

The Harvard Law School Record

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CAMBRIDGE, MASS., WEDNESDAY, NOVEMBER 17, 1948

PRICE TEN CENTS

Mr. Pulling

NEWS IN BRIEF

HARVARD-YALE BALL

After the Yale game this Saturday there will be a Law School informal dance in the main ballroom of the Copley Plaza Hotel from 8 p. m. to midnight. Harry Marshard's 12-piece orchestra will furnish the music. Bar service will be provided by the Hotel, since liquor consumed must be bought on the premises. Tables are available without reservation. Tickets at \$2.90 per couple are being sold by the Law School Committee of PBH at Gannett House from 1 to 5 p. m. daily.

LAW SCHOOL COMMITTEE

The PBH Law School Committee announces the election of the following new members from the various classes: Edwin W. Bragdon, 3L, Princeton '43; James S. Higgins, 3L, Harvard '43; John H. Kreamer, 3L, Kansas '46; Albert J. Marks, 2L, Harvard '46; Herman F. Scheurer, Jr., 3L, Amherst '47; Burt S. Hefmann, 2L, U. Cal. '47; Edwin Massey Watson, 2L, U. of Mo. '47; Eugene P. Ruehlmann, 2L, U. Conn. '48; Richard J. Dunn, 1L, Yale '48; James T. Jenkins, 1L, Harvard '48; R. Harry Webster, 1L, Princeton '48.

WALLACE-ITES

The Law School Committee for Wallace has joined the university wide organization known as the Young Progressives of Harvard. Gerald Gordon, freshman law student, was named temporary Y. P. H. chairman.

Y. P. H. is sponsoring an International Students Day meeting Wednesday night, November 17 at Harvard Hall I, to be followed by an organizational meeting. Speakers will include Professors F. O. Matthiesen and John Wild. All students are invited to attend.

Forum School Is Commended By Griswold

Over 700 Students Listen To Seminars and Lectures

The "School for Young Lawyers," sponsored by the Harvard Law School Forum, completed its two-day session last Thursday. The two-day course was, according to Dean Griswold, "one of the best things of the kind ever put on at the School."

Through the medium of seminars and lectures conducted by practicing lawyers prominent in their fields, the "School for Young Lawyers" presented to its more than 700 registrants the practical problems they will encounter when trying to practice in those fields.

The opening lecture of the course, on "Legal Ethics," delivered by Professor Edmund M. Morgan of the Law School, was addressed not to the philosophical aspects of legal ethics, but to the practical problems the practicing lawyer encounters as, for example, the problems confronting the lawyer when the lawyer's duty to his clients conflicts with the lawyer's duty to the public.

The concluding lecture on "Trial Techniques" was delivered by Judge Samuel Leibowitz who, before going on the Kings County bench, was one of the outstanding trial lawyers in this country. In his lecture Judge Leibowitz transmitted successful trial techniques by example as well as words. Between these two lectures were some 20 seminars which emphasized the life of the lawyer.

Among the more than 700 registrants (Continued on page four)

Burton Presides at Final Next Week; Baker Will Hear Semi-Final Tonight

Mentschikoff And Anonymous Clubs Argue Divorce Case

The Hon. Hugh B. Baker, Associate Justice of the Rhode Island Supreme Court, will sit as Chief Judge of the U. S. Court of Appeals for the Ames Circuit on November 17 at 8 p. m. in the Langdell Courtroom when this term's first Ames semi-finals argument will be held.

Ruben L. Lurie, a graduate of Harvard Law School '26 and of the Boston firm of Lurie, Alper & Gorovitz, and Samuel Hoar, LL.B. '12, a member of Goodwin, Proctor & Hoar, will preside



JUSTICE HAROLD H. BURTON

Law and Medicine Seminar Planned

First Lecture Will Be Given on November 24

Lectures on "Law and Medicine" will be delivered by Dr. Alan R. Moritz, Frances Glessner Lee, Professor of Legal Medicine at Harvard Medical School, in Langdell North Middle at 5 p. m. on four successive Wednesdays, starting November 24.

These lectures are essentially the same as those delivered last year by Dr. Moritz, who, in addition to his duties at the Medical School, is Massachusetts State Pathologist. His office investigates the majority of deaths outside Boston where it is known or suspected that death resulted from a criminal or negligent act. Dr. Moritz has himself testified in most of the major homicide cases in Massachusetts in the last few years.

Major purpose of the series is to acquaint the law student with problems with regard to medical matters he will meet in practice, and to train him in the use of medical experts and evidence.

The titles of the lectures are: Nov. 24—"The Functional Relationships Between Law and Medicine, Medical Witnesses and Medical Evidence."

Dec. 1—"Official Medical Investigation of Deaths in the Interests of Justice."

Dec. 8—"The Strength and Weakness of Scientific Evidence with Particular Reference to Proof of Homicide."

Dec. 15—"Medico-Legal Aspects of Lunacy."

