

The Harvard Law School Record

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PRICE TEN CENTS

Brewster, Thomas, Harris, Kennedy To Speak At Forum

Governmental Control Of Economy Is Theme Of Friday's Discussion

Senator Owen Brewster, LL.B. '13, Representative John Kennedy and Norman Thomas will discuss *How Far Should the Government Go in Regulating Our Economy?* at the Forum meeting, Friday evening at 8 o'clock, in Rindge Tech auditorium. Professor Seymour Harris of the Harvard Economics Department will act as moderator.

Senator Brewster, a Republican from Maine, is a member of the Senate Committees on Finance and on Interstate and Foreign Commerce. In the Eightieth Congress he served as chairman of the Special Committee to Investigate the National Defense Program. For the evening he is expected to be the standard-bearer of the conservatives.

John Kennedy, a Democrat, is the member of the House of Representatives for the 11th District of Massachusetts, which includes Cambridge and parts of Boston and Somerville. Second son of Joseph P. Kennedy, former ambassador to England, the Representative covered the campaign and election of the Labour Party in England for the International News Service. At 32, one of the youngest members of Congress, he now serves on the House Committee for Education and Labor.

Norman Thomas, a former minister and graduate of Princeton University, is a lecturer, author and leader of the Socialist Party. He has headed his party's ticket in New York City, New York State and in every presidential election since 1928.

(Continued on page three)

NEWS IN BRIEF

VISITING COMMITTEE

The Visiting Committee of the Board of Overseers of Harvard University spent two days in its annual survey of the Law School and its activities. A meeting of the Committee, under the chairmanship of Charles M. Storey, and the faculty was held in the Root Room of Langdell Hall on Sunday afternoon, March 13. At this meeting Dean Griswold and Professors Cavers and Fuller discussed the Law School Fund and curriculum changes. On Monday, March 14, the members of the Committee sat in on a number of classes.

AVC

Advocating President Truman's compulsory health insurance program, Dr. Alan M. Butler, Professor of Pediatrics and Chief of Children's Medical Service at Massachusetts General Hospital, will oppose the AMA program supported by Dr. John F. Conlin, Director of Medical Information for Massachusetts Medical Society, at a forum sponsored by the Harvard Chapter, American Veterans Committee, on Wednesday, March 16, at 7:30 p.m. in Phillips Brooks House.

Charles Thompson 3L, Harvard Chapter Chairman, announced that there will be an opportunity for questioning the speakers on practical and professional aspects of both programs. Law students and friends are especially welcome.

VAN WATERS

The special commission, headed by Dean Erwin N. Griswold, to hear the appeal of Dr. Miriam Van Waters, who sought re-instatement as superintendent of the Women's Reformatory at Framingham, announced its decision, on Friday, March 11, upholding Dr. Van

(Continued on page three)



NORMAN THOMAS

Leach Recounts Student Days—Tells Of "Bull", Whales, Bridge And Ginny

By PROFESSOR W. BARTON LEACH
(This is the fifth of a series on the Law School in its earlier days.—Ed.)

I appreciate your request that I set forth my recollections of student days and am glad to comply. The implications of placing me in the same category with my learned colleagues, Williston, Scott and Seavey, are flattering. I have for some time felt that I should abandon the cap and bells of the Colorful Young Eccentric and take on the mantle of the Lovable Old Character, and your request to me seems to mark *le moment précis* (the precise moment) of the transition. It was once suggested that I might even play it straight and rely on merit, but I treated this absurd idea with the scorn it deserved.

My recollections of student days are not blessed with the documentation which fell into Professor Scott's hands. His letters home were carefully saved by his father; but at the corresponding period of my life it seems all too clear that my family was not thinking of preserving material for my biographer. Still I do have my notebooks, such as they are; and the catalog of the Law School is available to refresh my recollection.

I find, by piecing together a bit of information here and a bit there, that I took several courses in my first year (1921-22), but I have adequate data on only three: Property I, Torts, and Ginny.

Property I was given by Bull Warren, who was Acting Dean that year. He was exactly as advertised—rigorously insistent upon accuracy of thought and expression, with a fine pyrotechnic display of Jovian wrath always ready for the transgressor. He booted me all over the classroom when I messed up *Ghen v. Rich* in the second week of school; and I crawled back and licked his hand like a puppy who has been justly whipped. As a student I admired The Bull from afar, and later had much pleasure in being his colleague. He frequently told me I was "sound," which was a compliment or not depending on how you appraised The Bull. Understandably, my appraisal was high. One did not take him lightly—at least, no one except my classmate Threlkeld, a stentorian extrovert from the great Southwest. The Bull mispronounced his name in calling upon

SPRING FORMAL TICKET SALE

Ticket sale for the Spring Formal to be held March 26 at the Women's Republican Club at 6 Beacon Street, Boston, will commence today. Since tables will be reserved for ticket holders, a limit has been placed on the number of tickets to be sold. Sales will be made in Langdell South and Austin, mornings, and at Gannett House, afternoons. The price is \$2.40 per couple.

