

The Harvard Law School Record

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PRICE TEN CENTS

NEWS IN BRIEF

STUDENT BOARD ELECTION

Last week E. Leroy Tolles 3L (Williams '43) was elected chairman of the Board of Student Advisers to replace



WESSEL



TOLLES

retiring chairman, Milton R. Wessel 3L (Yale '44) who was appointed to the Editorial Board of the *Law Review*.

LAW REVIEW STUDENT SUBSCRIBERS

Contrary to the practice for regular subscribers, student subscriptions to the *Law Review* are not renewed automatically. Any man now enrolled in the School who has not received the first issue of Volume 61 should either send a card requesting renewal of his subscription at special student rates to the *Review* offices in Gannett House, or go personally to the offices any weekday during the hours of 12 noon to 2 p. m., and 4 p. m. to 5 p. m.

FORUM CANDIDATES

A competition for first and second year students leading to positions on the Board of Directors of the Harvard Law School Forum will be opened tomorrow, Wednesday, March 3, 1948 at 3 p. m. at the Forum office in Gannett House. Those who desire to be candidates and cannot make the scheduled meeting should leave their names with the Secretary at the Forum office.

"A" STUDENT

Joseph Riggs Creighton was the only student in last term's graduating class of 204 men to complete his law school course with a final average of "A", according to Assistant Secretary William J. Bowe, Jr. Creighton, a note editor of *The Harvard Law Review*, comes from Woodstown, N. J. and was graduated from Oberlin College in 1941.



TUBERCULOSIS X-RAYS

All students who signed for appointments today or tomorrow are reminded to report to Memorial Hall for tuberculosis x-rays.

P.B.H. FORMAL DANCE

The Law School Committee of Phillips Brooks House will present a Spring Formal in the Imperial Ballroom of the Hotel Statler on Friday, March 19. A twelve piece orchestra will furnish the music.

Tickets go on sale next Monday. Since the capacity is limited to 300 couples, tickets should be purchased early. The price is \$4.20 including tax.

LATEST ON THE \$5 CASE

Backed by an imposing array of legal talent pledged to carry his fight to the highest court in the Commonwealth of Ames (and maybe higher) Student William K. Poindexter this week opened his battle to recover five bucks (\$5) from Professor William L. Prosser by filing his declaration in the Ames court.

According to the declaration, Poindexter's claim arose in Bills and Notes class when he handed the Professor a five-dollar bill to illustrate a point of negotiability, which has not yet been returned.

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WEST COAST ALUMNI HELP PLACE GRADS

California Chapters Addressed by Scott At Annual Meetings

Harvard Law School graduates in northern and southern California have established local alumni associations with headquarters at San Francisco and Los Angeles respectively. Graduates in these two areas gathered officially for the first time a year ago when they held luncheons in honor of Dean Erwin N. Griswold. This month when Professor Austin Wakeman Scott was guest speaker at the annual meetings of each of the organizations, he found that during the past year they have both become affiliated with the national Harvard Law School Association and have established local placement committees to assist recent graduates in finding jobs.

The Harvard Law School Association of Southern California was formed through the efforts of James C. Sheppard LL.B. '24, Gurney L. Newlin LL.B. '05, and an informal organization committee. No dues have been assessed and membership is open to all men in the area who have attended the School. At the annual luncheon, a program committee arranges to have an outstanding representative of the Law School address the members. Officers in charge of local association are Gurney E. Newlin LL.B. '05, chairman; Hon. Clarence M. Hanson LL.B. '13, vice chairman; and Gordon F. Hampton LL.B. '38, secretary.

Conforming with the requirements for affiliation with the national Association, the Southern California unit has a placement committee which is active throughout the year. Joseph D. Peeler LL.B. '20 is chairman and serving with him are George W. Cohen LL.B. '20, Hon. Wm. C. Mathes LL.B. '24, James M. Carter LL.B. '27, A. Curtis Smith LL.B. '29, A. Stevens Halsted LL.B. '32, and Herbert S. Hazeltine LL.B. '35.

Professor Scott also spoke before 127 members of the Harvard Law School Association of Northern California and the audible reaction to his traditional wit was "the same old Scotty!" Seated with him at the speaker's table were the officers: Hon. M. C. Sloss LL.B. '93, former

(Continued on page four)

A.V.C. ANNOUNCES POLITICAL SCHOOL

For the first time in American political history, a non-partisan political action school will be staged at Harvard on March 20 and 21. The school is officially entitled, "The New England School of Political Action Techniques." It will have a student body of 500 drawn from A.V.C. chapters, trade unions, community organizations and political groups in the New England area.

The school is being sponsored by the Harvard chapter of the American Veterans Committee, and is being run by a planning committee of 10 Harvard students, of whom seven are from the Law School. Lee Kreindler 2L is school director in charge of organization and administration.

The school will be composed of nationally known political experts representing virtually all major shades of opinion, Edward M. Rothman 2L, school faculty chairman, said. The list of speakers includes: Nat Bass, campaign manager for James M. Mead of New York in his senatorial and gubernatorial campaigns; Lloyd Waring, chairman of the Mass. State Republican Committee; Bernard Conal, political organizational director of the P.C.A.; and Thomas H. Eliot, former Congressman from Massachusetts.

(Continued on page three)

Pound Declares China Misrepresented In United States; Gives His Own Views

In response to a request by the RECORD, Dean Roscoe Pound, now working in Nanking, China, with the Chinese Ministry of Justice, has submitted some first-hand observations of the problems facing that country during the present reconstruction period.

