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The Harvard Law School Record

VOL. 9 NO. 5

CAMBRIDGE, MASS., WEDNESDAY, NOVEMBER 2, 1949

PRICE TEN CENTS

NEWS IN BRIEF

1949 YEARBOOK

There are a few copies of the 1949 Harvard Law School Yearbook available at the Phillips Brooks House office. They are being sold for six dollars a copy, on a first-come, first-served basis. This will be the last opportunity to secure a copy of this volume.

HOOVER REPORT

The H.L.S. Citizens Committee for the Hoover Report, a non-partisan group, met last Thursday to arrange plans for a rally next week to explain the Report. The Report outlines means of eliminating waste, improving personnel, and consolidating functions in the federal government without discussing policy questions of whether any basic functions should be eliminated or reduced. Steps taken should save one billion dollars, and steps suggested for next year would save another two or three billion. Effective support by the public will give greater assurance that Congress will adopt these reforms in 1950.

PBH DANCE

The Phillips Brooks House Committee announces its annual football dance will be the Tiger Trot. It will be informal and will take place Saturday, November 5 at the Main Ballroom of the Copley Plaza Hotel at 8 p.m. Admission \$2.40 per couple.

WORLD LAW GROUP

The World Law Group will hold its first meeting in the series entitled *The Legal Aspects of Atomic Control*, Tuesday, November 8, in the Cape Cod Room of the Hotel Commander, at 1 p.m.

Dr. Francis L. Friedman, Professor of Physics at M.I.T. and consultant to the (Continued on Page three)

Reveal Rules For Fulbright Scholars

Assistant Dean Louis A. Toepfer is handling application arrangements for law school students who wish to do graduate work in foreign countries during the 1950-51 school year under the Fulbright Act. At the present time, scholarships will be available for work in the following countries: Belgium, Luxembourg, Burma, France, Greece, Iran, Italy, Netherlands, New Zealand, Norway, Philippines, and the United Kingdom.

The basic qualifications are United States citizenship; college degree, or equivalent; and a knowledge of the language of the country in which study is proposed.

The awards are made in the money of the country in which work is to be done, and will depend on the cost of living in that country. The scholarship grant will, in general, include a living allowance, round-trip travel, and tuition expenses. Married students are eligible, and their living allowances will be scaled to individual requirements, but the cost of family travel will not be included.

Final applications must be in by November 30. These applications include a general application form, a statement of purpose in applying for study abroad, college and law school transcripts, a report on language qualification, three letters of recommendation from university authorities, a health certificate, and proof of American citizenship. Students who are interested should apply to Assistant Dean Toepfer for the various forms.

A number of other countries may be included under the Act. Mr. Toepfer will announce the names and times of required application when this information is available.

Lawyers From Germany Tour In Boston Area

Prof. Gardner To Guide Visitors' Observation Of American Law At Work

Fifteen German legal experts touring the United States under the auspices of a State Department program are scheduled to arrive in Boston tomorrow afternoon.

The program is designed to familiarize the visiting Germans with the workings of the American legal system through first hand observations.

The group, consisting of five justice officials, five attorneys and five law professors, will be greeted by a Boston Bar Association committee headed by Professor George K. Gardner. Arrangements for the party's stay in Boston and visits to courts and law schools in the area are being handled by the committee.

Informality and casual observation will be the aim of the committee, said Professor Gardner. "In no sense will this be a guided or conducted tour of the Eastern European variety. We want these people to feel free to go in whatever direction their interests lead them."

In helping with the spirit of this announcement no formal arrangements have been planned for the party's visit to the law school. Professor Gardner indicated that there was a possibility that one or more of the professors in the group might stay beyond the week allocated to the Boston stopover.

The visitors include: Dr. H. Anschuetz, President of the District Court in Heidelberg; V. Borbein, chief prosecutor at the District Court in Kassel; Dr. E. Bukofzer, presiding judge at the local court in Berlin-Schoenberg; Dr. F. Koch, head of the legislative branch of the Bavarian Ministry of Justice; Dr. R. Anders, Vice President of the Bar Association in Karlsruhe; M. L. Cahn, Vice President of the Bar Association in Frankfurt-Mainand; Dr. Kurt Landsberger, Co-chairman of the Berlin Bar Association; Dr. A. Pfeiffer, a woman lawyer from a small town in Wuerttemberg. (Continued on page four)