Fuller Reply

(The following letter was received from Professor Fuller in answer to a student letter and RECORD editorial which appeared March 2.)

To the Editor of the RECORD:

The RECORD of March 2 raises two issues touching on the work of the Committee on Legal Education.

An editorial by Mr. Shestack makes the point that the recent faculty action seems to have left out of account a possible reorganization of the third-year offerings. In planning the work of our Committee, a detailed consideration of the content of the third year was deliberately postponed. We thought it advisable to concentrate first on the prescribed portion of the curriculum, since this involves an interlocked pattern of courses in which all possible changes must, as it were, be considered at once. The third year, being largely elective, presents issues of a different order. After the Faculty had acted on our recommendations with respect to the first two years, the Committee recom-

(Continued on page two)

HLS Student Dormitory Fund Drive Huge Success

A total of \$26,342 has been pledged by students to date in the Law School Fund Drive. The purposes of this Fund are to provide money for the graduate center, scholarships, research library and teaching fellows. Of this total \$5,340 has been received in cash.

Braucher, Berman, Watts Chosen For New Faculty Posts

Robert Braucher has been named Professor of Law at the Harvard Law School, and Harold J. Berman and David E. Watts have been appointed Assistant Professors of Law, Dean Erwin N. Griswold announced today.

Mr. Braucher is now visiting Professor of Law at the Law School. He was born in 1916 and received his A.B. from Haverford College in 1936 and the LL.B. with high honors from the Law School in 1939. During World War II he was an Air Force pilot in the Burma Theatre and later served with the Military Intelligence in Washington. He was named Visiting Professor of Law in 1946 and has taught courses in Bills and Notes, Commercial Law, Contracts and Torts.

Born in 1918, Mr. Berman received his B.A. at Dartmouth College in 1938. After studying at the London School of Economics and Political Science, he received the M.A. (1942), and LL.B. (1947) at Yale. He was an Assistant Professor of Law at Stanford before becoming a Visiting Professor of Law at Harvard in 1948. He serves on the staff of Harvard's Russian Research Center and is a frequent contributor to legal periodicals.

Mr. Watts was born in 1921 and received his A.B. and J.D. (1942) degrees from University of Iowa. He was with Military Intelligence in World War II.

(Continued on page three)

Practitioners At Hollywood Bar Spurn Federal Rules For Trial By Glamour

I should have studied during the between-terms vacation. Instead I went on a cinematic binge and took in about 12 feature pictures, all B's. Perhaps prompted by my active if misguided super-ego, for the first time I noticed the appallingly large number of Hollywood characters who earn a living mimicking lawyers.

The silver screen was chock full of all kinds of lawyers, yet with all this varied casting, I couldn't help feeling that someone was casting aspersions on the profession I have chosen for my very own. What movies do to lawyers shouldn't happen to an uncertified public accountant who gives legal advice.

Greatly outnumbering any other kind of lawyer practicing before the Hollywood bar is the screen criminal lawyer. This genus divides into two species: the Defender of Innocent Persons Accused of Crime and the Criminal Criminal Lawyer. The latter species is addicted to pin-stripe suits and waxed mustaches. They are referred to as "de mout' piece" and dare to raise such technicalities as the 14th Amendment in order to save the necks of their felonious clients.

More interesting is the former species, the Defender of Innocent Persons. When this Galahad isn't a young idealist about to throw away a potentially brilliant career for (a) an undeserving client, (b) a woman, (c) a breach of trust, he is an old has-been who, when young, actually did throw away a brilliant career for (a) an undeserving client, (b) a woman, (c) a breach of trust. The has-been has miraculously escaped disbarment and perhaps to compensate for the Bar Association's shortcomings has taken refuge in alcohol. However, he shakes off the DT's and takes the case because the frail plant which is his soul has been watered

The amount paid in and pledged was received from 930 of the 1440 students presently enrolled in the Law School.

While a few students have not as yet been contacted, the average pledge from each man was a little over \$28. The contributions were received by a group of voluntary collectors under the direction of William C. Briggs, 3L.

Dean Erwin N. Griswold expressed great satisfaction with the results of the campaign, saying, "This is a splendid response from the student body. Their contributions give tangible evidence of the need for the graduate center, as seen from the standpoint of the students themselves. The School is particularly grateful to Mr. William C. Briggs, and to the members of the Student Committee who have so capably organized the drive and done the actual soliciting among their fellow students."