I doubt whether people in the United States realize the difficulties under which China labored for 100 years before the second World War, and the consequent inherited difficulties which hamper the National Government in its endeavors at reconstruction after eight years of Japanese occupation of the greater and richer part of the country and 13 years of a Japanese regime in Manchuria. From 1938, when British insistence on the opium trade with India brought on the Opium War of 1840, the history of China is one of continuous aggressive pressure from European powers and Japan, with constant loss of territory, exaction of heavy indemnities, cessions of ports, and unequal treaties. Constant rebellions were a natural consequence.

From 1895 to 1911 there was a chronic state of local rebellion culminating in the revolution as a result of which the Republic was set up in 1912. The central government, after 15 years of struggle finally became strongly established in 1927. But the Japanese set up a puppet regime in 1932 in Manchuria, brought on a war with the Republic in 1937, and were not dislodged from the occupied areas till August of 1945. The excellent work of the decade 1927-1937 was largely undone by the Japanese, and the communists keep up the condition of rebellion and civil war which had obtained for a century.

U. S. Press Distorts Picture

It is no wonder that conditions in China today are not ideal. They are far from ideal in any country. But there is by no means the general condition of demoralization, corruption and inefficiency which is portrayed in American newspapers.

"CHINA" IS NEXT FOR "ON TRIAL"

Wilson, Evans To Argue On Network Broadcast

"Should financial and military aid be extended to China" will be the timely question for the third in the series of "On Trial" programs being produced by the Harvard Law School Forum for the A. B. C. network.

The program is heard locally over WCOB at 4 p. m.

Professor Ernest J. Brown, former OSS officer in China during the war, and presently on the law school faculty will sit as judge. Counsel for the affirmative, James M. Wilson, Jr. 3L (Swarthmore '39) was born in Mokanshan, China and attended the American School of Shanghai. He also attended the Geneva school of International Studies and the Fletcher School of Law and Diplomacy. Wilson was aide to General Truscott at Anzio and also saw action in France, China, Burma, India and Germany. His parents live in Wushih, China.

Former Moscow correspondent for the *Christian Science Monitor*, William H. Chamberlin, will serve as witness for the affirmative. Chamberlin has authored "Russian Enigma" and "The Russian Revolution."

Stanley R. Evans, (Northwestern '46) Current Case editor of the Harvard Law School RECORD, and former marine in the Pacific area will serve as counsel for the negative. His witness will be James P. Grant, (U. of Cal. '43) who was born in Peiping, China and lived there for fifteen years. Grant served in Burma and China with Army Intelligence and later was attached to Marshall's headquarters during the General's truce mission to China.



DEAN ROSCOE POUND

The gravity of news from abroad increases with the square of the distance. In the clippings from the American press which my friends send me from time to time I can't recognize the land in which I am living. There is no censorship of the press. The English and American papers in Shanghai and the Chinese papers in Nanking, which I see every day, are as critical of the government as they like and are allowed a liberty in time of civil war which I do not think for a moment we in America would tolerate under like circumstances. The strikes here are no more than seems to be normal all over the world except that student strikes are conducted by university students, not confined to high schools and grade schools as with us. The authorities are very patient with them even when the pretexts are trivial.

Anything that calls itself "liberal" is supposed to be privileged. I read in the American papers of a prevailing and intense hatred of America here. Nothing could be more false. The Chinese do not forget the time when Russia, France, and Germany claimed lease or cession of ports and territory and mining and railway rights, when Port Arthur was seized by Russia, Kiaochow by Germany, and Kwangchow-wan by France, when British troops landed on Wei-hai-wei and enlarged the concession of Kiu-lung. All except America claimed their "spheres of influence." They remember how China was saved from partition by John Hay, Secretary of State in 1899, initiating the "open door" policy in or

(Continued on page three)

WORLD LAW GROUP PLANS PROGRAM

The World Law Group will devote its meetings during the spring term to a consideration of the work of the practicing lawyer in international business affairs. Men who are experienced in this field will address the students. Directing the World Law Group is the newly elected chairman, Ray Garrett Jr. 3L, who succeeds Howard F. Shattuck, Jr. 3L. On the current planning committee are Jack Bronston 3L and George Denny 3L.



GARRETT



SHATTUCK

The World Law Group is a discussion and informal study organization which was formed in the winter of 1946-47 through the efforts of William Barnes '43 ('47). The group has concerned itself so far with some aspects of public and private international law and com

(Continued on page four)

SECOND YEAR CLASS LIFTS ITS AVERAGE

Results of Tests Reveal High Marks In Criminal Law

The present fifth term class registered considerable improvement in second year grades in comparison with its first year's record. Eleven men had A averages this marking period compared with the seven who previously acquired top honor grades. One man out of the 246 in the class failed in his second year exams. The middle man of the class moved from a 65 to a 66 average. The man one-quarter down on the rank list had a 69; three-quarters down a 63. The following statistics, in terms of percentage, present a comparison of the performance in both years.