Book by Glueck Appears In Japan

The Nuernberg Trial and Aggressive War, by Professor Sheldon Glueck, has been translated into Japanese and placed on sale to the Japanese public, according to a Department of the Army Report. The first foreign copyrighted book published in Japan under the Army's book translation program, its distribution in Japan is part of the program for the education of the Japanese in accordance with the Potsdam Agreement. Appearing originally as an article in 59 *Harvard Law Review* 396, the work sets out the legal justification for the trials of the Nazi war criminals. At the instance of the State Department, the book was translated into German and appeared in *Die Amerikanische Rundschau* in Germany. This German translation has recently been published in book form and placed on sale to the German public. Another work of Professor Glueck's, *War Criminals—Prosecution and Punishment*, was recently translated into Spanish for distribution in Buenos Aires.

Professor Glueck's play, *One German Mother*, which deals with the problem of nazification and de-nazification of the German people, is now being considered by the German branch of the New York Civil Affairs Division of the Department of the Army for production in Germany.

Gardner Club To Meet Pitney Club On Taft-Hartley

Mr. Justice Harold H. Burton, Associate Justice of the Supreme Court, will preside as Chief Judge when the United States Court of Appeals for the Ames Circuit sits for the Ames Competition finals in Langdell Courtroom, at 8 p. m. next Tuesday. Associate Judges will be Hon. Harrie B. Chase of the U. S. Court of Appeals sitting in Brattleboro, Vt., and Charles E. Wyzanski, Jr., of the U. S. District Court sitting in Boston.



G. W. Wattles



R. D. Buck, Jr.



N. Taylor



D. F. Stevenson

The Gardner Club, as counsel for the defendant, will oppose the Pitney Club in the case of *Local No. 861 v. John B. Dumont*, individually and as U. S. Attorney for the District of Ames. The case, which involves the effort of the labor union to enjoin a criminal prosecution for making expenditures in a political campaign, presents the question of whether such a prosecution by the Federal Government under a federal statute can be enjoined in a Federal Court. The facts are based on a current case now being decided in the Federal Courts of Connecticut, and is a result of the decision by the Supreme Court in its last term, in the case of *U.S. v. C.I.O.*, where the court held that it did not have to answer the constitutional question of whether a union could expend funds in a political campaign. That case only involved a union newspaper, whereas this case involves a privately owned paper.

Oral advocates of the Pitney Club are Ralph D. Buck, Jr. (Princeton '43) of Floral Park, N. Y., and Gurdon W. Wat- (Continued on page four)

Kaplan Featured In Guild Seminar

Professor Benjamin Kaplan will conduct the Third Guild Civil Liberties Seminar on Freedom of Association this afternoon at 2 o'clock in Langdell North. The meeting will be restricted to a discussion of the leading case of *Hague v. C.I.O.* (1939) in the litigation of which Professor Kaplan assisted Morris Ernst through to a decision in favor of the C.I.O. in the Supreme Court. This case was the first to bar Mayor Hague from arbitrarily forbidding public meetings and distribution of circulars in Jersey City. In addition it established important constitutional law on the subject of civil liberties.

Professor Kaplan will give a detailed picture of the litigation through its various stages. Proceedings began in the Federal District Court in New Jersey with a suit by the C.I.O. to enjoin Hague individually and as mayor from interfer- (Continued on page four)

Survey Reveals Approval of Cases, Problems; Deplores Grade Emphasis, First Year Bumps

The most extensive survey in the history of legal education was made at the Harvard Law School last spring, and the results have been made available to the RECORD by Professor Lon L. Fuller of the Legal Education Committee; 1362 men, almost 75% of the total enrollment, then took part, answering 19 personal questions, and 59 other questions concerning their reaction to the School, its teaching method, and its curriculum.

Since the student body was divided into two groups, each receiving a separate questionnaire, a total of 118 different topics were covered by the 614 men of the A-J group and the 748 men of the K-Z group. These answers have been tabulated and are the subject of this preliminary report; the general comments at the end of the booklets have not yet been broken down or correlated. Evaluation on the basis of these returns is therefore anticipatory and subject to modification when the amplifying material is available.

The information on the personal background of the men bore out the previous general impression that their military service made them a very different student body from those of the years before the war. The great majority of the men were in the 24 to 27 year age group. Only 74 of them were 21 or under, while 69 were 30 or over; 35% were married, and 205 had children. Almost half the student body attended more than one undergraduate school, Harvard being the most popular alma mater, with Princeton, Yale, and other eastern colleges and universities also well represented.

Less than 30% of the students answered "Yes" to the question, "Before en-

tering law school, had you ever been closely associated with lawyers or law students?" Most of those replies came from men whose fathers are lawyers, and only a handful came from men who had worked for more than three months in a law office. Nevertheless, almost all of those answering found the law sufficiently stimulating to say that they thought they would enjoy working in the legal profession. In fact, some 60% of them looked forward to engaging in private practice, and the rest expect to go into



PROFESSOR LON L. FULLER

business, government service, and politics.

Request More Practical Work

All but 84 men have seen military duty, well over half of them having served for three years or more in the Armed Forces. To this fact Professor Fuller attributes their strong desire to do work of a more constructive nature than is normally done at a law school. In his words, "The

source of this interest is not so much intellectual as it is emotional, though I hasten to add that it is none the worse for that." It is his feeling that the men who have witnessed the moral and political disintegration of other nations cannot take for granted the things meant by words such as law, government, and justice. The student-veterans see these as accomplishments which must be renewed and look upon the legal profession as the most effective instrument for bringing them into being.

