety has expanded considerably so as to include most every type of case involving the United States Government: in addition to taxation there are cases on property, contracts, criminal law, constitutional law, public lands, and national defense. The more hardy among RECORD readers may refer to *U. S. v. Johnson*, 319 U. S. 503, 327 U. S. 106, where the trial court's conviction of Chicago gambler William (Big Bill) Johnson was affirmed by the Supreme Court. Interestingly enough, Mr. Raum met his old boss Homer Cummings in the case, but this time on opposite sides of the Supreme Court bar. Mr. Raum participated in the first treason case of World War II, resulting in the conviction of Nazi sympathizer Max Stephan, which the Supreme Court refused to disturb, *Stephan v. U. S.*, 318 U. S. 781. And for those who are fascinated only by more spectacular stuff, Mr. Raum conducted the 1939 Grand Jury investigations of the Huey Long machine; and he successfully represented the federal government in the recently decided highly significant California "Tidelands" Case.

Despite the tremendous amount of work that has gone into the preparation of enough briefs to fill 43 volumes, Mr. Raum seems well satisfied with his fifteen years of government service. He says that although the financial remuneration in successful private practice is much greater, still many large law firms of long years standing have not had the opportunity that he as one man has had in getting on the inside of significant legal proceedings. He enjoys teaching very much and considers his classes quite stimulating. He finds that the course in Taxation is not so far removed from the practical world of tax law as to make him feel strange on the teaching platform. Mr. Raum, after dealing with more law than most attorneys see in a lifetime, says he considers his career as just beginning. During the summer term he spent full time in Cambridge, but he has now returned to Washington.

B. M.

Off the Record

Tip for Tyros

You'll find your life is most confused,
The situation murky;
You'll fuss and fume about the law;
Your manner will be jerky.
By late November, though, you'll know
(If you are not beserky)
The legal ropes—and you'll give thanks
For more than roasted turkey.

Postal Complaint

"Dear Editor: I started law school in October, 1945, and have been attending continuously since. I'm awfully tired. In a word, what do you suggest?"
Graduate.

Legal Primer: Harvard Square

See all the pretty stores, children? Every one of them is chock full of bargains—if your millionaire father gives you an unlimited allowance. If you drive through Harvard Square, life insurance is compulsory, too. If you try walking from the sidewalk to the subway kiosk, the odds are 8-5 you don't make it. Why? Native autoists must meet their daily quotas.

What's that, children? Why, of course, it was a smart thing to travel all the way to Bikini to drop the atomic bomb.

L'AVOCAT

Department of Understatement

"The Romans misled by the double sense of res, unhappily distinguished res corporales and res incorporales; the former being things 'quae tangi possunt, veluti aurum vestis,' the latter being mere rights, 'quae in jure consistunt.' It is obvious that this is mere confusion." "Introduction to the Law of Real Property," by Harry A. Bigelow, page 42.

Sub Judice

CALIFORNIA AND THE MEXICAN SCHOOLCHILDREN

The Circuit Court of Appeals for the Ninth Circuit recently held that the segregation of schoolchildren of Mexican descent violates the equal protection clause of the 14th Amendment. The segregation had been accomplished in the school districts in question by means of regulations and "customs and usages" over a period of years. The case makes interesting reading, particularly for those who have some acquaintance with the racial conflicts involved. Circuit Judge Denham's concurring opinion reads in part (161 F. (2d) 774, 782): "California is a state as large as France and having a population at least a fifth as large as that of the United States when the Fourteenth Amendment was adopted. All the nations of the world have contributed to its people. Were the vicious principle sought to be established in Orange and San Bernadino Counties followed elsewhere, in scores of school districts the adolescent minds of American children would become infected. To the wine producing valleys and hills of northern counties emigrated thousands of Italians whose now third generation descendants well could have their law-breaking school officials segregate the descendants of the north European nationals.

"Likewise in the raisin districts of the San Joaquin Valley to which came the thousands of Armenians who have contributed to national prominence such figures as Saroyan and Haig Patigan. So in the coastal town homes of fishermen, largely from the Mediterranean nations, the historic apathies of Italian, Greek and Dalmatian nationals could be injected and perpetuated in their citizen school children.

"Or, to go to the descendants of an ancient Mesopotamian nation, whose facial characteristics still survived in the inspiring beauty of Brandeis and Cardozo—the descendants of the nationals of Palestine, among whose people later began our so-called Christian civilization, as well could be segregated and Hitler's anti-semitism have a long start in the country which gave its youth to aid in its destruction.