	A	B	C	D	E
2nd Year	4.5	19.5	64.0	11.5	.5
1st Year	1.9	19.0	61.6	9.0	9.6

This same class also turned in a better record than the class who finished their second year in October, 1947. Their respective grades, in percentages, were:

	A	B	C	D	E
Feb. '48	4.5	19.5	64.0	11.5	.5
Oct. '47	2.6	19.0	68.4	9.0	1.0

Vice-Dean Livingston Hall has posted the results of the present second term (all four sections) in the Criminal Law exam. The last available Criminal Law grades that can be used for purposes of comparison are those of June '47. The two records are as follows:

	A	B	C	D	E
Feb. '48	10	21	45	18	6
June '47	5	4	67	17	7

NEW ELECTIONS TO SOCIETIES

"Bugle" Picks 7 Men; Board 4; Legal Aid 6

The three Harvard Law School honor organizations added 11 men from the present fifth term and six men from sixth term to their respective staffs.

Law Review President, Sheldon Olenis 3L, has announced the following appointments to the Editorial Board of the *Review*: in the present sixth term, Edward I. Rothschild (Harvard '42) and Milton R. Wessel (Yale '44); in the present fifth term, John F. Arning (Pennsylvania '41), Paul G. Counihan (Harvard '39), Roswell B. Perkins, (Harvard '46), Charles G. Rodman (Pennsylvania '43) and Eli Goldston, Opinion Editor of the RECORD, (Harvard '42, M.B.A. '46). Sixth termers were chosen on the basis of all five marking periods while fifth term men on their second year average.

The Board of Student Advisers made four appointments. Chairman E. Leroy Tolles has named sixth term students Charles E. Thomas (Maryville '41) and Herbert L. Orner (N. Y. U. '43) and fifth termers Cloyd Laporte Jr. (Harvard '46) and Nelson F. Taylor (North Carolina '43) to fill the positions.

The Legal Aid Bureau has elected six new members to the society. Those chosen from the present sixth term were Francis M. Wheat (Pomona '42) and Eugene J. T. Flanagan, Secretary of the RECORD, (Yale '44). From the fifth term Sumner T. Bernstein (Harvard '44), John B. Duncan (Amherst '45), George B. Munroe, (Dartmouth '43), and William C. Garrett (Stanford '43) were appointed. In making the announcement, Walter M. Robinson, President of the Bureau, said that the sixth termers were chosen according to their general average and the fifth term men were selected on the basis of their second year grades.

The Harvard Law School Record

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Editorials

Last term's introduction of the first woman teacher at the Harvard Law School poses the question whether women should be admitted into the student ranks once the pressure of post-war accelerated studies has been alleviated. The question is indeed timely during the present period when farsighted educational institutions are re-evaluating their programs to see whether they meet the demands of the times.

Advocates of a liberalization of admissions policy list the proven accomplishments of women lawyers both as advocates and as members of the bench ranging from municipal courts to the U.S. Circuit Court of Appeals. Professors at Harvard who have taught mixed law classes elsewhere testify that the presence of women students in no way detracts from the calibre of classroom discussion. Indeed, some professors are reputed to be inspired to even greater pedagogical heights when women are present in the audience. Finally, those favoring this change at Harvard point to the paradox underlying the policy of a school which has the avowed objective of giving the best legal education to those most eminently qualified and at the same time is the sole major law school in the country to exclude from its classrooms women of proven intellectual achievements.

Proponents of the status quo deem the present system best calculated to keep the Harvard Law School in the foremost ranks of legal education. Some recall undergraduate co-educational classes in which the contributions of the opposite sex did not heighten the intellectual level of discussion. Others feel that women students at the Law School would seriously change the classroom atmosphere and would introduce an element of restraint in approach. Still others point to successful women lawyers as exceptions to a general rule that women are not able to meet the physical and psychological demands of the long years of practice that are essential to develop the superior legal talent of the nation. Thus Harvard should devote all its efforts to equip men with the tools they will later use to greater advantage in the profession. This latter argument is of considerable weight in light of estimates that only one out of ten women law graduates enter the practice of law. A change in policy to allow women at the Law School will add to the difficulties faced by the Administration which finds that the general trend of the high calibre of applicants for admission will necessitate rejecting in future years men who would have been allowed admittance in the past.

In an effort to canvass the opinion of its readers the RECORD this week is conducting a poll on this admissions issue. It is hoped that both students and alumni will signify their preferences after serious consideration and will see fit to indicate on the ballot on this page or in a letter the reasons for their decision. The consensus expressed in this poll may well carry weight in future deliberations on the question whether the Harvard Law School shall remain the exclusive stronghold of masculinity at the student level.

M. P. K.

Letters to the Editor

To the Editor of the RECORD:

It is said that a little widow is a dangerous thing. She can also be a profitable thing, I.T. 3888 (48-3-12741) is to the effect that if a lady not dependent on anybody except her successive spouses, and having no gross income, remarries before the end of a calendar year in which her first husband dies, not only may the personal representatives of the first husband claim the full marital exemption of \$1,000 in his final return, but the second husband may likewise claim the full marital exemption. Marry in haste and repent at leisure? Well, maybe—but remarry in haste and count the shekels!

Section 129 of the Internal Revenue Code is headed "Acquisitions made to evade or avoid income or excess profits tax"; the text shows that only acquisitions of or by corporations or their stockholders are covered; should acquisition of widows also be covered?

J. M. MAGUIRE,
Harvard Law School

To the Editor of the RECORD:

Why Saturday classes during the summer? There are third year students who will be going through their third summer of law school this year. If the administration can possibly arrange a five-day week next term I am sure it will be appreciated all along the line. With only a third year class in school at that time, the space and time limitations to any such plan should present no obstacle.

AN INTERESTED THIRD YEAR STUDENT.