"The drive was successful not only from the standpoint of the sum raised but also on the basis of the number of students participating by giving their time and money," according to Mr. Briggs. "I want to thank sincerely each of the solicitors and members of the Committee."

As of last Friday the amount pledged to the Fund had reached a total of \$657,000, including contributions from students. This represents over one-fifth of the total amount sought. The national drive has just gotten well under way, and will continue until the June Commencement. The total amount sought for the program is two and one-half million dollars.

by the tears of (a) the accused's little daughter, (b) the accused's fiancée or wife, (c) the accused's aged (and for real pathos, immigrant) mother.

Because his client's heart is pure, this movie lawyer, whether idealist or has-been, finally wins. This is inevitable despite the fact that during the trial he has had just about every one of his objections overruled. This overruling and sustaining of objections is interesting in itself. On the screen the objection has lost its legal, although not its dramatic, significance. It is a movie convention by which the laymen in the audience can tell which side is ahead while the trial is in progress. The scoring of objections resembles the scoring used in football: a ringing "incompetent, irrelevant and immaterial" objection counts plus six if sustained and minus six if overruled; "objection, leading question!" is a field goal; "I object!" rendered in a dramatic voice is two points; a humdrum "objection!" is one to one-half.

No cinematic criminal trial is complete without the prosecuting attorney. Those actors who are typed as Criminal Criminal Lawyers are the ones who represent the state when the Defender of the Innocent is for the defense. Somehow, waxed mustaches seem even more sinister when their wearers have the law enforcement machinery on their side.

Although the vast majority of cases before the cinema bar are criminal cases, the members of that bar do have other kinds of practice. Consequently, we find *inter alia*, the old codger who is the reader of and executor of Uncle's will. This bird affords comic relief because his dialogue sounds like the United States Code Annotated. What's more, if the picture happens to contain a mur-

(Continued on page four)

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Letters to the Editor

(Continued from page 1)

mended the appointment of a special committee to consider the work of the third year. This recommendation was adopted by the Faculty. In addition to Professor Hart, who will act as Chairman, the Dean has appointed the following to serve on this committee: Professors Bowie, Cox and Dodd.

The letter from Mr. Ostwald raises the more immediate problem of the final year of study open to the Class of 1950. He argues quite properly that, so far as the spread of courses is concerned, his class will not get the benefits either of the seven-term program or of the new program.

Mr. Ostwald has performed a service in calling attention to the special situation of his class. Some dislocation is likely to be involved in any major curricular change, but we are certainly not, for that reason, justified in neglecting any measure that may be available to us for easing the transition.

Unfortunately, it does not seem possible to meet the issue in the drastic manner Mr. Ostwald proposes, that is, by offering three terms of work for those graduating next year. The adoption of such a program would require the addition of temporary members to the Faculty, and would produce disruptions that, in our opinion, would outweigh its advantages.

Instead, certain changes already made would seem to indicate a better approach to the problem. It has already been decided that Taxation and Evidence will return to their old allotment of 4 hours, and that the course now called Business Associations II will be offered in two forms: the standard course of two hours through the year, and a shorter course of two hours in one-half year. Consideration is now being given to making possible a similar alternative in Evidence, Conflicts and Constitutional Law. Announcement of the changes to be made in these subjects will be made in ample time to permit the planning of the third-year program. It should be added that students will not be permitted to take more than two of the shortened courses. Even with this limitation, the third year offerings, with the flexibility supplied by shortened courses, should meet a considerable part of the demand expressed in Mr. Ostwald's letter.

It should not be overlooked that there is a very strong opinion among faculty members and practicing lawyers that the thorough treatment of a small number of subjects is more important than wide coverage. Our Committee's action should not be interpreted as endorsing the principle that the primary desideratum of legal education is the inclusion in the three-year course of as many subjects as possible; the new program which resulted from our recommendations retains for the most part the principle of allotting a substantial amount of time to each course. The Committee's survey of graduate opinion solicited an expression of views concerning some thirty proposals for reforming or changing educational methods; the least favored of all of these was a proposal to employ short survey courses to attain wider cover-

age. These are considerations students should bear in mind in planning their work in the third year.

LON L. FULLER

To the Editor of the Record:

Many law students graduating this May would like to participate in some sort of class graduation ceremonies. During the war, many college graduation exercises were necessarily dispensed with, and for friends and families Graduation Day in June was anticipated with some degree of pleasure. However, the bulk of the graduating class will not be able to attend the Harvard University graduation exercises scheduled to take place on June 23.

Two factors contribute to this: First, both the New York and Connecticut Bar Exams will be held on June 23. Secondly, Term examinations end May 21 or earlier, and most of the students who live more than a day away will not find it worth their while to come back to Cambridge on June 23, or stay here for the intervening five weeks.