In Professor Fuller's opinion, these students conceive of the lawyer as one who takes the tangled threads of men's conflicting interests and weaves them into an integrated pattern. They are impatient with the delay encountered in fitting themselves into the pattern. Hence their desire for work of a more constructive nature, while still in law school, and their uneasiness with abstract propositions and unreal fact situations is very marked.

The students made this clear by their overwhelming vote of approval for more exercises in draftsmanhip, negotiation, and counselling. This is doubly significant in the light of the fact that in the past the men often objected to experiments along these lines. Almost all of those polled wanted more seminars. The presentation of problems cutting across course lines was favored, indicating a desire to gain experience in breaking down the unrelated issues commonly found in the cases that come up in actual practice.

There was a heavy vote against true-false and multiple-choice examination questions, a lack of enthusiasm for the short answer type, and complete indifference (Continued on page three)

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Editor for this issue . . . Howard Monderer

Editorials

Few subjects in recent years have received as voluminous treatment in legal periodicals as the subject of legal education. Though no doctor would prescribe medicine for a patient without bothering to ask how the patient felt as a result, the analogy has not been carried over to the law student. In the numerous changes, methods and treatments that have been suggested in legal education there was little attempt to elicit the views of the student himself.

It was then with a great deal of gratification that we received the extensive questionnaire of Professor Fuller's Committee on Legal Education. The students of Harvard Law School took this questionnaire seriously. The answers were well thought out; they represented the thinking of long discussions among the students—discussions that had taken place since the first day of the first term.

This week some of the preliminary results of the survey are printed in the RECORD. It is still too early in the analysis of the results to draw definite conclusions. But it is not too early to see that numerous phases of present methods and courses could benefit by extensive revision.

It is also clear that when Professor Fuller's Committee does draw its final conclusions, the student body should have the opportunity to comment further.

J. S.

Letters to the Editor

To the Editor of the RECORD:

The School for Young Lawyers arranged by the Harvard Law School Forum last Wednesday and Thursday was one of the best things of the kind ever put on at the School.

On behalf of the School, I want to express great thanks for all of those whose effort made the program such a success. In particular, our thanks go to the officers of the Forum who planned the program and carried out the arrangements so well, and also to the many speakers who took part in the programs.

ERWIN N. GRISWOLD, Dean.

To the Editor of the RECORD:

It seems to me that all of us at the Law School owe a vote of thanks to the Law School Forum for its excellent program, especially the School for Young Lawyers, which has just ended.

I believe that it performed an invaluable service to those of us amongst the uninitiated. It made the term "lawyer" much more meaningful and gave us a better idea as to what we are aiming at. To be sure, we can't be told just how to become successful lawyers, but it did offer some suggestions on how to get started.

Congratulations to the Forum and here's hoping for the continuance of its fine work.

BOB EHRENBARD, '12

To the Editor of the RECORD:

The RECORD inevitably finds its way over to my desk from that of my Harvard Law School associate. I think your paper excellent, though reading it one would hardly realize another law school existed.

L. G. TONIE,
LL.B. '24, Columbia

Off the Record

Xandu

Old Gulliver in Lilliput
and Alice through her Glass
And Mother Goose's Fairy Tales
have lost their charms, alas!
The magic lands of yesteryear
can interest me no more,
I've found a stranger place by far
than ever was before.
It's the land of litigation
where the people all resort
To the most peculiar conduct
to keep themselves in court.
For instance, all the postmen
are trained to lose the mail,
And racketters are legion
cause there isn't any jail.
All the contracts are rejected
because the first man joked
While the second one accepted
and the first one's clerk revoked.
There isn't any marriage,
just (the latin for consortion)
And the population's thinning
'cause each birth is an abortion.
Its lawyers and its judges
make a most unusual nation
With a fine big legislature
which has passed no legislation.
If you happen to be fond
of such silly little games,
Just drop your work and join us
in the Commonwealth of Ames.

—FITZGERALD.

Let Right Be Done

One of the special students from France related to us a recent case he had gathered from a French newspaper which delighted us with its logic as well as justice. According to the report, a poor man in Paris, who was very hungry, stayed so long in a cookshop, while the meat was dished up, that he felt his stomach was quite satisfied with the smell, and was about to leave. The angry cook thereupon demanded payment for his breakfast, which the poor man denied having taken. The case came before the court and was stated on both sides. The court after due deliberation decided that the poor man's money should be put between two empty plates, and the cook should be recompensed with the jingling of the coins.

Love That Law

(We're not The Hucksters)

Of in the stilly night I ponder
Yearning for the days back yonder
When "vest" to me, and unlearned browsers,
Was something worn with coat and trousers.

Now "vest" means next to nothing to me:
Shifting, springing, shooting through me,
Interests vest before I've gotten
Up to date in Trusts by "Totten."

Yes, as they say, all fits together
In the Law, nor worry whether
Vesting means one thing or t'other:
Prentice-Hall will be your mother.

Woe to those who think it easy!
Double woe to those who're queasy!
It takes so long to learn the jargon
Essential to a legal paragon.

Life of the Law

The length of recent opinions make us wish that more members of the bench would take to heart the suggestion of Justice Oliver Wendell Holmes. When asked how it was that he wrote such brief opinions, that noble jurist replied that he always wrote his opinions while standing and "nothing was more conducive to brevity than weak knees."