"It is to such school officials, who violated their oaths of office and openly break both the state and federal laws and who set such an example to the boys and girls, that these adolescents are entrusted to grow up in the American way of life. . . .

"It is in accord with the long established precedent of Anglo Saxon judges to call to the attention of the prosecuting authorities facts appearing in litigation before them which may warrant the consideration of an indictment. Following that custom, the attention of the senior judge of the Southern District of California and the foreman of its grand juries is directed to the facts here disclosed." *Westminster School District of Orange County et al. v. Mendez et al.*, 161 F. (2d) 774 (April 14, 1947)



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Alumni Notes

Alumni are especially invited to forward contributions to this column to the Record office, Austin Hall, Cambridge (38), Mass.

Robert P. Patterson, LL.B. '15, President of the Harvard Law School Association and former Secretary of War, returned to private law practice on October 1, 1947. Joining him in the new firm of Patterson, Belknap & Webb is Vanderbilt Webb, LL.B. '16, who practiced with Mr. Patterson before the latter was appointed a federal judge in 1930. James F. Curtis, LL.B. '03, is counsel in this firm, which is located in New York City.

Paul F. Hellmuth, LL.B. '43 ('47), former president of the RECORD, and Richard L. Hirschberg, LL.B. '43, passed the Ohio bar in July. Hirschberg obtained the highest mark given in the examination. Hellmuth is now with Hale & Dorr, 60 State St., Boston.

Ex. '95—Arthur James Benjamin Melish died on July 14, 1947 at Vancouver, British Columbia.

Ex. '01—John Thierry Batchelder died August 18, 1947 at South Sudbury, Mass.

LL.B. '08—Clarence Conant Colby died in Newton, Mass. on August 24, 1947. He practiced law for several years upon graduation from the Law School, and in 1916 he also became president of the Samson Electric Company of Boston, and from 1928 to 1930 he was president of the Radio Manufacturers Association. He was an alderman in Newton, Mass. for six years, and a member of the Massachusetts General Court from 1941 to 1943. Since 1942 he has been city treasurer of Newton, Mass.

LL.B. '28—James P. Hart was appointed to the Supreme Court of Texas, effective on October 1, 1947.

LL.B. '32—David A. Morse, a specialist in international labor affairs, has been appointed by President Truman to be Undersecretary of Labor.

LL.B. '43—Victor Weiss has been admitted to the Wisconsin bar. He received the highest mark in the 1947 Wisconsin bar examination.

LL.B. '43 ('46)—Robert Klonsky, reported recently that he has been with Rassner & Eisenberg, 220 Broadway, New York City, since March, 1947.

LL.B. '44 ('47)—Llewellyn Johnson Evans is with the Office of the General Counsel, Navy Dept., Washington, D. C.

GRISWOLD—(Continued)

over 1000 graduates in 1948 — 350 in January, 350 in June and 350 in September. Despite this concentration of new lawyers, he said, "over the ten year period from 1940 to 1950, we will not turn out more graduates than we would have done in a normal ten year period. In other words, all we are doing is to make available a legal education to the same number of men who would have had that opportunity if they had not had their normal lives disrupted by the war."

The Dean denied that the law schools were flooding the Bar. Harvard, he pointed out, has sharply restricted enrollment, accepting only one of every three applicants. The problem is to encourage the absorption into the profession of these prospective graduates. "I think it can be done," he said. "I think that there are many law offices that need first class young help. It is our earnest hope that the law offices of the country will join with us in regarding the admittance into the profession of these young men as a genuine and important war service. Ninety-three per cent of the students now in the school are veterans, nearly all of whom lost from three to five years from their normal careers because of military service."

Mr. Griswold then introduced Louis Toepfer, who described the objectives and function of the Placement Office and invited practicing attorneys to send him any inquiries they might have with regard to their employment problems. He pointed out that he could arrange for interviews and furnish full information on all students.

JOWITT—(Continued)

is that any minister may be called personally to account for his actions at any time.

By way of advice to the entering class the Lord Chancellor cautioned them that the test of a proper legal analysis is not whether it is logical or based on principle, but whether it works. "Pragmatism," he said, "should guide legal thinking and decisions. The unending task of every jurist," he concluded, "should be to reform and improve the law."

WALLACE—(Continued)

as the Russian Bear and flourishing a hammer and sickle, who scampered about in left field behind the speaker's platform. Pursuit by the Cambridge police squad in attendance soon ended this interruption.