Off the Record

TURNABOUT

According to 33 A. B. A. J. 869 (1947), the *Harvard Law Review* is "the *New York Times* of the legal magazines."

If turnabout's fair play, we guess
The Times is Bugle of the press.

N. B. T.

CORP. ACCOUNTING

Oh the boys in Corp. Accounting
Say at times it's not dumbfounding
To make your figures balance on the dot.
But don't get the grand illusion
That it's not at all confusing
At times the system does not work so hot.

If a store sells you a bonnet
It's a breeze for the accountant.
He merely debits "cash" and credits "hats."
But when they pay off on Fridays
'Stead of cash, salesgirls take "nighties"
How can mere boys account for all that?
—THE SAD WOOLSACK.

COLLOQUY HEARD RECENTLY ON "INFORMATION PLEASE"

Q. Name a Senator of the United States formerly dean of a law school.
A. Senator Morse.
Q. What school?
A. Oregon.
Q. Name a former President of the United States who served as dean of a law school.
A. (By Charles Taft) William Howard Taft.
Q. What school?
A. (By a third expert) Yale?
A. (By Taft) No, Cincinnati; Yale did not have a law school then.
A. (By our third party) Oh yes it did. The law school at Yale was founded in —.
A. (By Taft) Yale does not have a law school yet!

HOT STOVE LEAGUE NOTES

A while back, the Dodgers' Ed Stanky blasted reports that Jackie Robinson would take over his second base position. Later, Brooklyn, already possessor of Shortstop Peeewe Reese, bought Shortstop Bill Cox. To date Reese has not followed Stanky's lead, but we would love to see a sports headline reading:

"Reese Ipsa Loquitur"

OPINION BALLOT

Check appropriate box and drop ballots in RECORD mail boxes in Austin, Langdell, or at the RECORD office.

Do you favor the admission of women students to the Harvard Law School?

☐ YES

☐ NO

Remarks

Gallery

RALPH J. BAKER

Weld Professor of Law

Professor Ralph J. Baker, who teaches at the Law School and during the war taught at the Business School, brings to the academic world a background of outstanding successful practice in the fields of corporation and utility law. Since he is rather modest concerning himself, *Who's Who* supplies the following details: born near Octoraro, Pa., a crossroads hamlet in Lancaster County, Professor Baker was graduated from Swarthmore College in 1907 and received his LL.B. summa cum laude from University of Pennsylvania Law School in 1911. He taught at Penn Law until 1914, when he began practice in Harrisburg, Pa. He remained there until he was appointed to the Harvard Law School faculty in 1932. *Who's Who* does not record it but he was given his letter at both Swarthmore and Pennsylvania, and he scored three years in the half mile in the IC-4A.

While teaching at Pennsylvania, Professor Baker was retained by the Republican State Committee, then controlled by the Bull Moose party of the first Roosevelt and, then as now the dominating influence in State politics, to draft a bill which was later to become the first public service corporation law in Pennsylvania. In 1913 he spent a great deal of time in Harrisburg nursing the bill through the State Legislature and consequently became acquainted with the public utilities bar. The following year Baker left teaching and entered private practice, spending the next 18 years in Harrisburg, and though in a Republican stronghold he remained a Democrat ("a Wilsonian Democrat," he says, "one of those who found his party taken away from him in 1932.")

Professor Baker specialized in public utilities. He started with State cases before the Pennsylvania Public Service Commission, and in later years he participated in utility cases before many State commissions, in utility and industrial financing and in work dealing with I.C.C.'s railroad rate regulations. During this period he was engaged in the *Assigned Car Cases* and in numerous rate cases, including the *Lake Cargo Coal Cases*.

While in Harrisburg, Professor Baker and his firm represented two of the largest banking interests in town, the Dauphin Deposit and the Harrisburg National and Harrisburg Trust. Among his other clients were local utilities, Central Iron and Steel, and some of the oldest financial interests in the city, the late Vance McCormick and the McCormick and Cameron estates. Although he left in 1932 he is still well remembered by the local bar. Even now the recent arrival from Cambridge is likely to be met with "How's Ralph?" followed by a protracted period of reminiscing invariably ending with "I've always liked Baker."

During World War I, Professor Baker served as Associate General Counsel for the Alien Property Custodian. He aided in the liquidation of some \$800,000,000 in German assets, including the Bayer Corporation and American Metals Co.

Professor Baker says he has never regretted his decision to return to the academic life. When asked whether he missed courtroom work he laughed and remarked, "Sometimes I'd like to get in on a case, especially when it affects a company I helped set up. But I worked hard in my practice, and this is a good life. Teaching is fun and academic life is the pleasantest I've been able to find thus far."

A student canard holds that Professor Baker was almost disbarred for failing to pay a \$2 fine. Actually Baker received a check as a refund of some \$15 on costs of one of his Supreme Court cases. Somehow it was misplaced and not cashed. A letter from the Clerk of the Supreme Court inadvertently was not answered, and Baker discovered that he had been cited by the Supreme Court and told to show cause to get himself purged of the citation. After ransacking his office, Baker found the check used as a bookmark and cashed it. He also filed an answer with the court explaining the situation and apologizing. The purge was completed, and the Supreme Court was able to close out its books. (297 U.S. 691.)