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.

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 depot, the odds are 8-5 you don't make it. Why? Native autoists must meet their daily quotas.

Unbearable

And from one of the Torts classes emerges the tale of the miscarriage suit that was dismissed for lack of issue. . . .

Gallery

MARK DeWOLFE HOWE
Professor of Law



A search of the records of Mark De Wolfe Howe's life reveals that he graduated from Harvard College in 1928 at the age of 22 and entered Harvard Law School in 1930.

Between 1928 and 1930 Professor Howe worked with the movies. Queried further, he revealed, "I was an assistant-director at the Paramount Picture Studio out on Long Island. The talkies were just coming in and they were making features and shorts in New York where all the stage actors were."

"I wasn't very important," he went on modestly. "Mostly I shouted through a big megaphone at a bunch of extras. But I was in a picture with Ginger Rogers once, *Queen High* I think it was. A horrible picture. I substituted for Charlie Ruggles in one scene; the audience got a beautiful view of the back of my head and ears."

Having graduated from the Law School in 1933, he went to Washington that fall to be Oliver Wendell Holmes' secretary. It was a quiet year. The great justice had retired from the Supreme Court so that Howe's chief duty was as companion rather than secretary. He read to the old man, went driving with him and attended to his few business affairs. In the fall of 1934 he came back to Boston to practice law.

In 1935 he met Mrs. Howe who had come to Boston from Ireland to visit relatives, among them her uncle, Dean Sperry of the Divinity School. They were married that year, their honeymoon being interrupted by the death of Justice Holmes. Mrs. Howe is active in local dramatic circles. She directed the Radcliffe Idler's Club presentation of *Oedipus Rex* and *Love in a Village* and acted in *Major Barbara* and other plays presented last summer by the Cambridge Summer Theatre. Before her marriage she had done some acting and a great deal of play writing at the famed Abbey and Gate Theatres in Dublin. Since their marriage she has published a novel, *Mt. Venus*, and many short stories.

After Holmes' death Mr. Palfrey, his literary executor, and Professor Frankfurter of the Law School asked Howe to compile the Holmes-Pollock letters, which were then in the Harvard Law Library. It took him almost two years to complete the work, and, when published in 1941 it won almost universal praise both in the United States and in England.

In the fall of 1937 Howe had given up the practice of law to become a teacher.

About that time the University of Buffalo School of Law was being reorganized by the new dean, Francis Shea. Shea in the course of the next two years assembled a small group of young men, among them Howe and Ernest Brown, who is now teaching at the Law School.

In 1938 Shea went on leave of absence to Washington as Attorney-General Frank Murphy's Assistant and Howe was appointed acting dean. In 1940, when Shea resigned, he was made dean and that was the position he held in January, 1943, when he left to enter the army.

Howe's army service was almost exclusively in military government, starting in Sicily, moving on to Italy and finally landing in Southern France with the Seventh Army. Late in 1944 he returned to Washington to become Chief of the Government Branch of the Civil Affairs Division, War Department. His stay there was broken only by an inspection trip to the European Theatre of Operations with Assistant Secretary of War McCloy and attendance at the Potsdam Conference in Berlin. On Saturday, October 20, 1945, he left Washington, a full Colonel, and on Monday, October 22, 1945, a civilian, commenced work at Harvard Law School.

Professor Howe is the youngest member of a great Boston literary family. His father, Mark Anthony De Wolfe Howe, has published some 56 volumes, mostly biography, including a biography of Oliver Wendell Holmes, Sr. Mr. Howe and his father are often mistaken for each other because of the similarity of their names. He has even been listed on one occasion as his sister's father, a relationship not yet recognized by the law.

His brother, Quincy Howe, is a commentator

Sub Judice

IS CONGRESS CONSTITUTIONAL?

Eugene Dennis, Secretary of the American Communist Party, was subpoenaed to appear before the Thomas Committee. On failing to comply, Dennis was indicted and convicted for contempt. Among other defenses presented on appeal, Dennis contended that the processes of the Thomas Committee were null and void because it was not in fact a Congressional Committee. He argued that Congressman Rankin of Mississippi, a member of the committee, was not a member of Congress at all because the electoral laws of Mississippi do not conform to the requirements of the Fourteenth Amendment. Dennis went further, contending that the Apportionment Act of 1941 allocating to Mississippi seven seats in the House failed to take into account the disfranchising effect of the Mississippi poll tax and should have allotted only four seats to the state. Therefore, he concluded, all of the Mississippi representatives were mere interlopers.

Held: Conviction affirmed. The court said that the Apportionment Act cannot be attacked collaterally and that the power to diminish the number of Congressmen rests with the Congress alone. The court added that to pursue Dennis' argument would be to invalidate all legislation in which Rankin and his Mississippi colleagues had participated. Carried to its logical conclusion, his theory would make possible the invalidation of all legislation voted for by Congressmen who had been elected in a manner deemed by Dennis to be unconstitutional—such as the Declaration of War, the G. I. Bill, etc.—*Dennis v. U. S.* (App. D. C., Oct. 12, 1948).