The Marshall Plan meets with Mr. Wallace's favor, provided that it is not made a basis of dictating the internal affairs of any of the nations involved and that our strength is used to restore normal East-West trade in Europe—not in forming a Western European bloc.

On the domestic front, Mr. Wallace asserted that his program is one of progressive capitalism, using our democratic machinery.

FRUSTRATIONS—(Cont.)

a ruler, neatly underlines the line, picks up a pen with red ink this time (the picture is to be in technicolor, of course), repeats the process, does it again in green ink and finally starts all over once more with black.

Then the sound track picks up the young psychiatrist's voice as she begins the case history, the strange case of Robert D. We'll let her tell the story from now on:

"You see, Doctor, just two years ago Robert D. was a normal young law student, or perhaps I should say he was as normal as a law student can be, just completing his first year at Harvard Law with a 65 average, which is what I understand those at the school refer to as a gentleman's average."

"Now Robert D. had no illusions about himself and considered himself well pleased with his 65. It was then that his trouble began. It seems that a friend of Robert D.'s, one Albert F., had just made the *Harvard Law Review*, which I presume is some sort of social organization, and attributed his success to his system of annotating. He insisted that Robert D. try the same system during his second year, but Robert, being, as I said before, quite satisfied with his 65, was at first reluctant to try anything new. However, Albert F. refused to take 'no' for an answer. 'Nonsense,' he would say, 'Annotate your notes my way and your average will go up three points or my name isn't Albert F.'

"Robert's sound judgment vanished in the face of such fabulous promises and he tried the system. The mechanics were really quite simple, and he soon became very proficient at it. I've taken this example from one of Robert's notebooks: The discussion of the case appears in black ink in the middle of the page. Then, in the border in red ink is a one-sentence condensation of the case: 'If Farmer A agrees to sell his bull to

Farmer B for \$500, title to the bull passes to B at the time of the agreement.' Then farther out in the margin, in green ink, the words, 'Title to bull passes at time of contract,' and finally on the very edge of the page, this time in black ink, the single word, 'bull.'

"That, as I understand it, was the epitome of annotation and Robert had achieved it. But at the end of the year his average had dropped to 60. It was at about this time that Robert's friends began to notice a nervous twitch on his face and a wild gleam in his eye."

At the beginning of Robert's fifth term another friend, and perhaps I don't use the term advisedly, recommended underlining. Of course this time Robert should have known better, but it's like dope, Doctor, once you've started taking suggestions on how to improve your average there's no turning back. Everything must be tried.

"So Robert began underlining. This too soon got out of hand, and it wasn't long before Robert had underlined each line on every page of all his casebooks. But by now his thirst for straight lines was insatiable. He was seen carefully underlining the bulletins on the boards in Langdell Hall, and he was eventually barred from the library when he was found frantically underlining every line of the *Yale Law Journal*. Before he was discovered he had worked himself up to Volume 58, and by a curious coincidence that was also his average at the end of that term."

"Robert was yet to have one lucid interval before graduating from Harvard to us, Doctor, and that was during his sixth term when, on the advice of a friend, of course, he began to take more copious notes. Moderation was far behind him by this time and it wasn't long before he was recording, in a fine, clear hand, every word that was spoken from the opening of class till its close."

"Attendance in Robert's classes fell off markedly during that term since the stu-

dents could rely on getting every word that the professor had said simply by reading Robert's notes (underlined and annotated). Of course they often found it disconcerting to run across a sentence like this: 'If A buys Blackacre for ten thousand dollars will someone in the back row please close the door?' Or to find a paragraph beginning with: 'You men have got to start reading these cases.'

"But on the whole it was a fine set of notes and Robert began to take a fierce, and, I fear, maniacal pride in his ability to take down every word the professor said. It was this fanatic zeal that finally led to his ultimate and inevitable downfall. It seems that during the middle of that term one of Robert's professors developed a mild case of dyspepsia and took to punctuating his remarks with loud belches which he tried bravely to stifle, but, unfortunately for Robert, completely without success."

"At the sound of the first belch Robert's pen had hesitated in its flight for the first time in over a month. He felt that he must get that noise down on paper—after all, it might be important. But how was one to spell the damn thing? Now for six weeks Robert had transcribed every word, nay, every sound that had come out of that class and he wasn't going to be beaten by any—I hope you'll pardon the expression, Doctor—by any burp."

"But he *was* beaten. Horribly so. Have you ever tried spelling a burp, Doctor? Robert knew there were a couple of 'G's in it but that's about as far as he ever got. He hasn't gotten any farther since."