Some old grads warn that Professor Baker will announce on the first day of class that the text for B. A. II will consist of a rather cryptic footnote on p. 1162 of *Dodd and Baker*. He doesn't use the case system for a string of illustrations each emphasizing a single rule. Rather he looks at a case as an "episode" in the life of the litigant, to make it part of a study in the history of the corporation or persons concerned. Thus the class gets an overall history of the problem in question, with emphasis on how the corporation got into legal difficulties as well as what happened after the trouble arose, and how, if at all, it could get out of the "box."

Professor Baker is noncommittal on his politics, except that he is not now nor has he ever

Sub Judice

DON'T FORGET THOSE OLD CASES * * *

Students who look with condescension upon cases decided prior to 1700, as of doubtful persuasiveness in current litigation, will note with interest a recent decision in the United States Court of Appeals for the District of Columbia. Defendants were members of the Metropolitan Police Department of the District of Columbia. Early on an April morning in 1946 they were on duty as police officers assigned as guards in the death cell of the Washington Asylum and Jail, with instructions to guard four men confined there who were awaiting execution following conviction for murder in the first degree. Two of these prisoners escaped during defendants' tour of duty, and the guards were subsequently indicted and tried in the District Court for the common law offense of "negligent escape." The jury found the defendants guilty as charged, but the trial judge ordered an arrest of judgment, holding that defendants, acting in the capacity of guards or watchmen, were not subject to prosecution for the offense of negligent escape under the common law.

The Circuit Court of Appeals set aside the order in arrest of judgment, following an illuminating search of the authorities bearing on this somewhat neglected point of law. After distinguishing one of defendants' strong cases (*Rex v. Hill and Dod*, Old Bailey, 1694), the court brought forth *Laicock's case*, Latch 187, 82 Eng. Rep. 338 (1625) and *Rex v. Fell*, 1 Salk. 272 (1699). Toward the end of the opinion a touch of modernity is supplied by cases decided in the 18th and 19th centuries. The court seems fully justified in saying "It is apparent that the question presented on this appeal is shrouded in some obscurity . . . if the circumstances of this case had been presented to an English court in the 18th century we have no doubt that the state of the law concerning negligent escape would have compelled that court to rule that these appellees were properly indicted for that offense." *United States v. Davis and Sanderlin* (Feb. 24, 1948).

Notes on Recent Cases

AGENCY: LIABILITY OF VEHICLE OWNER TO HITCHHIKER. *Edgerton v. H. P. Welch Co.*, 74 N.E. 2d 674 (Mass. 1947). Edgerton was invited by defendant's employee to ride in his truck, the employee having no authority, express or implied, to extend the invitation. After several hours of driving the truck ran off the highway, hit an electric pole, and Edgerton was electrocuted while attempting to escape from the truck. His executor sued for wrongful death due to the negligence of defendant's employee. *Held*: The trial court correctly directed a verdict for defendant company. Edgerton was an "unknown" trespasser on the truck, to whom the company owed no duty of care. The doctrine of respondeat superior did not apply, and plaintiff was not entitled to recover, regardless of any negligence of the driver. The cases on this point evidence considerable difference of opinion. Massachusetts and many states hold that the owner of a vehicle is not charged with knowledge of the presence of a trespasser invited aboard by the driver without authority. In many other states, however, the opposite rule is applied and similar cases have been decided for the plaintiff.

AGENCY: REPRESENTATION OF CONFLICTING INTERESTS. *Fraser v. Grounse*, 56 A. 2d 54 (D.C. 1947) Plaintiff, an attorney, sued for the value of legal services rendered for defendant. There was evidence to show that plaintiff had simultaneously represented defendant and a party whose interests conflicted with those of defendant. The trial judge instructed, in effect, that plaintiff might recover for services rendered in representing conflicting interests provided he had no knowledge of the conflict. *Held*: Verdict for plaintiff reversed. Good faith and honesty of motive and intention will not justify a lawyer in representing conflicting interests. "Indeed, the dangers arising when an attorney attempts to represent conflicting interests may be even greater when he is unaware of the conflict than when he has knowledge of it." Exceptions to this rule are made only if both parties have full knowledge and give their approval.

This is the general rule, both of agency law and legal ethics. Potential practitioners take note.

been active politically. He forgets but admits, however, that he was an outdistanced Democratic candidate for the State Legislature in his first year out of law school. In class he jokingly says he is a Tory." He says that his is a good position since trusts and corporate dividends are essentially conservative institutions. And as the Professor asks, "Who the devil ever gets excited about trusts anyhow?" Sometimes he adds "except Scott."

B. M.

Alumni Notes

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

LL.B. '07—William Wadsworth has resigned from the trust department of the National Shawmut Bank and has opened a law office at 35 Congress St., Boston.

LL.B. '22—W. St. John Garwood has been appointed to fill an unexpired term as Associate Justice on the Texas Supreme Court. He is a former attorney for the Texas Company.

LL.B. '30—George L. Hinman has been named a member of the New York State Board of Regents. A member of the Binghamton firm of Hinman, Howard & Kuttell, he is also a director of the Broome County Bar Association.

LL.B. '31—Maurice E. McLoughlin has become a member of the firm of White & Case at 14 Wall St., New York City.

LL.B. '32—Herbert S. Marks has resigned as general counsel of the Atomic Energy Commission, a post which he has held since the commission's creation in October, 1946. He plans to return to private law practice.

LL.B. '33—Horace Brock has been appointed division manager of the Atlantic Sector of Pan American World Airways. He is in charge of all operations to Europe, Africa, the Near East, and India.

LL.B. '35—Thomas L. Archibald is a Professor of Law at the University of Connecticut Law School. He was released from duty in the Army with the rank of Major.