NOT SO HOTFOOT

Richard Keiner had been to a Christmas party on December 21, 1945, where he partook of several drinks. On his way home he stepped into the bar of Manny Steinfeld where he had a few more, after which he quietly rested his head upon his arms on the bar and fell asleep. Someone, in a prankish mood gave poor Richard a "hotfoot." However, Richard was so deeply buried in the arms of Morpheus that he did not awaken, although he sustained third degree burns to his foot. His trousers, socks and underwear burned and smoldered until another patron, attracted by the odor, extinguished the fire. Richard sued Manny Steinfeld on the theory that his failure to care for his patron was negligence. A detective testified at the trial that he had conversed with Manny about a week after the incident and that Manny had admitted that he saw another customer give Keiner the hotfoot. The trial court dismissed this as a mere "scintilla" of evidence, not enough to justify giving the case to the jury. When a verdict was directed for Steinfeld, Keiner appealed. **Held:** for Keiner; the case should have gone to the jury. Manny had a duty of reasonable care to his unconscious patrons, and the detective's evidence tended to prove that he stood idly by while Richard was assaulted and nearly killed. **Moral:** If you own a bar, don't look when someone is going to give one of your patrons a hotfoot. —*Keiner v. Steinfeld*, 61 A.2 305 (1948).

over the Columbia Broadcasting System and the author of six books on contemporary political history. At one time he was an editor in the publishing firm of Simon & Shuster, for which he still does some work.

In the fall of 1946 there appeared "Touched With Fire," a collection of Justice Holmes' Civil War letters compiled by Professor Howe. He is now working on a biography of the great justice. He has access to all the Holmes papers and the biography will emphasize, to a much greater degree than did Mrs. Bowen's *Yankee From Olympus*, Holmes' judicial career.

At Harvard Professor Howe has taught classes in Contracts, Equity, Admiralty and American Legal History. Of these Legal History, a relatively recent addition to the Law School curriculum, is his favorite.

Many will remember Professor Howe's well-reasoned defense of President Truman in the recent forum on the election. When asked about the Democratic victory, Professor Howe beamed, "I was delighted, but frankly, amazed."

In class Professor Howe is a very conscientious teacher. He sits at the desk, seldom rising, listens to each question and answers it carefully, emphasizing points by striking the desk lightly with two fingers. Students appreciate his candor. There is never any shrugging off of questions or giving of evasive answers. Two or three times during the year he readily admits:

"I am sorry I don't know the answer to that question. But I'll find out and let you know tomorrow."

The next morning, before starting on the next case, he answers the question fully.

Alumni Notes

LL.B. '01—The family of the late Mark K. Hyman has established the Mark Hyman Memorial Scholarship Fund of \$7,500 at the Law School.

LL.B. '14—Clarence G. Miles has been mayor of Lincoln, Nebraska, for the past two years when he was elected to that position. Due to error by this department, William Aitken was credited with holding this office in the November 3 issue.

LL.B. '47—Alonzo G. Moron has been appointed acting President of the Hampton Institute. A Phi Beta Kappa at Brown University, where he received a Ph.D. degree, he holds an M.A. from the University of Pittsburgh. The Virgin Islander is former Director of Public Welfare of his native land.

SCHOOL —(Continued)

were students from Suffolk, Northeastern, Boston University, and Portia law schools; Harvard Law School alumni; and members of the faculty of nearby law schools, as well as students from Harvard Law School. Forum spokesmen said they were impressed by the serious, businesslike attitude on the part of the students who gave up an Armistice Day holiday to attend the seminars. Richard A. Holman, president of the Harvard Law School Forum, said he was "very gratified by the student interest which was indicated by their attendance and attitude." Because of the great student interest the Forum intends to sponsor further sessions of "The School for Young Lawyers" in the future. The Forum will welcome any and all suggestions from those interested in these future classes

SURVEY —(Continued)

ence for open book exams. Examination questions asking, "What would you do?" were strongly preferred over the conventional "What liability?" type, because with the former there is room for the exercise of imagination and ingenuity.

The seriousness of the students' approach may be gathered from their reaction to questions on living accommodations. Over 75% of the men said they wanted a new dormitory and dining hall built near Langdell Hall, but only half of them were for such a project when it was suggested that the quarters might have to be shared with other graduate students. If common rooms were provided for review sessions, conferences, and law club arguments, less than a third of the men were willing to allow students from other schools to use the facilities. However, the sentiment in favor of living with a law school roommate was very strong.

Emphasis on Grades Deplored

The most profound dissatisfaction expressed toward any phase of school activity was with respect to the grading system. Most of the men admitted that their grades were generally constant and a fair reflection of their ability, but they deeply resented the practice of many employers who will not interview men whose averages fall below a certain standard, and the consequent life and death emphasis on achieving good grades that results. Hence, several suggestions the questionnaire presented were favored for improving the examination system, as an aid for students in getting better grades.

The most frequently expressed desire was that the examinations be framed in such manner as not to put an undue premium on sheer speed of reaction and mere physical ability to write fast. Then, to minimize the effects of an "off day," the men approved of mid-year exams in all full year courses. And to familiarize themselves with individual instructors' tastes, they asked that there be a review of old exam questions in class, and distribution of model answers.

They also hoped that at the end of each year they might be given a specially prepared text with legal and economic information on the courses to be taken the following year, so that they might get a preview of their next semester during the summer. And, upon their return to school, they felt that course outlines, more detailed than the section headings of the casebooks, should be available.