"They carried him out of the classroom that awful day, quivering and whimpering and perspiring, but still clutching his pen and furiously scrawling his pathetic G's across his notebook. 'He's your patient now, Doctor. What do you prescribe?'"

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Calendar

THE LEGAL WORLD

Veterans

John U. Munro, Counsellor for Veterans, announces that all students under Public Laws 346 and 16 must sign a ledger card at the Secretary's Office, Langdell Hall, once a month certifying presence at the school. This is the Counsellor's plan to avoid the necessity of keeping daily attendance records as a check on whether or not a veteran is in training. Failure to sign in a given month between the first and the fifteenth day will be reported to the Veterans' Administration as an interruption in the student's educational program.

Southern Law Students' Club

Meeting tonight Oct. 8, third-floor of Phillips Brooks House at 7:30 p.m. Discussion on "Opportunities for a Law Practice in the South."

Tennis Tournaments

The finals of both the Law School and Law Wives tennis tournaments will be played this coming Saturday afternoon at the new courts on Soldiers' Field.

Richard R. Paige (6) and Richard C. Sorlien (3) will meet in the finals of the Law School tournament for the prize awarded by the Phillips Brooks House Law School Committee, beginning at 2:00 P.M. Mrs. Henry Heyburn and Mrs. George Burditt will play a preliminary match at 1:00 P.M. for the championship of the Law Wives. Spectators are welcome.

Touch Football League

All law students interested in forming a touch football league are requested to attend a meeting to be held in Langdell South on Friday, Oct. 10, at 1 p. m. For further information contact W. J. Bruckel, 22 Jarvis Ct., near the Law School.

Harvard Law Wives

Emile of Helena Rubenstein's will discuss up-to-date, becoming and easy-to-manage hair styles at Kendall House on Wednesday, October 15, at 8 p. m. All Law Wives are invited.

Subscriptions

Students may order the RECORD sent to their parents for the special rate of \$1.50 per term. Orders may be sent to the RECORD by mail or given to the secretary at the RECORD office on the third floor of Austin.

THE OUTER WORLD

Cambridge Center For Adult Education

Students and their wives will be interested in the new 1947 Fall term of courses to be offered at the Cambridge Center for Adult Education, 42 Brattle St. Among the courses offered will be Music in the Making, String Ensemble, Voice, Piano, Portrait, Life and Still Life Drawing, Pencil Sketching, Psychology, Current Affairs, Outdoor New England, Speech, Languages, Crafts, Tailoring, and many others. Booklets may be had upon request. Call Kirkland 0314.

Theatres

Wilbur Theatre: The Druid Circle, John Van Druten's newest play about two students secretly in love and a frustrated professor is currently at the Wilbur Theatre. The setting is a provincial college on the Welsh-English border. Leo Carroll is professor.

Shubert Theatre: Sweethearts, starring Bobby Clark, the inimitable funnyman with the cigar, painted specs and baggy pants is presented in the modernized version of the Victor Herbert operetta at the Shubert Theatre.

Colonial Theatre: Oklahoma, the fabulous Rodgers and Hammerstein musical, produced by the Theatre Guild, is due for a third Boston engagement of five weeks, commencing this week.

Plymouth Theatre: An Inspector Calls, with Thomas Mitchell is now showing in the Plymouth Theatre. This play is an American primer of J. B. Priestley's play about a prosperous English family of 1912.

Ali Baba will be presented Saturday, October 11.

ATTENTION ALL 1st, 3rd and 4th TERM MEN

The LAW SCHOOL YEARBOOK is looking for several first and second year men to work on its Editorial, Business and Advertising Staffs. Interviews will be held on Friday, Oct. 10, between 1-5 P.M. in the YEARBOOK office in Gannett House. The Administrative Committee for the 1949 YEARBOOK will be chosen from among those selected for this year's staff.

American Bar's Wealthiest Lawyer

(Continued from page 1)

his fortune and to make the magnificent gift for which, if anything, he will be remembered.

At Columbia Law School, Sterling continued his brilliant scholastic record. He led his class and was quite perturbed that tradition didn't allow one man to be valedictorian and also to win the Law Prize. At law school he worked hard on moot court cases, and he even hired a lawyer to listen to his arguments and criticize them. By the middle of the semester he usually had read and reviewed the entire course reading assignment. The industry with which he attacked his work amazed his classmates.