First Female Applicant Interviewed By Toepfer

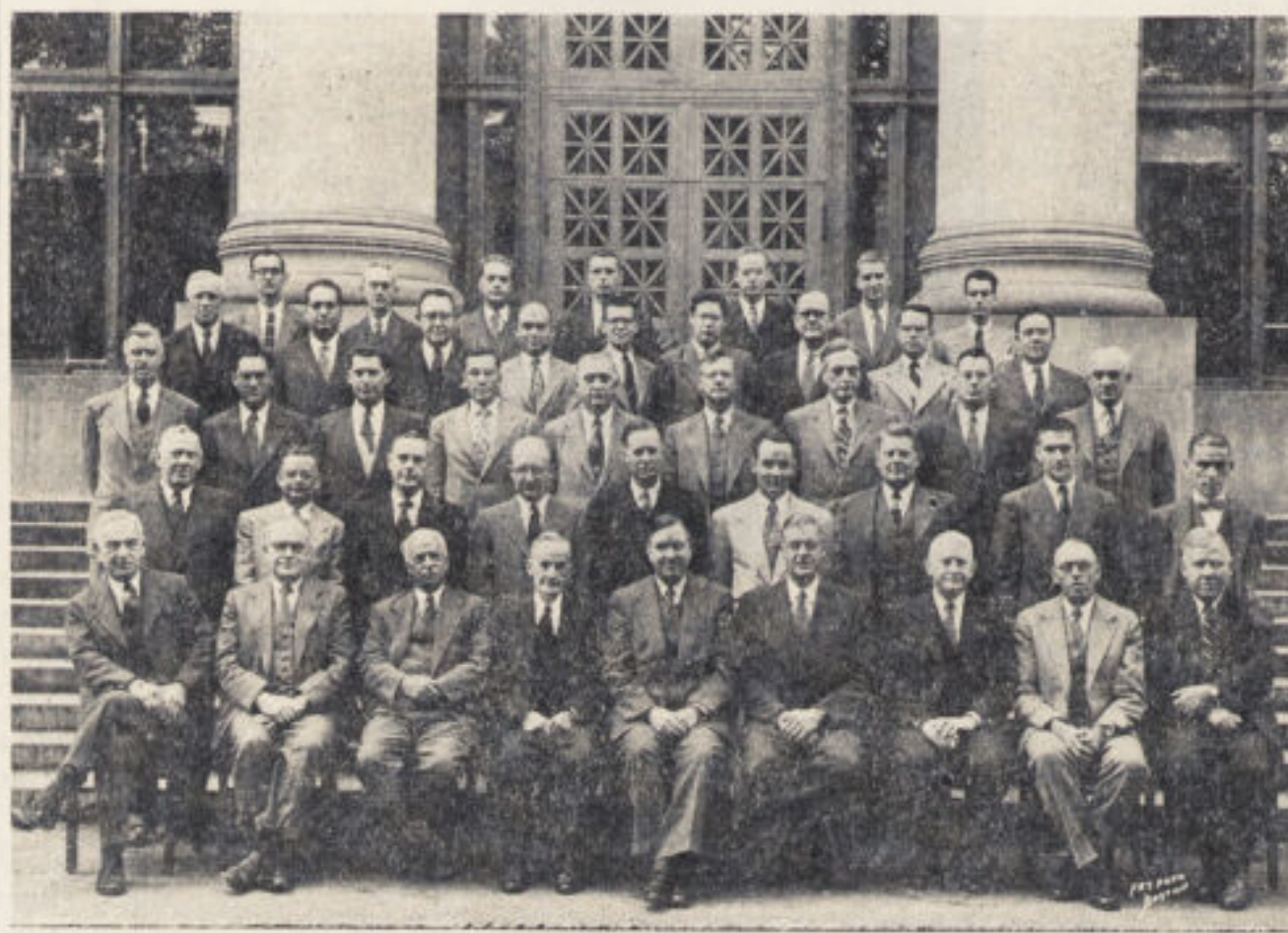
Last Friday, October 28, petite blonde Miss Barbara Molinsky became the first woman to be interviewed by Dean of Admissions Louis A. Toepfer for entrance into the Harvard Law School. The young lady, who comes from Brooklyn, N. Y., is now attending Connecticut College for Women and expects to complete her studies there in August, 1950, in time, she hopes, to enter the Law School the next month.

When interviewed by the RECORD Miss Molinsky said that although she had also considered Yale and Columbia, she wanted to come to Harvard "because it is the very best." When asked if she looked forward to the study of law, she replied, "I love the law!" Miss Molinsky is not a stranger to Cambridge, having attended the Harvard Summer School last summer to take two courses in her major field of economics.

Perhaps a bit over-enthusiastically, our first woman interviewee wanted to see as much as possible and attended Professor Hart's class in Federal Jurisdiction and Professor Baker's Business Associations II class. She was especially interested in the latter since she hopes to become a corporation lawyer. After listening to her extoll the virtues of corporate practice, a third-year man sought to create the atmosphere of a panelled board-room by presenting her with a cigar. Miss Molinsky rejected the offer.