With this tremendous pre-occupation with examinations, it should not be surprising that a majority of the men favored having more classes during the fall term than in the spring term, so that there would be time for review.

Studies Exclude Extra Activities

Only 25% of the men listed outside time-consuming activities. Of that group, the majority consisted of those working to support themselves. Only a handful of them were interested in any sort of political activities, even to the mild extent of working with a veterans' organization. Within the School, only the Ames Competition seemed to divert the men from the regular channels of study, and since Ames work is generally completed by the end of the third term, the upper-classmen, who are best adjusted to the School and the study of law, do the least extra work of all.

Second and third year men devote an appreciably higher percentage of their study time than first year men to preparing for examinations.

The first year students reported that they devoted from forty to fifty hours a week to study; the second year men spent about forty hours a week; and the senior class said it worked even less than that. However, there are a few men who study but ten hours a week, and a few who claim to study as much as 60 to 100 hours a week.

Approximately one-fourth of the student body thought it had made substantial progress in mastering the technique of handling legal material in the first year; about a quarter of them thought they learned it in their second year, and a third of them thought it developed only in the last year.

Case Method Approved

Most of the men were generally satisfied with the case method of study, if it is defined as concentration on specific

cases or specific problems. They did not want the lecture system to be re-introduced but they were quite sharp with instructors who overdo the Socratic method. Many students wanted to delve into specific problems more deeply than is possible under the present system of covering courses evenly, but, at the same time, they wanted their instructors to adhere to a schedule so as to be able to cover all the elements in their courses.

As for the courses themselves, little objection was found in respect to content. Few wanted the elective system extended to cover second year work; suggested additions to the curriculum centered on proposals for a course in advocacy and one on trial and appellate practice.

Casebooks, however, came in for considerably more criticism than the curriculum or the pedagogical methods employed in the School. In practice, most instructors have summarized the historical background of their courses, and student reaction favored an extension of this practice to the casebooks. Similarly, there was objection to the failure of casebook editors to supply economic and social background material for the cases presented. Along the same line a great majority asked for more extensive introductions to each section of the casebooks and convenient summaries of the material set forth, so that in the event the instructor was unable to cover all of the cases, the student would have a fairly good idea of the content of the omitted material.

First Year Adjustment

Next to problems raised by the grading system, the question of the initial adjustment of the entering student to the Law School was the topic most frequently discussed. Those polled felt that a better method of easing the transition from college to law school must be devised. The response to each suggestion in the questionnaire looking forward to a solution of the problem was favorable. The students welcomed the freshman handbook as a means of orienting the novice to the process of legal education. A 15-hour weekly schedule of classes for the first year was approved as well as a system of monthly examinations for the entering class. In response to a question as to whether it would be desirable during the first year to assign five tutors to meet with small discussion groups, sentiment was markedly affirmative.

Entering students stated they were not seriously disturbed by the "hard" professors. The size of the sections, however, was considered disconcerting for those accustomed to small undergraduate classes, and it was generally stated that time was required to make the adjustment to large lecture groups. Also marked in this group was the inability to adjust to the lack of clear-cut answers which it was felt characterizes the professorial response to student questions. This difficulty was greatly aggravated for the men who tried to find a "common approach" among their instructors.

They found, also, the emphasis on theory unfamiliar. The fact that classroom discussion is not generally directed at finding practical solutions for the cases posed as points of departure was a source of concern. Few were troubled by any lack of tie-in between the law and the social sciences, or between the law and the economic purposes of the law. The discipline developed in learning to think precisely on matters involving finer distinctions than would be the case with the average college course, and the difficulty found in expressing themselves accurately and concisely, caused far more trouble to the men answering the questionnaire.

The majority of those responding favored the "cold plunge" theory of legal education over the "bridge theory," but the split in sentiment was quite sharp.

Study Habits

Figures on the usual methods of preparation for classes and for examinations did not reveal any marked divergence from what had been expected. Few, for example, said they used canned briefs or outlines for class work or for examinations, although a number indicated they did so for the Judicial Remedies final examination. Then, too, only a small minority said it read law review articles or Restatements as a means of preparation of daily assignments, although this was not true of Evidence. Many did use such aids, however, for the examinations, particularly in Evidence, Constitutional Law, Labor Law, and Governmental Regulation of Business.

To the question, "Do you read the cases before coming to class?", 10 percent of the men said no, 45 percent said occasionally, 12 percent said they did regularly in some courses, 25 percent said they did if time permitted, and eight percent left the question blank. Very few stated why they didn't read the cases; among the answers of those who did suggest a reason, the most common reply was that they could master the necessary material by paying attention to the classroom discussion. The answers indicated that for Contracts, Business Associations, Administrative Law, Labor, Evidence, and Taxation it was most important to be well prepared.

Although for the above mentioned courses, and for Property I and II, they devoted the same amount of effort to solve the problem cases before coming to class, considerably fewer made no effort, in preparing assignments, to think in terms of how the litigation could have been avoided.

Post-classroom habits conformed to expectations. The instructors who cite cases not in the casebook are apt to be disappointed, since only half of the students looked into such material. Many, however, indicated that they went over their notes immediately after class to tie up loose ends and to make corrections while the material was still fresh in their minds. When they were studying for examinations, those answering stated they generally prepared course outlines; over three-fourths compiled at least one outline, and less than a quarter stated they did not use old examination questions as a study guide.