THE LAWYER AS A YOUNG CLERK

During summer vacation Sterling had worked at a Utica law firm—where he introduced double entry bookkeeping and made the business side of the firm one of the most advanced in the state. After graduation he took a clerkship with David Dudley Field. David was a brother of Justice Stephen Field of *In re Neagle* (135 U. S. 1) fame and also of cable-layer Cyrus W. Field. David D. Field wrote the 1848 N. Y. Code of Civil Procedure. Current seniors will be interested to learn that Sterling started his legal career unpaid and at the end of the first year finally reached \$20 per week. He recorded in his diary that the clerks were "all treated as dogs or the most servile menials."

Field was counsel for Jay Gould and Jim Fiske. Sterling did the office work on the more than 100 suits resulting from their "Black Friday" attempt to corner gold, and he thereby won Gould's confidence. When Sterling in 1873 set up his own firm with Thomas G. Shearman, the new firm of Shearman and Sterling took over the "Black Friday" cases from Field's firm.

THE LAW OFFICE AS A GOLD MINE

Sterling's success in minimizing the legal consequences of "Black Friday" soon attracted many more clients of the type which has been described as "the ideal client—very rich and in very serious trouble." The Sterling firm defended Anaconda Copper Co. in a deluge of suits. They defended attempts to break the wills of the wealthy Osborn family. They had numerous legislative attempts to regulate rates of Consolidated Gas Company affiliates struck down as confiscatory and void. National City Bank of New York and the Bank of Montreal, financial titans of North America, were clients. James J. Hill and Lord Strathcona, promoters of American and Canadian railroad empires, came to him for advice. William Rockefeller, brother of John D., and James Stillman, powerful banker, followed his counsel. He was director of a long list of corporations, including the New York Edison.

Before Sterling's time, financial success at the bar had depended on skill in trial and appellate advocacy. He was the first of the influential office lawyers. Captains of industry, financial magnates, promoters of national corporations, robber barons of the burgeoning turn-of-the-century capitalism sought him out. Once a month he led a task force of clerks into the bank vaults for an all-day session of coupon clipping for himself and clients. So shy that he never appeared in court, attended class reunions at his beloved Yale, or went to formal affairs, Sterling is reported to have dominated small conferences on business and law strategy. He is reputed to have settled as many cases out of

court as the Supreme Court decided.

With a roster of clients which read like the Dun and Bradstreet AAAA section, Sterling's practice was extremely lucrative. At the same time he lived a simple bachelor life. He remarked once that he desired to have so much money at his command that he could spend it like water if he cared to do so—and that he would never care to do so. He begrudged time off for lunch, and made his secretary eat in with him. He ordered his clothes by phone. From 8:00 A.M. to 6:30 P.M. he was at his desk. Every evening he worked in his home library or conferred with clients.

THE LAWYER AS A BENEFACTOR

When Sterling died on July 5, 1918, the *N. Y. Times* ran a short formal notice listing a few of his directorships and some of his wealthy clients. When his will was filed the *Times* devoted columns just to listing his securities which went to Yale University as the residuary estate. When distributed the Yale legacy turned out to be nearly forty million dollars, again as much as the then Yale endowment. No speculator, Sterling piled up this entire fortune from his professional income as lawyer to business tycoons and executor and trustee of large estates.

Keith Lorenz, '15, in his biographical sketch (48 Law Notes 1, 1944) states that Sterling wished to leave a memorial to himself both by perpetuating the original name of his firm (and Shearman and Sterling remains today one of New York's largest law offices) and by having his portrait hang amongst the great men of Yale (and today it can be seen in Yale's Sterling Library). Ironically enough, the Yale Law School, which benefited so much from his gift, today is dedicated to a type of legal education aimed to prevent the production of more lawyers of his type—master jugglers of legal principles with no grander conception of the law than a business weapon and a means of livelihood.

FORUM—(Continued)

policy which he wants brought to the attention of all students in the law school. The first is that all of the evening meetings will probably be held in the Rindge Tech auditorium, at the corner of Irving and Broadway streets, three blocks east of Sanders Theatre, so that the members of the Forum can be assured of a definite location from week to week, and where a greater seating capacity and better acoustics offer better surroundings.

It is the second change that is more painful, but necessary. Last spring it became evident the Forum could not continue to absorb the expense of paying the regular 20% tax for guests of members as well as for each member, and so the board of directors regrets to announce that it cannot offer the guest privilege with its membership this year. The price of the ticket remains the same at three dollars.

However, the board will still give priority of seating to members and their guests, and throughout the year individual tickets for each evening meeting will be on sale a week in advance in the Forum office in Gannett House. It is recommended that members and guests who wish to be assured of seats arrive before 7:40 P. M.

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