Therefore, I suggest that the Dean consider the advisability of conducting separate Law School graduation exercises to be held late in May, shortly after the conclusion of exams. While this might take a few hours away from bar review courses, I believe that almost the entire class will attend. This suggestion would only be applicable to the Class of 1949, since the longer course taken by future classes will reduce the time gap between exams and graduation day.

JERRY WAGNER, 3L

Off the Record

Lament on Landis

"The second year was essentially dull. Despite the best teaching, who can put life into Bills and Notes, Sales, or Wills?" James M. Landis, *RECORD*, March 9, 1949. (italics added by D. J. S. T.)

"Who can put life into Bills and Notes,

Sales, or Wills?"

Who can put life into Drafts, Notes and Chex?

Who can put life into Sales?

Mentschikoff. Let's not be fooled by her sex.

The reek of raw sugar, or burlap in bales, comes into the classroom—(the "Office".) And wails

arise when old Belcher unjustly rejex

and We Who are Righteous must block the effex

with tex upon TEX upon TEX upon TEX;

till Sense, backed by Statute, prevails.

Who can put life (did he say?) into Wills?

Barton Intestate, I'd say.

It shocks when you work through the various ills of a guy and his family who still are that way, while Jimmy Testator puts on a display of how careful Planning in comfort fulfills the Old Man's revenge on two jacks and ten jills—with Leachner's and Casnich's Anti-Tax Pills available just by the way.

"Who can put life into . . . ?" Let us not brawl—But—No joy in crafts-goal well won?

No pleasure in pitching a neatly curved ball?

No fun in the fact that good doing is fun,

that races, in part, are just there to be run?—

Ideals and Great Issues do make a right call. . .

But somebody carries a curious gall,

to tell a profession they can't do at all

these things they already have done.

"Who can put life into Bills

and Notes,

Sales, or Wills?"

DIAGENES J. S. TEUFELSDROCH

* "And rejoiceth as a strong man to run a race."

** Let me not be mistaken: I believe firmly in Ideals and in Great issues. As I said in *Conservation of the Emprean*, 202: "Technique without Ideals is a Menace." But, as I also said there: "Ideals without Technique are a Mess." I cannot help but be glad that the idea there is any essential inconsistency between a lawyer's ideals and vision and the same lawyer's effectuating techniques is only suggested even by the amazing text here under discussion.

D. J. S. T.

Loaded Dice

We hear that the *Review* is currently engaged in a survey to discover, among other things, whether its subscribers like the *Review*.

The answers so far have been almost unanimously "yes."

Further information from an impeccable source that to date the polling has been chiefly of former *Review* editors.

We would counsel a cautious interpretation of these results except for the fact that the *Review* is not engaged in national politics.

Gallery

WILMER ST. JOHN GARWOOD
Associate Justice,
Supreme Court of Texas



Looking back on his experience on the bench since his appointment to the Supreme Court of Texas in January, 1948, Justice Wilmer St. John Garwood finds that it suggests comparison with a law school exam. "It has all the interesting features, all of the complexity and variety, without as much pressure, and with the benefit of assistance of counsel and your fellow judges, in getting to the root of the problem."

His background, with his father a partner in Baker, Botts, Parker and Garwood, one of the leading Texas firms, pointed him naturally for a career in law. After some six months at the law school of the University of Texas following military service in World War I, he was induced by two of his classmates, who had decided that that was sufficient academic legal training, to take the Texas bar exams with them. Much to his surprise he passed but prudently decided to continue his legal education at Harvard.

Justice Garwood recalls with particular pleasure, from among his many happy experiences at the Law School, his association with Professor Scott, both in the classroom and on the tennis courts. It was Scott who inscribed a book for him, "With pleasant memories of mental and physical combat," and then added orally, "in the former of which I was victorious, and the latter, you." As he reminisced of study under Warren, Scott, Williston and Pound, and of work on the Legal Aid Society, it was natural for him to say, "The farther on you get, the more you realize the value of the Harvard education. The Harvard approach teaches you not to be afraid of going back to first principles and judging any rule on its logical and moral merits."

Soon after graduation from Law School in 1922, he passed the New York Bar and then went to work in the legal department of the Texas Company. In 1924 he left for private practice in Houston with his father's old firm. He spent five years in Buenos Aires, from 1929 to 1934, as resident American counsel for the Standard Oil Co. (N. J.) interests, and then returned to Houston again for private practice as a member of the firm of Andrews, Kelley, Kurth and Campbell.