Although her father is a doctor, Miss (Continued on page four)

HLS FACULTY 1949-1950



In this latest picture of the faculty are shown, reading from left to right: First row: Warren A. Seavey, Austin W. Scott, E. Merrick Dodd, Edmund M. Morgan, Erwin N. Griswold, Livingston Hall, Manley O. Hudson, John M. Maguire, William E. McCurdy. Second row: Arthur C. Pulling, Theodore N. Treadwell, A. James Casner, Louis B. Sohn, Philip A. Putnam, David E. Watts, James A. MacLachlan, Thornton G. Edwards, Mark D. Howe. Third row: David F. Cavers, Kenneth C. Davis, Harold J. Berman, Joseph P. Morray, Sheldon Glueck, Robert R. Bowie, Henry M. Hart, George Minkin, Richard H. Field. Fourth row: Harrison S. Dimmitt, Paul A. Freund, Ernest J. Brown, Louis A. Toepfer, Theodore S. Perlman, Arthur T. Von Mehren, Lon L. Fuller, Roger A. Cunningham, Ray Garrett, Jr. Fifth row: John W. Scott, Ralph J. Baker, Benjamin Kaplan, Robert Amory, Robert Braucher, Frederick B. MacKinnon, Donald C. Lubick.

Survey Of Legal Profession Examines Lawyer As Functional Part Of Society

Since April, 1948, The Survey of the Legal Profession has been compiling facts, figures and opinions on the role of the lawyer in the United States in an attempt to provide, for the first time, both a body of empirical data and a thorough-going reappraisal of the legal profession based on that data. The concept of a complete survey of the legal profession evolved from the discovery in sections and committees of the American Bar Association that detailed information on the work of the lawyer in practice was lacking. The American Bar Association and the Carnegie Corporation of New York are sponsoring the Survey and have contributed \$50,000 and \$100,000 respectively.

The surveyors are members of the large staff of consultants from all parts of the country who prepare reports on the phases of the law in which they qualify as experts. The members of the council of the Survey include both lawyers and laymen, and Reginald Heber Smith, LL.B., '14, the Director of the Survey and member of the Boston bar. Thees surveyors are sponsors in the sense that their work is voluntarily contributed, and that they alone formulate policy.

Six divisions for study have been established by the Survey. The first, professional services by lawyers, is a study of the services rendered by lawyers to the layman, to organized labor and business, and the government (federal, state and local) as salaried employees. Included here also are studies of the untapped market for the services of the lawyer, and of the legal aid and reference plans, as well as other ways of extending legal services.

Division two, public services by lawyers, proposes to examine the lawyer's role in his community under the headings of charity boards, civic groups, community chests, and similar enterprises. Here is included the lawyer during the war, the lawyer in labor relations, his work in public relations and his championship of the Bill of Rights.

Judicial service and its adequacy forms division three. This is not a survey of the lawyer as judge, and does not concern the substantive functionings of our adjudication system. The Survey's objective here is to find out the role that the lawyer, as advocate, plays in formulating law, and what part he plays in the

selection of judges. This division also includes the lawyer's competency before administrative bodies and the extent to which the requirements for admission to the bar test this competency.

Professional competence and integrity is the fourth division. The process of producing lawyers and then keeping them informed of present trends is one phase of this division. Treated herein are pre-legal education, the standards of present legal training in every law school in the country, and post-graduate work. The requirements of admission to the bar are analyzed state by state. In addition, the ethics of the profession will be reappraised, based on data showing how discipline cases have arisen and (Continued on page four)

Report Fund Allotment For Scholarship Grants

A total of \$65,760.42 in scholarships for the current school year has been awarded to 137 students. This represents an increase of \$1,668.80 over the previous year, although the number of recipients is about the same as last year. Of the 137 scholarship recipients, 42 are from the first year, 46 from the second year, 34 from the third year, and 15 from the graduate division.

The scholarship money comes from three sources: \$42,000 from Law School funds, \$5,400 from the Harvard Law School Association in the form of National Scholarships, and \$17,760.42 from Harvard College and the Committee on General Scholarships.

In order to obtain a scholarship the student must show need and have an average of 70 or over. Forms have to be filled out by both the aspiring scholarship holder and his parents as to their respective financial situations. Notice of the availability of these forms will be posted in the spring.

Scholarships are not awarded automatically. They have to be applied for each year even by present scholarship holders.

Students are aided not only by scholarships but also by loans. Last year \$17,207.20 in loans were given. Only a 62 average as well as the ever-present need is required for a loan. Its interest rate is four and one-half percent and it matures two years after the student's graduation.

List Plans For Young Lawyer School Session

Second Annual Series Of Forum Seminars To Convene Next Thursday

The Second Annual School for Young Lawyers will open its two-day session on Thursday, November 10, with an address by Professor Lon L. Fuller on the topic *Legal Philosophy*. Before the school is closed Friday by Harold J. Gallagher, '17, President of the American Bar Association, students will have an opportunity to hear over fifty noted speakers, including Senator Leverett Saltonstall, '17.