Study Groups

Considerably less than 20 percent said they studied in regular groups for class, but over half did meet in regular sessions to prepare for examinations. Those who did meet together to review found it difficult to keep discussion rolling smoothly. Groups with more than four men became unwieldy, and a group composed of only two men found that there was not a sufficiently stimulating exchange of ideas. Other problems of these groups related to the questions of dealing with men who failed to prepare for the group's meetings, of finding adequate meeting places, and of keeping the discussion on the main issues.

In reviewing the questionnaire as a whole, Professor Fuller called it "a rich human document registering the diverse reactions of a group of sensitive young men toward two institutions: the law and the Harvard Law School." He continued, "He who reads these comments will, I am sure, carry away a new conception of the School and its significance in the lives of the men who pass through it. The one emotion he will not find recorded here is apathy. Nor will he encounter much that smacks either of rancor or fustian praise. He will find that the prevailing temper is one of gratitude to the School for what it has done for its students, coupled with an earnest desire to help to do an even better job in the future." B. G.

Poll Reveals Courting, Music-Making Figure Eminently In Leisure Activities

The long-existent myth that when a student comes to Harvard Law School he crosses the words "spare time" out of his vocabulary, was partially destroyed with the release of the Fuller Survey results.

Probably the most explicit reply to the question "List any other time-consuming activity?" came from the man who wrote, "I'm in love." Perhaps a little further along was the man who said he had just become a father and was going into the baby-sitting business wholesale. In general, the pursuit of women seems to be the major extra-curricular pursuit of a great number of students, or as said one old-fashioned lad with a legal frame of mind, "courtin'." Several unfortunates dedicate most of their spare time to the proposition that there must be a decent apartment for them somewhere near school, and others just kill time on long rides to and from Langdell.

Can a law student make beautiful music? Well, 22 men at Harvard try by playing regularly with local bands and orchestras to supplement incomes. One man spends a substantial part of his time composing music while another does ballet dancing when not threading through the cases.

The questionnaire covering the ins and outs of the Harvard Law School student's thinking reveals many other sidelights and oddities. For example, we find that there are six more *Law Review* men in the A-J part of the alphabet of student names than among the K-Z's, and 16 more *Record* men in the K-Z group than in the A-J division. The K-Z's, you must remember, outnumber the A-J's by 748 to 614, and the figures show that their married men outnumber the A-J's by 147 to 125, but that there are 117 fathers in the K-Z group to the A-J's disproportionate 88. This important discovery, taken jointly with the previous one, indicates that A-J men are smarter, but K-Z men are more virile. Or, maybe, that the A-J's are smart enough to control their virility. Draw your own conclusions.

Only 17 men in the entire school want to teach law, but they are more than counterbalanced by the 18 stalwarts who insist on working actively with the

Armed Forces Reserves. Some with their head and some with their feet, that is. But who can compare their curious ideas with those of the 35 men who, having completed a year or more at another law school, decided to surrender to their passion for Torts and do it all over again. Perhaps most confused of all are the 50 lads who answered a question asking why they didn't read cases before coming to class by saying that they couldn't follow the discussion *without* reading the cases.

And maybe this ought to be suppressed, because there are lots of serious-minded individuals who might brood about it, but it is undoubtedly significant that almost as many men asked that a specialized property course be added to the curriculum as those who asked for a civil liberties course or a course on legal ethics, combined.

The questions on the problems of first year adjustment brought out some of the most interesting reactions. Undeniably the 22 men out of 614 who were aware of no problem with respect to the maddening deficiency of definite answers, and the 76 men who were aware of no problem with respect to the continual emphasis on precise expression, ought to be rewarded in some indefinitely precise fashion that hasn't been worked out yet. But the boys who really go over the top are the 20 who found large classes a stimulus, the 78 who regarded the tough platform manner of their profs as a blessing, the 62 who liked getting indefinite answers, and the 12 who were spurred on by the insufficient attention paid to the social and economic purposes of the law.

But what can be said for the 11 men out of 748 who strongly disapprove of adding five tutors to the first year faculty, or the ten who were unalterably opposed to making up an orientation handbook for freshmen, or the 26 who would on no account go on record for distribution of course outlines. Perhaps they are not half as dangerous, though as the 37, 29, or 22 men who answered the above three questions by saying that they had no basis for an opinion. Maybe they're the men Messrs. Gallup, Roper and Crossley thought were voting for Dewey.

B. G.

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Calendar

LEGAL WORLD
Law Wives

The bridge-social has been cancelled. Card parties will be resumed Wednesday, December 1.

Classes in opera appreciation are being conducted by Mr. Benjamin Kimball. Tickets are \$1.75 for the series of six, or 35 cents per class. The next discussion, on *Don Pasquale*, will be conducted tomorrow at 8 p. m. in Kendall House. Everyone is invited to attend.

Brief Writing

Prof. W. Barton Leach will give his annual lecture on *The Art of Brief Writing* in Langdell Court Room on Thursday, November 18 at 4 p. m. The Board of Student Advisers expects all first year men to attend. The lecture will clarify and illuminate problems and errors encountered in first term briefs. A companion lecture on *The Art of Oral Advocacy* will be given on Thursday, December 2.