When war came in 1941, Justice Garwood went into the Navy, where he served two years in Chile as U. S. Naval Liaison Officer and Assistant Naval Attaché and later in Washington as Officer in Charge of the Latin-American Section of Naval Intelligence. In 1945 he returned home. This time he preferred to practice by himself, rather than to return to a firm. He devoted a major effort at this time to helping the young University of Houston with its affairs. In 1948 Governor Jester, ex '19, appointed him to the Supreme Court, where he joined another graduate of Harvard Law School, James P. Hart, LL.B. '28. This gave the Law School the largest representation it has ever had on this court.

Justice Garwood is greatly interested in the division of power between state and federal governments. He commented that many of the more vocal State's-Righters have only themselves to blame for the increasing encroachment of the federal government on the life of the community. "As the states so often fail to perform their own political duties adequately, it is only natural that federal usurpation of state functions should occur—and with the blessings of many inhabitants of the states themselves." He also questioned the intellectual consistency of those who strongly criticize the federal government's assumption of aid in particular fields, and then are among the first to demand funds as they are passed out by Washington in that field. Thus he defends a local school board that refuses to accept federal funds, preferring to use its own, in aiding the free-lunch program in the public schools.

Later the matter of racial segregation in the public schools of Texas was mentioned. Justice Garwood contended that one vital function of

Sub Judice

STATUTORY LIMITATION ON MOTHERHOOD

Miss Gaite's will left 5,000 pounds in trust for her sister-in-law, Mrs. Hagar Gaite, then "for such of her grandchildren living at my death or born within five years thereafter who shall attain the age of 21 years." If Mrs. Gaite could have a child, and that child have a child of its own, all within the space of five years, the gift of residue would be void as violating the Rule against Perpetuities. Held: "It is quite impossible that such a child, *ex hypothesi* born after the death of the testatrix, could itself have a child within that period of five years. I do not base my judgment upon physical impossibility. I leave all questions of that sort open for consideration when they arise because the matter is, in my judgment, concluded by the Age of Marriage Act, 1929, which provides: 'A marriage between persons either of whom is under the age of 16 shall be void.' Therefore, no child of Mrs. Hagar Gaite could be lawfully married within five years of its birth, and therefore, that child could not have lawful children. Accordingly I hold that the rule is not infringed because, in construing the rule, I must, in my judgment, have regard to the statutory law of England. The bequest is accordingly good and valid."—*In re Gaite Decd.*, The Weekly Notes, Feb. 25, 1949 (C. A. Eng.).

MONUMENTAL SELF-ESTEEM

Anna Baeuchle died at the age of 77 leaving an estate of \$175,000 and several brothers and sisters. They were further saddened to find that she had limited her bequests to them to \$100 apiece. The entire residue of the estate was left to trustees to purchase a plot and mausoleum in Woodlawn Cemetery and to provide a fund for its perpetual care. Anna's brothers, sisters, and her executor all joined in seeking a construction of the residuary clause of the will. Held: for the mausoleum. Mrs. Baeuchle had full testamentary capacity, and there are no rights of creditors involved.

Section 13-a of the Personal Property Law of New York validates a trust for perpetual care and continues: "But nothing herein contained shall affect any existing authority of courts to pass upon the reasonableness of the amount of such bequest." The court cited five cases in which the amount provided for perpetual care had been reduced. Dismissing these with the observation "the court feels that here the clear intention of the testatrix cannot be ignored," the Surrogate cited two obiter dicta to the effect that it is competent for a testator "to direct that the whole estate should be spent for his funeral expenses and a monument." As his conclusion, the Surrogate stated: "Where a testator gives a clear direction to expend his residuary estate, and there are no prior interests requiring protection, the court, unless it can revise his will, lacks power to reduce the amount and award the excess to the next of kin."—*In re Baeuchle's Will*, 82 N. Y. S. 2d 371 (1948).

law is to keep order, and that the more orderly course may often be for that reason alone the more moral course. He feels, moreover, that the solution of racial problems in the South will necessarily be a gradual one, dependent on education and on the increasing economic progress of the Southern states. Developments such as the discovery of oil and gas and the enlightened tariff policy on the part of the federal government of recent years will aid this progress.

He deplors the submergence of the judiciary into politics to the point where they have to seek re-election every few years. As one evidently workable solution he favors the Missouri plan of appointment of judges. This calls for nomination by a committee composed of representatives of the bar and the public of a small list, from which the governor could make his choice and appointment. Then at stated periods, probably every 10 years, the judge would have to face approval by the electorate. On failure of approval, the space would be vacant and subject to the same procedure in being filled.

Justice Garwood is married to the former Ellen Clayton, and they have two sons, one a junior at M.I.T., and the other a freshman at Princeton. She is the daughter of William L. Clayton, former undersecretary of state, assistant secretary of commerce and prominently identified with the creation and implementation of the Marshall Plan and related enterprise for the promotion of international trade.