The purpose of the school is to acquaint law students in Cambridge and surrounding cities with the problems they will face after entering practice. Several lawyers will address every seminar, each discussing his own specialty. For example, Wilbur Hollingsworth of the Boston Voluntary Defenders Committee will address a seminar Thursday evening on *Criminal Law*. At the same time, Samuel B. Horowitz will address a seminar on *Practice Before Administrative Tribunals*, and John Richardson, '11, and Samuel L. Rosenberg, '28, will participate in the seminar on *Placement and Interviewing Procedure*.

Since many seminars will be held at the same time, spectators will have to choose five from a total of twenty-five that are on the agenda. Registration for these programs, which are sponsored by the Law School Forum, must be made in advance, and will take place on November 8, 9, and 10 at Kendall and Gannett Houses.

The school will take advantage of the (Continued on page four)

Combined Charities Drive Inaugurated

The newly established Combined Charities Organization, sponsored by Phillips Brooks House, begins its appeal tomorrow to the law students. The initial step in the Drive will be an appeal by Albert J. Millus, 3L, chairman of last year's Red Feather Campaign and vice-chairman of the Law School Fund Drive for the Graduate Center and Dormitories. The purpose of the present drive for Combined Charities will be outlined and a request for volunteer solicitors will be made.

The various charitable appeals made at the Law School have been consolidated into one single appeal through a plan formulated last spring by the Law School Committee of Phillips Brooks and Vice-Dean Livingston Hall. The need of such a plan was clear in view of the negligible contribution to the Red Cross Drive which followed the Red Feather Campaign. The resulting Combined Charities Organization is headed by Jerome J. Gelman, 3L, of the Phillips Brooks House.

It is felt that this single appeal will offer the least inconvenience to the student body. Further, Phillips Brooks House will distribute the sum collected among those charities designated by the student to be the recipient of his gift.

The efforts of the committee have already resulted in the collection of a sizable sum both in cash and pledges. At the time of registration for first and second year men, the students were asked to contribute or sign pledge cards.

Basically the same pattern of soliciting will be used as initiated in the Red Feather Drive last year which resulted in a contribution of \$1500. Preliminary steps will be taken to organize a corps of 150 volunteers to solicit from the students in their section. This same number last year limited the task of each volunteer to seeking a donation from 12 men.

The Harvard Law School Record

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CHANGES OF ADDRESS should be sent to the Record office, Austin Hall, Cambridge 38, Massachusetts, at least three weeks in advance to insure prompt delivery.

Editorials

Unless more funds are available to help needy students, there is danger that able students will be prevented from attending the Harvard Law School. GI benefits are running out and tuition and living costs have risen. Thus the only avenue left to the capable student of limited means is scholarship assistance. It would be unfortunate if the opportunity to study at the Law School were denied to capable students solely because of financial reasons.

Funds are needed not only to provide for an anticipated increase in the number of scholarship students, but also to increase the allowance for each of these needy students. This is borne out by recent scholarship data. This year the 137 scholarship students have received an average of \$475.62 each; last year 140 students received an average of \$457.25 each. Although, as shown in the story on page one, the average scholarship grant increased over the past year, the amount of the increase was insignificant when compared with the increase in tuition and other expenses.

At present the chief hope of increased funds for scholarship purposes is the Harvard Law School Fund which has allocated to scholarships \$250,000, out of its \$2,500,000. quota. However, the allocation is at best an expectancy since the building funds will have to be raised before anything can be allocated to scholarships. Some progress was made, however, as \$100,000. of the recent contributions were earmarked by donors for scholarships. While this will be of some assistance, it will not be great because the yield of this will provide slightly more than eight scholarships of \$475. each. We do not know how the money can be raised, but we do know that more money must be raised for scholarships.

L. M. M.

Letters to the Editor

To the Editor of the RECORD:

Some time ago the RECORD printed an editorial suggesting some sort of arrangement for the recording of lectures by our professors whose names will some day be legendary. . . .

As far as I have been able to ascertain, the suggestion of that editorialist has gone absolutely unnoticed. Why? The technical problem of recording is not a difficult one, nor is the cost abortive. The Department of Speech at Harvard has all the necessary equipment, and has successfully recorded, with all the flavor retained, such things as debates. Is an undergraduate debate more valuable to posterity than a moving address by Professor Morgan on the Sacco-Vanzetti Case? The spice of a Morgan anecdote cannot be reproduced in print nor can there be a fair reproduction of the famous Seavey, "Because?". If there was a time to start on such a project that time is now, before more of our older professors retire. If the project is started now, Harvard Law School will be the home of a collection as unique as it is precious. . . .