LL.B. '40—Frank A. Kaufman has been admitted to partnership in the firm of Frank, Skeen & Oppenheimer, with offices in the First National Bank Building, Baltimore, Md.

LL.B. '41—Nathaniel A. Lemke is associated with Richardson, Reeder & Weidner of Milwaukee. He is also a lecturer in law at Marquette Law School.

LL.B. '42 ('46)—Charles G. Sweet, one of the founders of the RECORD, and its second president, has passed the Pennsylvania bar, and has opened his own office for the general practice of law at 611 Washington Trust Bldg., Washington, Pa.

LL.B. '45—Raymond J. McMahon, Jr. has joined with his father in the formation of a partnership for the general practice of law at 1420 Industrial Trust Building, Providence, R. I.

LL.B. '45 ('47)—Joseph T. Maiorello has opened offices for the general practice of law at 117 South Broad St., Philadelphia, Pa.

SCHOOL —(Continued)

In discussing the school, Kreindler indicated that emphasis would be placed almost entirely on the techniques of political organization and that questions of policy would be avoided as much as possible.

Tickets are being distributed by George Dysart 2L, the school's registrar, and are being sold on a first-come, first-serve basis.

Pound Gives Own Views On China

(Continued from page 1)

der to maintain the integrity of China. All the Chinese (communists excepted) recognize Americans as the one people who have never had aggressive designs against them; as the one people in whom experience has taught them to have confidence.

"Coalition Government" Problem

Much is said in American newspapers about exclusion of liberal parties from the government, the necessity of admitting minority parties to a share in the government, and the imperative need of a "coalition government." When one sees the actual political situation here, such things sound more like a Gilbert and Sullivan opera than like the practical conduct of government in a democratic republic. No one complained that Republicans were "excluded from a share in the government" during the long administration of President Roosevelt. I do not suppose even Harry Bridges would say that Mr. Wallace ought at once to be given a place in President Truman's cabinet. I note that the Prohibition party has been resuscitated. But it won't claim that a certain number of seats in Congress should be allowed to it as a "minority party."

The truth is that the minority parties (of which there are many) are made up of leaders with no substantial following. This was brought out strikingly in the late elections. The majority party withdrew its candidates in a number of districts in order to give the minority parties a free hand. But the voters did not want the minority leader candidates. Others were nominated by petition and were elected instead. Now the "minority parties" claim that those who were elected in the constitutional manner should be required to resign and the minority party candidates seated in their places. And yet those who are not willing to abide by the result of the election claim to be the arch promoters of democracy. In truth, there is no "Communist Party" in China generally as a political party in the American sense. There are scattered communist agitators and conspirators here and there, and in the north there are communist armies led by generals who recall the old war-lord governors whom the National Government, after 15 years of struggle, finally overthrew.

There is much abuse of the Kuomintang (National People's Party) in America, ignoring the task it has had before it and the difficulties of a democratic policy in China today. Despite all difficulties it has built up a strong progressive government. Democracy here has to operate under profound political indifference of a large mass of the population, brought up for generations to believe in revolt rather than ballot as the remedy for grievances. This indifference is not easy to overcome. Indeed, indifference to elections on the part of a considerable proportion of the population is not unknown in America. But of those who understand and are zealous for a modern democratic republic the overwhelming majority are

supporters of the National Government.

Character of Officials

Moreover, from personal observation I can testify to the high character of the Chinese officials as a class. I have met personally a great many and have had immediate contacts with not a few. I have found them well trained, cultivated, hard-working, and conscientious. Very many have been educated in Europe or America or both. They have high ideals and are zealous for effectively realizing them. They have done great things for general popular education.

At this point I must speak especially of Dr. Chen Li-fu, Minister of Organization and head of the Kuomintang. He is well known for deep love of the country and its people, thoroughly acquainted with its problems, zealous in search of satisfactory solutions, and possessed of the ability and determination to do what is needful toward improving conditions disarranged by war and long hostile occupation, and to build for the future. Withal, he is a thoughtful, conscientious, diligent scholar. His book, *Philosophy of Life*, which is now being published in translation in New York, has had wide circulation and influence, over 250,000 copies of the Chinese version having been sold.

Especially he will long be known and honored for his work when Minister of Education. He took office in the trying time of war with Japan, and under every difficulty provided subsidies for refugee students and teachers, aid for the ill and indigent, and work for those in need of jobs. He organized removal of educational institutions from occupied regions to the interior. He introduced pensions for the workers in education. During his term he reduced illiteracy from 75 per cent of the population to about 50 per cent. He made the educational system more completely national and fixed reasonable standards for professorships and curricula in higher education.

Of those with whom I have been more immediately associated I might name Sun Fo, Vice President of the Republic, educated at Columbia, a true statesman of genuinely liberal outlook; Tai Chi-tao, President of the Examining Yuan, one of the disciples of Sun Yat-sen, well grounded in both Western and Chinese learning; General Pai Chung-hsi, Minister of National Defense; Dr. Chu Cheng, President of the Judicial Yuan, zealous to adapt the interpretation and application of the codes to the life and traditional culture of the Chinese people, whose brochure on the Reconstruction of the Chinese System of Law is in the Harvard Law School library; Dr. Hsieh Kwan-sheng, Minister of Justice, *docteur en droit* of the University of Paris, author of a History of Chinese Law, a scholar, a wise administrator, with vision as to the future of Chinese law; Dr. Chu Chia-hua, Minister of Education, educated in Germany, an energetic administrator of comprehensive vision, thoroughly aware of the needs of legal education for which he is doing much; Dr. Wang Chung-hui, the well known translator of the German Civil Code into English, a jurist of world-wide repute; Judge Yun-kuan Kuo, President of the High Court at Shanghai, who, finding on his docket 120 cases a year involving the conflicts of laws, studied Beale's Cases on the Conflict of Laws along with the continental treatises. All of these are well trained men of experience and of marked general culture as well as proficiency in their immediate tasks. They would stand out among officials, law officers, and judges in any land. Such men are a standing refutation of what I read in American newspapers as to public men in China.