UNIVERSITY WORLD
Choral Concert

The Radcliffe Choral Society and Harvard Glee Club will give a concert for the benefit of the Radcliffe 70th Anniversary Fund this Sunday, 8:30 p. m.,

at Sanders Theatre. Tickets at \$2.40, \$1.20, \$.75 and \$.50 are on sale at Phillips Brooks House and the Coop.

Violin Concert

Alexander Schneider will give two concerts of Bach's sonatas and partitas for violin alone in Sanders Theatre next Tuesday and Wednesday at 8:30 p. m. These concerts are free and open to the public without ticket.

OUTSIDE WORLD
Ford Hall Forum

Dr. James F. Bender, founder of the National Institute for Human Relations, will speak on *How to Get Along with Others*, this Sunday at 8 p. m. at Jordan Hall in the New England Conservatory.

Adult Education

Mr. DeWitt John, of the Foreign News Department of the *Christian Science Monitor*, will give an informal talk on his recent study of displaced persons camps in Germany and Austria, this Friday at 8:30 p. m. at the Cambridge Center for Adult Education, 42 Brattle St., Cambridge.

Radio

The first of a series of radio-documentaries on New England entitled "What's It To You" will be heard this Sunday on Station WHDH at 6 p. m.

SEMINAR—(Continued)



PROFESSOR BENJAMIN KAPLAN

ing with their rights to hold public meetings, distribute circulars and display placards. The Supreme Court finally allowed the injunction in a four-way split that throws into bold relief the basic constitutional issues raised.

Because of the large attendance at previous seminars, they are now being conducted in Langdell North. Their purpose is to deal in classroom fashion with the substantive law protecting civil liberties and rights. The seminars are open to all students, but it is desired that those attending prepare the assigned cases. The reading assignment for this seminar is as follows: 25 Fed. Supp. 127, 101 F. (2) 774, & 307 U. S. 496.

AMES FINALS—(Continued)

tles (Harvard '42) of Los Angeles, Calif. Of counsel on the brief are John H. Bass, Jr. (Harvard '43) of Evanston, Ill.; Charles B. Gates, Jr. (Harvard '43) of Charleston, W. Va.; Philip P. Green, Jr. (Princeton '43) of Tacoma, Wash.; Robert U. Holden (Harvard '44) of Shirley Center, Mass., and Richard J. Jennings (Fordham) of New York City.

Douglas F. Stevenson (DePauw '44) of Evansville, Ind., and Nelson Taylor (University of North Carolina '42) of Oxford, N. C., will be oral advocates for the Gardner Club. Of counsel on the brief are Charles H. Bartlett, Jr. (Notre Dame '46) of Cuba City, Wisc.; Marvin Borman (University of Mich. '43) of Indianapolis, Ind.; Harold Lee Hitchins, Jr. (Southern Methodist University '43) of Dallas, Texas; Holmes E. Hobart (Pomona College '42) of Los Angeles, Calif.; Robert H. Troescher (Harvard '43) of Lynbrook, N. Y., and Miles G. Wedeman (Swarthmore '43) of Drexel Hill, Pa.

Assistant Dean George Minkin, faculty adviser for the Ames Competition, announced that there will be no restrictions placed on the bringing of guests, but suggested that those who are desirous of obtaining seats should arrive early.

SEMI-FINALS—(Continued)

a party to a Florida divorce to attack the decree in another jurisdiction. The plaintiff, former husband of the defendant, is seeking in this case to have the defendant's second marriage annulled on the ground that her decree of divorce, given by a Florida court, is invalid. The case is patterned after several that are now under consideration by the New York Supreme Court, and involves problems arising from the case of *Sherer v. Sherer*, decided by the U. S. Supreme Court in its last term.

Thomas A. Caldwell, Jr. (Harvard '46) of Chattanooga, Tenn., and Jerry M. Brown (Harvard '46) of Cambridge, Mass., will argue orally for the Anonymous Club. The brief was prepared by Neil J. McCarty (Notre Dame '42) of Kaukauna, Wis., Charles K. McWhorter (W. Va. U. '43) of Lewisburg, W. Va., Charles T. Noonan (Harvard '45) of Allentown, Pa., Allen H. Russel (Princeton '45) of Iliou, N. Y., William V. Suckle (Harvard '44) of Philadelphia, Pa., and Thomas W. Underhill (Princeton '44) of Summit, N. J.

The oral arguments for the Mentschikoff Club will be presented by Milton A. Dauber (N. Y. U. '47) of Passaic, N. J. and Rhodes G. Lockwood (Williams '41) of Blacksburg, Va. Of counsel on the brief are Sean Flavin (Stanford '46) of Monterey, Calif., A. Linwood Holton, Jr. (Wash. & Lee '44) of Big Stone Gap, Va., Herbert B. Katcher (N. Y. U. '45) of New York City, Gabriel B. Schwartz (N. Y. U. '47) of Brooklyn, N. Y., Jerome J. Shestack (U. of Penn. '43) of Philadelphia, Pa., and Donald D. Webster (U. of Va. '42) of Lutherville, Md.

All students and their guests are invited to attend. The Courtroom will be opened at 7:30 p. m.

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