He recalls dryly that when Professor Scott wanted humor in his class, he would ask, "Is that the law in Texas, Mr. Garwood?" Mr. Garwood says the same question still plagues him.

J. H.

Alumni Notes

LL.B. '14—Charles B. Rugg has assumed charge of the presentation of evidence in the inquiry into the probe of charges of sales of "corridor justice" in the Boston Municipal and district courts. A former assistant U. S. attorney general and district attorney of Worcester County, Mass., Rugg will introduce, examine, and cross-examine witnesses scheduled to be brought before Attorney John A. Daly, who has been named by the Supreme Court as special commissioner with plenary powers to carry on the investigation.

LL.B. '31—John D. Goodloe, III, was recently elected a director of the Trust Company of Georgia, Atlanta. Goodloe is secretary of the Coca Cola Co., and former chairman of the Reconstruction Finance Corporation.

LL.B. '32—Mario Pittoni is now a full time member of the Brooklyn Law School Faculty.

LL.B. '36—Edward B. Hanify, member of the firm of Ropes, Gray, Best, Coolidge and Rugg, was recently appointed chairman of the 1950 Red Feather Campaign of the Greater Boston Community Fund.

LL.B. '37—Arthur E. Whitmore is chairman of the Boston branch of the Foreign Policy Association.

LL.M. '41—Whitfield J. Collins, formerly attorney, Office of General Counsel, Treasury Department, and Office of Chief Counsel, Bureau of Internal Revenue, Washington, D. C. and recently Trial Counsel, Office of Division Counsel, New York Division, Technical Staff is now a member of the firm of Cantey, Hanger, McKnight & Johnson.

NEWS BRIEFS—(Continued)

Waters. The action of the appeal commission thus reversed the decision of Commissioner of Correction McDowell, who ousted Dr. Van Waters on February 11.

The commission reviewed in detail ten charges against Dr. Van Waters and found that they did not furnish just cause for removal. The commission also declared that several reasons submitted to it for consideration were trivial and captious.

LAWYERS' GUILD

The next Civil Liberties seminar will be held next Tuesday, March 22, at 2 p. m., in Langdell North. At that time Osmond K. Fraenkel will discuss *Civil Rights in Wartime*. Mr. Fraenkel, a practicing attorney in New York City, has carved out an outstanding career in the civil liberties field.

The latest seminar, which was held yesterday, was a discussion of *Rights of Aliens*, by Professor Henry M. Hart. Prof. Hart discussed the subject in relations to restrictions on admission, expulsion, naturalization and denaturalization.

WHRV

Men in Hastings and Perkins can get classical music, folk songs and jazz on their radios from WHRV, the Harvard undergrads' radio station if that station goes through with plans to pipe its programs to the Law and Graduate dorms. The sum needed to accomplish this is \$200.

Anyone wanting to help raise this money should call Chandler Davis, 3G, at EL 4-9570.

LEACH—(Continued)

you might think there could have been no course in Torts; but *MacPherson v. Buick* and a variation of the Turntable Cases were all the rage in much the same manner. I did very well in the exam by borrowing the classroom notes of one of my friends in the previous class who had taken the course from Pound and flunked out.

From what I can discover from doodles in my notebooks, certain extrinsic documents and an overloaded memory, the course in Ginny was taken in Northampton, a cultural center in the western part of the state. There seems to have been no examination in this course and it evidently lasted longer than the academic year. It has left only the most pleasant recollections. In my time this type of course served to give perspective to one's legal studies. I believe that



PROFESSOR LEACH IN HIS OFFICE

the new curriculum offers perspective courses of a different type, but there will probably always be some of us Republicans who prefer the old ways.

The second year was Scotty and the Law Review. I had had two contacts with Professor Scott before my second year. First, he was battalion commander in the Harvard R.O.T.C. when I was an infant infantryman in 1918. Second, he gave Civil Procedure. The two were quite similar: Civil Procedure was the Infantry Drill Regulations done into Bouvier. Even Scott's atomic qualities failed to make this subject radioactive. Trusts was quite different. Scott created a strange animal named Ayterbeefersa and made it stand up and bark, walk on its front paws, and do double back flips. The students did the same thing in a sort of follow-the-leader game. It was a fascinating and rewarding experience.

The Law Review was continuous hard work under the discipline of strict and detailed criticism. You can't beat that as a prescription for education. No one could possibly pay me to work as hard again as I worked on the Law Review.

Pound and Chafee I admired and enjoyed as teachers, but the subjects they were giving in that year didn't particularly appeal to me. Williston gave neither Contracts nor Sales in my years.

Magruder was great fun in Agency and came as close as one could to making that subject worthy of the attention

of the adult male. As the faculty's most eligible bachelor he also made life agreeable for the local beauties at the Southern Club.