And here let me say a word about the President. As I have seen him, he is a man of tenacious purpose, firm, industrious, of good sense, talking little but asking questions straight to the mark and going to the bottom of things, zealous to effect a reconstruction of the

country after its many vicissitudes, and with genuine desire to establish a practical, not a mere paper, democratic national government along realistically conceived lines.

Improvement Remarkable

When I came to Nanking in June of 1946, the government was just getting back from eight years of temporary establishment at Chungking while all of eastern China was in hostile occupation. At that time the capital had been stripped bare. When I returned a year later the improvement was remarkable. Means of transportation which had been destroyed have been replaced, buildings have been rebuilt, houses left as empty shells have been refurbished, new houses and buildings are going up on every side. The Chinese are an exceptionally industrious people. On every hand they are at work busily restoring patiently and effectively although with grievously limited means and facilities.

Restoration of educational institutions has been a hard task. To speak only of the institutions of higher learning, when the war ended 18 of 19 national universities and 19 private universities (almost all) were in temporary locations in the mountainous west, and gradually came back to find themselves stripped of libraries, laboratory equipment, and furniture, and with buildings at least in need of repair and usually of restoration. To keep these institutions going during the war was a notable feat and to restore them rapidly has been no less a feat. Keeping the administration of justice going, making improvements in organization and procedure, and conducting an experimental court to try out the code of procedure were no less remarkable achievements. When the Ministry of Justice got back from Chungking, in less than a year from the Japanese surrender, it had the machinery of justice moving again except in communist held areas.

Doing all this and much more, it has been necessary to provide for the host of war orphans and for a host of refugees "liberated" by the communists by driving them from their homes, destroying their crops and stripping them of everything they had. The Chinese people are responding nobly to these added burdens.

Modern Constitution

On the political side, a modern constitution, not a mere copy of any other, but with much in the way of original contribution and tied to Chinese conditions and traditional culture, was adopted in 1946 and took effect at the end of 1947. It is based on three principles laid down by Sun Yat-sen, the founder of the Republic, namely, a unitary government, guaranteed individual rights, and a service rather than a police state, which was well developed. There is provision for final judicial interpretation of the constitution and securing of the rights guaranteed by the bill of rights.

The first elections have been held under the constitution, and, at any rate, the machinery of constitutional government has been started. I hear complaints from America about the small proportion who voted. But voting was a new idea to the mass of the people. Banners across streets and trucks with streamers, as well as posters and loud speakers could not bring out a large number who were perfectly satisfied with the

government. An intelligent Chinese tells me that many with whom he talked seemed to feel that if they were satisfied there was no need to vote. Only if one were dissatisfied did he need go to that trouble.

But, I read in American accounts of China, that the government is doing nothing for the peasants. On the contrary, it is doing the most practical thing for them in furthering improved methods of agriculture with the help of American advisers. Here, too, remarkable progress has been made. It should be remembered that the percentage of farm tenancy is less in China than in the United States. Before any radical change in the system of ownership, there is need to set law and order, finance, industry, and transportation on a firm basis and undo the damage done in the eight years of Japanese occupation and subsequent communist "liberation."

Legal System

China has excellent codes, and many able and well trained legal scholars able to interpret and apply them, but with legal education held up or hindered by eight years of war on Chinese soil, needs many more well trained judges and lawyers than the schools have been able to turn out. Also there is a real problem of adapting modern codes on the Continental European model to Chinese life, modes of thought, and environment. The question of comparative law or history as a basis of Chinese law of today is discussed in a paper I have written for the *Harvard Law Review*. Again there is need of making the judicial organization, which is excellent as a paper scheme, achieve its full possibilities in action. Accordingly, I have advised a program in five parts: surveys; conferences; the preparation by an organization, on the general model of the American Law Institute, of an exposition of Chinese law for use in law teaching, in interpretation and application of the codes, and as a guide for practitioners; a survey and appraisal of legal education and ascertainment of its needs; and study of the organization of the practicing profession and what may be needed in that connection.

Progress is making upon the first item, surveys. The plan for a survey of the administration of justice in Eastern China has been approved, questionnaires and directions to the reporters have been drawn up and preliminary work of ascertaining what materials are available has begun. The rest of the program must await the surveys. But some start has been made on an institutional treatise. It is very much needed to give unity to legal education and to unify interpretation and application of the codes.

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Calendar

LEGAL WORLD

Formal Dance

The Law School Committee of Phillips Brooks House will present a Spring Formal in the Imperial Ballroom of the Hotel Statler on Friday, March 19. Tickets are priced at \$4.20 and will go on sale Monday, March 8.

Lawyers Guild

General membership meeting Thursday, 4:00 p.m. in Langdell North. Report of national convention. Plans for the term. Nomination of new officers.