Gerard Mandelbaum, 3L
Lionel Epstein, 3L

Gallery

HARRISON STEELE DIMMITT
Secretary of HLS



In the old days of the Law School, Mr. Ames used to spend odd moments and evenings working over the records of the students. Today, many of the records laboriously written out in longhand are still around. By the time Harrison Steele Dimmitt came to the Law School as Assistant Secretary in January, 1935, there were clerks, stenographers and typewriters. The administrative obligations had blossomed out into such formalistic categories as the preparation of the catalog, the conducting of registration, scholarship fund supervision, examination scheduling and placement.

With little more than a year to learn the duties involved in handling the student problems from the timid inquiry to the impetuous failure, Mr. Dimmitt, in September, 1936, became Secretary of the Law School and inherited the mass of factual data and operating procedure that had to be digested and directed while great legal minds were being produced. Indeed, the motto prior to the coming of Dean Griswold might have been: "Quiet Please, Room for Legal Thinking Only" because the awful truth of registration and examination, of grades and ultimate placement were relegated with Mr. Dimmitt to Gannett House.

The route past Gannett House had not been an easy one to attain. It entailed being born and surviving the comparatively provincial confines of Denver, Colorado, in 1898, and making one's way East to Princeton and through examinations with a B.A. in 1920. At that time while the legal ambition and heritage were not lacking in Mr. Dimmitt, his father having been a lawyer and a cousin a judge in the highest court of Colorado, his funds were low.

Therefore, the years 1920 and 1921 served as fruitful instruction for later trials as well as restoring the green necessity required in order to come to Cambridge. In 1920, it was the selling of bonds in a hustling post-war Denver; in 1948, it was the selling of a new dormitory plan in a post-war United States. In 1921, it was the tutoring of a student from scholastic subject matter to way of life; in 1948, it was the organizing and guidance of alumni associations. As in everyone's life, there was a difference in degree of Mr. Dimmitt's early endeavors, but they quite unpromptly equipped him for his present task.

Mr. Dimmitt's years at the Law School were no different than ours. They were years of persistent, hard, detail work, with only a bit of the social life supplied by Lincoln's Inn. In his own words: "Almost everyone worked all the time." He recalled with a chuckle, the careful drawing of the curtains by some of his classmates as they went about shutting out the Spring in order that nothing might distract them from the study of law. This, he could not do.

In 1925, Mr. Dimmitt left the route by Gannett House with an LL.B. and a job in New York with the firm of Simpson, Thacher and Bartlett. After spending two years in the general practice of law with this firm, Mr. Dimmitt secured employment with the firm of Murray, Aldrich and Roberts, and about the same time surrendered his bachelor status.

His practice from 1927 to 1929 was particularly directed toward real estate transactions. He spent the brunt of his time working on the details for the transfer of land used for the famous Williamsburg, Virginia, colonial restoration, and not to belie his modernity, the land which was used for what is now Rockefeller Center in New York.

In 1942 with the ranks thinning out at the Law School, Mr. Dimmitt felt the urge to join the boys in their venture of war just as he did in their venture of career-making. While the Army took him in as a captain in 1942, his desire to join the boys was initially frustrated. He was sent to instruct WACS in Fort Des Moines, Iowa.

After attending the Military Government School at Charlottesville, Virginia, Mr. Dimmitt found himself back in a war-torn unfamiliar Eu-

Off the Record

An Unpretentious Survey

For some time now, those gilt-framed portraits of eminent members of the legal profession that adorn our classroom walls have been bothering us. Unable to form a definite opinion ourselves, and in fact not knowing quite what to make of them, we became most anxious to learn just what our fellow students felt about these portraits and their presence in the classrooms. To this end (and to fill this column), we interviewed a representative sampling of the student body, one hundred interviews in all. We have not undertaken to formulate any generalizations from this survey, for we feel that the following questions and the student responses will enable the reader to draw his own conclusions:

1. Have you devoted much time to looking at the portraits on the classroom walls?

Yes	12
No	29
Only during classes	37
No comment	21
I thought they were stains from a leaky roof	1

(This student evidently was rather nearsighted, for he was engaged in a spirited discussion with the bust of Learned Hand when we interrupted him to ask these questions.)

2. What effect do they have on you?

Inspiration to legal learning	9
Adverse	22
Morose remainder (Sic; reminder of dead ages)	12
Welcome relief from other faces in the classroom	4
No comment	52
Just wonderful	1

(This student was apparently a frustrated artist who entered law school by mistake, for he brings a drawing board to all of his classes and reproduces these portraits, solemnly adding a handle bar mustache to each one.)

3. Are these portraits an inspiring symbol of Law and Justice (*Non Sub Homine Sed Sub Deo Et Lege*), or do they represent the smug complacency of a decadent capitalistic society?

Yes	40
No	51
Definitely	3
No comment	6

4. What do you suggest be done with the portraits?

Retained	7
Enshrined	2
Burned	30
Unprintable	7
Given to <i>Law Review</i>	11
Donated to the U.N.	5
No comment	38

Classroom Comments

It was a quiet day in class, along about sundown. A student, responding to a question from the professor, set forth his views in the form of a decided, unequivocal statement. Just then a deafening clap of thunder burst in the heavens above Langdell South rocking and rattling every loose object and threatening to reduce Langdell Hall to dust.