The third year was Frankfurter. Those were the days when Felix was considered so far to the left that it was not expedient—i.e. not good public relations—to have him give the course named Constitutional Law. (At least that's my reading of the situation and I won't be talked out of it.) So he gave a course in Public Utilities, which he made into a course in Constitutional Law. Then a half-dozen of us nagged him into giving us an extra-curricular seminar one evening a week on current decisions of the Supreme Court. Of course we all became slaves to his brilliance of intellect and warmth of personality. And let the *Chicago Tribune* make the most of it. What the *Trib* can't get through its atrophied skull is that you can be a constant Frankfurter disciple and still vote for Coolidge, Hoover, Landon, Willkie and Dewey. I know. I've done it.

During the third year I roomed with James M. Landis and Wellington S. Crouse, two lads from Old Nassau. In the adjoining room was Warren S. Ege, a Wah-hoo-wah. Scarcely fitting company for a Harvard graduate who already had his burial lot at Mt. Auburn, but one has not always freedom of choice. At one stage early in the year I mentioned an incipient interest in the game of auction bridge. The three gentlemen above named offered to give me a course in this pastime by the empiric method at a quarter of a cent a point. The course, lasting throughout the academic year, was instructive and expensive. I have always wondered whether my tutors made appropriate

income tax return of the tuition thus derived. I think I will raise the issue with the Treasury at some appropriate moment—say the next time the Senate is considering the nomination of Landis for some appointive office. I always consider it a tribute to the soundness of Crouse's pedagogy when, as often happens, he now suggests that we play backgammon.

I cannot close without comment on the issue raised by Professor Scott's statement that as a student he dreamed only of law. There are some who might think one's dream-life a matter too intimate for public display; but *de gustibus* . . . Although I do not want to go into this matter at any length, I feel bound to say that, if Scott's experience was typical of the generality of his classmates, substantial improvements were certainly installed between his student days and mine.

W. BARTON LEACH

FORUM—(Continued)

Professor Harris, moderator for the evening, is one of the nation's outstanding economists. A member of the Harvard faculty since 1922, he has served as adviser to the War Production Board and State Department, and was a division director with the Office of Price Administration.

FACULTY—(Continued)

In 1946 he became an Assistant Professor of Law at the University of Iowa Law School. He is now an Assistant Professor of Law at the University of Pennsylvania Law School where he teaches courses in Property and Taxation.

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Calendar

LEGAL WORLD

Law Wives

Learn How to Make Housecleaning Easier will be the subject of a demonstration by Jack Munroe at the meeting tonight at 8 o'clock at Kendall House. There will be games, prizes and gifts for everyone.

Young Republicans

Senator Owen Brewster will be honor guest of the Harvard Young Republican Club at an informal reception in Dunster House Large Common Room, Friday, March 18, between 4 and 5 p.m. Admission will be by membership ticket only.

Harvard Hillel

The Hillel Foundation of Harvard University will sponsor a campus drive for the Student Jewish Appeal during the next two weeks. Those who are not solicited and wish to contribute should contact Burton Williams, 2L, Hastings 11, Law School Chairman.

St. Thomas More Society

The March Communion Breakfast will be held at Kendall House, March 20, following the 9 o'clock Mass at St. Paul's.

The discussion topic, *Medico-Legal and Moral Aspects of Artificial Insemination*, will be led by Joseph B. Doyle, M. D., Boston obstetrician, and Father John C. Ford, S. J., professor of Moral Theology at Weston College.

Lawyers' Guild

Claude Cross, attorney for Dr. Miriam Van Waters, will address a luncheon of the Harvard chapter of the National Lawyers' Guild on the legal aspects of the proceedings to oust the superintendent of the Women's Reformatory at Framingham at 1 p. m. today at the Coach Grille. Non-members are welcome.

Glueck Club

Harbinger of Spring, an informal dance and party will be given by the Glueck Club at Kendall House this Saturday evening at 8 o'clock.

OUTSIDE WORLD

Gardner Museum

The Isabella Stewart Gardner Museum will present a recital by Ethel Kramer, violinist, next Sunday, March 20, at 2 p. m.

AMES—(Continued)

Clubs on April 5 will be the Honorable Abraham Pinanski, LL.B. '10, of the Massachusetts Superior Court; Bethuel M. Webster, LL.B., '25, of Webster and Horan, New York City; and Bailey Aldrich, LL.B. '32, of Choate, Hall and Stewart, Boston. Judge Pinanski, a trustee of Boston University, has been on the Superior Court since 1930. Mr. Webster is President of the Harvard Law School Association of New York, and chairman of the Harvard Law School Fund Drive in New York City.