Law Wives

Miss Ruth Noble, representative of Beauty Counselor cosmetic products, will demonstrate and discuss *Latest Techniques in Makeup* at a meeting of the Harvard Law Wives tomorrow evening at Kendall House at 8 p.m. All law wives are invited.

UNIVERSITY WORLD

United Ministry to Students in Cambridge

Dean Willard L. Sperry will speak on "The Imitation of Christ" tonight at 7:30 p.m. in Phillips Brooks House. This is the final lecture in the series entitled *Classics of Religious Devotion* sponsored by the United Ministry to Students in Cambridge.

H. L. U. Film Series

The film, *Barber of Seville*, will be

shown tonight at 8 p.m. in the Fogg Museum on Quincy Street. Starring Ferruccio Tagliavini, the motion picture comes to Harvard after a long run in New York.

Afternoon Concert

The Verein Turmwaeher in an *Afternoon Concert of German Music* will present instrumental works and lieder by Schumann, Schubert, Wolf, Mozart and Beethoven on Sunday at 2:30 p.m. in Paine Hall. The admission fee will be 75 cents and tickets are now available at Schoenhof's and the Coop.

OUTER WORLD

Cambridge Center for Adult Education

Harvard Law School students and their wives are invited to participate in the new Spring term of educational activities at the Cambridge Center for Adult Education, 42 Brattle Street, Cambridge. The new program of courses, which starts the week of March 29 has an especially varied selection of subjects.

Ford Hall Forum

Norman Thomas and Kurt Singer will debate the issue "Is a Third Party Desirable in the USA?" at the Ford Hall Forum in Jordan Hall, 30 Gainsboro St. (off Huntington Ave.) Boston, Sunday, at 8 p.m.

ALUMNI —(Continued)



Professor Austin Wakeman Scott, pictured with Gurney E. Newlin '05, at the dinner of the Harvard Law School Association of Southern California, where he was guest speaker.

California Supreme Court Justice, president; Arthur B. Dunne LL.B. '23, member of the Board of Governors, California Bar Association, vice president; and Felix F. Stumpf LL.B. '41, secretary-treasurer. In addition, head table guests included Judge William Denman LL.B. '97 of the C.C.A., 9th Circuit; Rufus H. Kimball LL.B. '07; the late Professor Edward S. Thurston LL.B. '01; and Gordon Scott LL.B. '41, Professor Scott's son who teaches at Stanford Law School.

One of the main projects of the local organization is to assist the School's placement bureau. A committee has been formed which obtains from each interested individual a "student history" card. These cards are copied and circulated to some 20 offices in the San Francisco area. When the student arrives in San Francisco, he is furnished with a list of the offices and interviews are arranged. According to the Placement Office there are now about 20 men planning to work in California and there will be 40 in June and 40 in September.

WORLD LAW —(Continued)

perative law which was not available in formal courses. Believing that it is necessary for lawyers interested in development of international law to have some familiarity with civil law, the group with the aid of foreign students at the Law School examined some of the civil law concepts as they exist today in various European countries.

The group feels that the only promising guarantee against further wars lies in accelerating the growth of public international law.

Among the instructors, guests, and students who directed discussions last term involving civil law and related problems were Mr. Louis B. Sohn LL.M. '40, Mr. Warren A. Farr LL.B. '30; special students Renaud Savarit, Hubert Drion, and Jacques Humbert; Jack Bronston 3L, Joseph Sweeney 3L, and Paul Monnory 1L.

Although the World Law Group does not actively recruit new members, anyone who is interested is invited to attend the meetings. Notices of the time and date when these meetings will be held appear on the bulletin boards and in the calendar of the RECORD.

NEWS BRIEFS —(Continued)

Heading Poindexter's legal staff is Sheldon Gurin 3L, assisted by Jerome Hyman, LL.B. '47; Dick Lane LL.B. '47; Ed Matheny 2L; and George Solomon 2L. Counsel for the defendant have not yet been announced.

"WALLACE FOR PRESIDENT" CLUB

An organizational meeting for the purpose of forming a "Wallace for President" Club will be held next Tuesday, March 9, at 4 p.m. in Langdell North. Officers for the organization will be nominated at that time. Walter Oberer, 3L is temporary chairman and Irwin Barkan 3L is temporary secretary.

AMES COMPETITION

The Board of Student Advisers announces the dates on which the quarter-final, semi-final, and final rounds of the Ames Competition will take place.

In the quarter-finals, the Madison Club will meet the Kent-Scott Club on March 23; Pow-Wow-Marshall versus Morgan on March 24; Gardner versus Langdell on March 25; and Pitney versus

Blackstone on March 30.

The Casner Club will meet the Hughes Club on April 1 in the semi-final round and the Jeremiah Smith Club will argue against the Blackstone Club on April 2.

April 12 is the day on which the final argument between the Gardner and Holmes Clubs has been scheduled.

LAWYERS GUILD

Professor Thomas Reed Powell led a discussion last Wednesday on freedom of speech and press at the third meeting of the Lawyers Guild seminar course on civil liberties and rights. This voluntary course, organized by the Harvard chapter, seeks through weekly 2-hour meetings to reach an understanding of the present status of the law covering various aspects of this subject. The discussions are based on a list of leading cases that are read for each seminar by the students. The group will meet weekly throughout the spring term. Professor Robert R. Bowie will lead this week's discussion on freedom of religion and separation of church and state, Tuesday at 4 p.m. in seminar room No. 2.

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