After a moment of stunned silence the student again spoke up, now in a very abashed manner, "I hope that isn't a rebuke."

rope with two years to spend in France, Germany and England. After assisting in the reconstitution of the German Government and drawing directives for the first local election in the Western Zone, he came happily back to the United States and the Harvard Law School, leaving the Army with the rank of Lt. Colonel.

Through the years, Mr. Dimmitt's position has exposed him to stories of humor and pathos and many with a little of each. For instance, one thwarted individual who flunked a course many years ago continues to write lengthy letters concerning the reasons for his failure and demanding to have his paper reread although it was destroyed long ago. Recently, a judge phoned him to check up on the record of a student who had presented the best argument from the standpoint of the mastery of legal intricacies and presentation that the judge had ever heard. Mr. Dimmitt had to report to the judge that the student's average here was a D.

For the past few years, Mr. Dimmitt has been "at home" at Langdell Hall, and with the hiring of Assistant Deans, his primary duties have led him to become the liaison agent between the school and the alumni. He has been very active in the current dormitory fund raising drive and has participated in the organizing of some forty alumni placement groups throughout the country, as well as the publishing of the Harvard Law School Bulletin. Unfortunately, unpleasant epistles informing one of lack of legal aptitude, as Professor Scott would put it, still emanate from his office. Mr. Dimmitt is a nice man, pleasant to interview, but we should not like to hear from him, officially, that is.

B. M. H.

Sub Judice

CORPUS JURIS FECUNDUM

In a divorce action defendant (wife) moved to set aside default decree awarded plaintiff. The parties were married less than five years and five children were born to them, but the youngest child was born a month after the divorce was granted. Plaintiff, however, did not state in the complaint that defendant was pregnant but did charge that she refused to cohabit with him. Defendant claimed that plaintiff perpetrated a fraud on the court by failure to inform court that she was pregnant, and also alleged that her default was brought about by the fraud of plaintiff. He told her that he was responsible for the pregnancy of a minor and would go to prison unless he could divorce defendant and marry the girl "for whose condition he was responsible." He promised that after the child was born he would divorce his second wife and remarry defendant. Believing these representations to be true she permitted plaintiff to obtain a default divorce. After his second wife gave birth he refused to obtain another divorce, and at the time of this hearing his second wife was again pregnant. Defendant's motion was granted.

HELD: Order affirmed. The Court explained that a record of five children born in less than five years does not give much substance to the charge that defendant refused to cohabit with plaintiff particularly since defendant was "in her eighth month" at the time the divorce was granted. When plaintiff argued that he honestly did not know that defendant was pregnant, the Court answered that, in light of defendant's advanced pregnancy, plaintiff's contention "is contrary to the normal experience of mankind." In conclusion, when plaintiff stated that affirmation of the order would be an undue hardship upon him because his second wife was again pregnant, the Court replied that "the rights and welfare of the children are paramount to those of the litigants . . . and . . . his (plaintiff's) fecundity does not render the court impotent to exercise its equitable powers in behalf of his children by his first marriage who are directly affected. The plaintiff is the prime mover in a fraud upon his wife, his children, and the court." *Miller v. Miller*, 38 N.W. 2d 35 (N.D. 1949).

DOUBLE STANDARD REVISITED

Gil Burdes,* after a youth blessed with the fullness of illicit love affairs, married Jane Burdes.* Like many libertines, Gil wanted his wife to be a virgin and thought that Jane was one. It was not until she had the marriage ceremony safely behind her that Jane told Gil that she, too, had been guilty of pre-marital indiscretions. Hurt to the quick, his moral sensibilities aroused, Gil left Jane. So moral had marriage made the former profligate, he refused to support her. Jane applied for support from her husband. Held: Application denied. The court based decision on the ground that marriage is basically a civil contract, and when the woman, having reason to know that the man is relying on her being a virgin at the marriage, enters into the contract concealing that she is not a virgin, there is fraud which justifies the man's refusal to perform his obligations under the contract. I. Montefiore Levy, J., said, "Thus is posed a problem which has affected the philosophy of mankind for many years. In the ages gone, there were double standards both in the morals and conduct of the sexes. That exists today in many sections of the world. In the United States, both in personal and property rights, man and woman are substantially equal. Usually the law is behind convention, but in sexual standards the reverse is true. The law sees no difference if an act is committed by either man or woman. Society does! Thus it is taken for granted that at the marriage the majority of men are not continent. Not so women—it is assumed the larger percentage of women are pure. . . . In the case at bar both are at fault, if fault it be, of prior sex relations. Any philosophy to the contrary, man still looks to the woman as of a finer breed. As the bride walks to the marriage altar, one thinks of her as pure, unsullied, a dainty person to be treated with understanding and respect—reminding us of Wordsworth's lines:

"She was a phantom of delight
When first she gleamed upon my sight,
A perfect woman, nobly planned
To warn, to comfort, and command.
And yet a spirit still, and bright
With something of an angel-light."