The case to be argued concerns itself with the interest of the promoter and the holder of television rights in a sports event as against a person who seeks to show the televised event to a paid audience. The same problem is presented where bars compete for customers in local sports events.

On the following evening, April 6, the third quarter-final argument between the Frankfurter and Taney Clubs will be heard. The court will be composed of Honorable James P. Leamy, LL.B. '15, United States District Court for the District of Vermont, Rutland, Vermont; Charles W. Blood, LL.B. '02, of Carter and Blood, Boston; and Bradley Gilman, LL.B. '28, of Worcester, Mass. Judge Leamy practiced law in Rutland for 24 years and served as referee in bankruptcy there from 1931 to 1940. He was appointed to the bench in 1940.

In this case, the testator made an absolute gift in his will to an American national but later the American national agreed to hold the property for enemy aliens on certain conditions. Tom Clark, as successor to the Alien Property Custodian, claims the entire property interest.

The last quarter-final argument between the Casner and Mansfield Clubs will be heard on April 8 before the Honorable Francis J. W. Ford, LL.B. '06, United States District Court, Boston; Norris Darrell, LL.B. Minnesota, of Sullivan and Cromwell, New York City; and Wilson C. Piper, LL.B. '42, of Ropes, Gray, Best, Coolidge and Rugg, Boston. Judge Ford, before whom the recent Best treason case was tried, has been on the bench since 1938. He was a member of the Boston City Council from 1917 to 1922, serving as its president in 1919 and was appointed United States attorney for Massachusetts in 1933. Mr. Darrell has written several articles for the *Harvard Law Review*, the latest being *Nontaxable Reorganizations and Stock Dividends - Recent Developments* in Volume 61. Mr. Piper was an editor of the *Harvard Law Review*.

The question to be argued here involves the taxability of income to one who has established a trust of that income for a period of years. The income is the product of an earlier testamentary trust and the taxpayer created this inter-vivos trust to distribute the income to some relatives.

MOVIES—(Continued)

der, the executor is always the prime suspect if the butler has an alibi.

Then there's the young lawyer who has the good fortune to be the best friend of the rising corporal of industry. By the end of the picture the corporal has attained the rank of captain and has dragged his lawyer friend along with him. Because of his legal training, this fellow always counsels caution. The tycoon never takes that advice, but neither does he hire another lawyer, so it's probably all for the best.

The female attorney fares even worse than her male colleagues. As a rule her given name in the screen play is Portia, but even if it happens to be Sharon someone is bound to call her Portia before the feature ends. But, worst of all, she invariably falls in love with opposing counsel. How this fits into legal ethics is no easy question.

On the whole the silver screen has not done well by our profession, though Hollywood has done famously by other professions. The clergy get proper reverence; engineers are uniformly rugged and dashing; doctors are positively adored; but lawyers—it's gotten so no one even gives a damn what brand of cigarettes lawyers smoke.

Perhaps if all the individuals whose names occupy so many pages in the Classified Directory under the heading "Lawyers" were to stay away from the movies the legal profession might obtain proper cinematic treatment. But that is only a negative remedy. What we need is positive relief. Perhaps a series of pictures like the young Dr. Kildare pictures can do for lawyers what the movies have already done for doctors.

I can see it now: "Young Langdell, Esq.," portrayed by Zachary Scott is graduated from law school and goes to work for a large firm. The most brilliant of the senior partners of the firm is played by Lionel Barrymore. Young Langdell, Esq.'s first case is a variant on the Palsgraf case. Cecil B. DeMille would be called to Brooklyn to direct a cast of thousands in the mob scene when the accident occurs on the Taj Mahal-like "L" platform in East New York. For romantic interest Mrs. Palsgraf becomes Miss Palsgraf, a fragile young thing played by Linda Darnell. (There are no children, yet.) Langdell gets much assistance from old lawyer Barrymore. However, the other senior partner, Abner Warren, makes life miserable for the youngsters by continually muttering "within the risk." Abner Warren is played by Boris Karloff, and is later un-

masked as a spy for the tort-feasing corporate defendant.

Of course we have to change the ending a bit: in spite of Warren's machinations, Young Langdell, Esq. wins the Palsgraf case. The climactic scene, the argument of the case by Young Langdell before the New York Court of Appeals ought to have all the color, ceremony and drama of a finals argument in the Ames Competition or at least a Van Waters hearing. And so Young Langdell, Esq., makes legal history, and Miss Palsgraf, in addition to being very grateful to her advocate, is convinced that lawyers aren't such bad fellows after all.

Then again, that doesn't seem like too good an idea. Come to think of it, maybe the movies haven't been too kind to doctors. Then again, maybe I've been seeing too many movies. A. B.



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