"Not so are the reflections aroused by the man. Even nature challenges a single standard, for she visits upon the woman solemn consequences. She may give birth to the most appealing creation in the world—a baby." *Burdes v. Burdes*, 90 N.Y.S. 2d 97 (1949).

*Names fictitious for publication purposes.

Alumni Notes

To date 169 out of the 226 members of the class of January, 1949, have reported on their present activities. The following is a list of their present locations. It will be concluded next week.

George H. Allen, Schultheis & Laybourne, Los Angeles, California; Max J. Allen, Own practice, Boston, Massachusetts; Eugene E. Anderson, Jr., Fruit & Francis, Sharon, Pennsylvania; John F. Arning, Sullivan & Cromwell, New York City; E. LeRoy Autrey, Own practice, Texarkana, Arkansas; Walter S. Avery, Lyeth & Voorhees, New York City.

Leon C. Baker, Thayer & Gilbert, New York City; Richard J. Bartlett, Carusone & Carusone, Glens Falls, New York; Philip Baskin, Sachs & Caplan, Pittsburgh, Pennsylvania; Fred Barry, Jr., Own practice, Mt. Vernon, Ohio; Charles H. Bartlett, Jr., Attorney General's Office, Madison, Wisconsin; John H. Bass, Jr., Campbell, Clark & Miller, Chicago, Illinois; Frank L. Bate, Young, Shanley, Foehl & Fisher, Newark, New Jersey; William B. Beam, Beam & Beam, Mansfield, Ohio; George A. Bender, The Texas Co. (Legal Dept.), New York City; Sumner T. Bernstein, Bernstein & Bern-

stein, Portland, Maine; Eastman Birkett, Simpson Thacher & Bartlett, New York City; James R. Blumenfeld, Mr. Morris Levin, St. Louis, Missouri; Marcia E. Boisseau, Jr., Thompson, Mitchell, Thompson & Young, St. Louis, Missouri; Marvin Borman, Samuel H. Maslon, Minneapolis, Minnesota; William C. Brewer, Mutual Boiler Ins. Co., Boston, Massachusetts; Theodore F. Brophy, Root, Ballantine, Harlan, Bushby & Palmer, New York City; Norman H. Brown, Ballard, Spahr, Andrews & Ingersoll, Philadelphia, Pennsylvania; Ralph D. Buck, Paul, Weiss, Wharton & Garrison, New York City; Robert S. Burton, Andrews, Hadden & Putnam, Cleveland, Ohio.

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Morgan Excoriates Bias In Sacco-Vanzetti Trial At Lawyers' Guild Talk

Professor Edmund M. Morgan, co-author of *The Legacy of Sacco and Vanzetti*, spoke on the Sacco-Vanzetti Case last Thursday afternoon under the sponsorship of the Harvard Lawyers' Guild. He launched his talk with an outline of the facts of the crimes for which Sacco and Vanzetti were punished. He discussed first the Bridgewater attempted robbery case for which Vanzetti alone was sentenced to 12-15 years' imprisonment. He weighed the evidence presented by the prosecution, which he considered to be insufficient for conviction, and emphasized the failure of Pinkerton detectives to discover any convincing evidence. His conclusion was that the defense was inadequately presented.

The two men were convicted of a murder which took place in South Braintree, April 15, 1920. Investigation and testimony thereon followed three major lines: (1) identification of the accused by eyewitnesses, (2) consciousness of guilt inferred from the fact that Sacco and Vanzetti told a number of lies when questioned by the police and by the prosecution after their arrest, (3) ballistical testimony by experts in an attempt to prove that one of the bullets causing death came from Sacco's gun.

In the matter of identification, Pro-

fessor Morgan demonstrated that the evidence was flimsy, to say the least, against Sacco, and practically nil against Vanzetti. Two of the most important of the prosecution's identification witnesses were impeached very strongly by evidence of people with them on the day and at the time they claimed to have seen Sacco, and both later retracted their testimony by post-trial affidavits. The weight of the ballistics testimony was equally light.

The great publicity attendant upon the trial resulted largely from the fact that Sacco and Vanzetti were both avowed and ardent anarchists. This fact was introduced by the defense to explain the lies told by Sacco and Vanzetti at the time of their arrest, and was heavily played upon by the prosecution, over strong defense protests, and with the aid of a prejudiced judge.

Over a six-year period, motion after motion for retrial was denied, but in none of the denials was the entire cumulative effect of all the new evidence considered. Each was ostensibly judged on its own merits, but by a judge who said to a football companion the day after judging one of the motions, "Did you see what I did to the anarchist bastards yesterday?"

Among the motions for a new trial was one on the grounds of misconduct by the prosecuting attorney. One of the

(Continued on page four)

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NEWS BRIEFS—(Continued)

Atomic Energy Commission, will speak on the scientific considerations underlying any plan for the control of atomic energy. Professor J. R. Zacharias, head of the Laboratory for Nuclear Science at M.I.T., will also be present at the luncheon to assist in the answering of any questions.

CHAFEE SPEAKS

Professor Zechariah Chafee, Jr., Langdell Professor of Law at the Harvard Law School, will speak on *Freedom of Speech in the United Nations* Wednesday evening, November 2, at 8 o'clock. The address will be given in Langdell courtroom.

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Calendar

Ames Competition

First Year

Round 1, Brief Exchange, today, November 2; Argument, Tuesday, November 8. Round 2, Brief Exchange, Thursday, November 3; Argument, Wednesday, November 9. Round 3, Brief Exchange, Friday, November 4. Round 4, Brief Exchange, Saturday, November 5. Round 5, Brief Exchange, Monday, November 7. Round 6, Brief Exchange, Tuesday, November 8. Round 7, Brief Conference, today. Round 8, Brief Conference, Thursday, November 3.

Second Year

Round 1, Argument today at 8 p.m. Round 2, Argument, Thursday, November 3 at 8 p.m. Round 3, Argument, Monday, November 7 at 8 p.m. Round 4, Brief Exchange, Monday, November 7.

Lawyers' Guild

Professor David F. Cavers will discuss *Atomic World v. Atomic War* tomorrow at 4 p.m. in Langdell North Middle.

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SURVEY — (Continued)

how they have been disposed of in the past, and data of the extent to which infractions known or coming to the attention of lawyers are going unchallenged.

In division five the Survey looks to the economics of the legal profession. The number of lawyers, their age, sex, education, geographic distribution, and their various full-time positions are facts being gathered for the first time. The average earnings of lawyers in private practice and in salaried positions, and how this varies over the country supply valuable placement statistics. The bite into the consumer's budget for legal services, the lawyers' retirement and security arrangements, and competition from the unauthorized practice of the law are included here. The final division encompasses the various bar organizations.

Surveys of the first and sixth divisions are available today. In the first division, by Professor Earl Lomon Koos, Department of Sociology of the University of Rochester, is a study of the impact of the law on middle and low income groups. The survey tends to show that many families faced with a legal problem do not realize that a lawyer can help, and

that even if the need for a lawyer is recognized, the family very often turns to non-legal sources for advice. In part, reluctance to see a lawyer is based on an over-estimate of typical legal fees. Building on this showing of a large untapped demand for legal services are the following surveys: *The English Assistance Plan: Its Significance for American Legal Institutions*, by Reginald Heber Smith; *Lawyer Reference Plans*, by Charles O. Porter, LL.B. '44 ('47); and *The New Philadelphia Lawyer*, by Robert D. Abrahams of the Philadelphia Bar. These three present methods of meeting the untapped demand for legal services.

Also completed is a comprehensive survey by The Martindale-Hubbell Law Directory Company prepared by Edward J. Nofer, vice-president and general manager of the company. This is a tabulation of the information of the Law Directory on IBM cards, allowing for meaningful correlations and ease in upkeep. A study on the income of lawyers prepared by the U. S. Department of Commerce incorporates questions suggested by the Survey. Reprints of these and other survey articles are available at the offices of the Survey of Legal Practice, 60 State Street, Boston.

A. S.

FORUM — (Continued)

Friday holiday by holding seminars at 9:30 and 11:00 a. m. and afternoon meetings at 2:00 and 3:30. In the early morning session Lucien LeLievre, '38, will discuss *International Law Practice*, and at another seminar Richard B. Johnson, '39, will discuss *Real Estate Practice*. For those interested in *Small Community Law Practice* there will be a discussion by William I. Randall, '41, and John Downs, '47.

Later in the morning Bailey Aldrich, '32, will participate in a seminar on *Insurance Practice*, while Cornelius Moynihan, '29, of Boston College Law School will discuss *Teaching Law*.

After a break for lunch, there will be seminars on *New York Firm Practice* and *The Lawyer in Government*, to be addressed by H. Struve Hansel and W. Arthur Garrity, Jr., '44 ('46), respectively. The latter is Assistant District Attorney in Boston. Other sessions at the same time will discuss *Trial Practice*, *Trust and Estate Planning*, and *Individual Practice*.

At the seminars late in the afternoon Leverett Saltonstall will speak on *The Lawyer in Politics*, and James Scully, Vice-President of the Chase National Bank, will discuss *Lawyers in Business Banking and Insurance*. Kurt Pantzer, '17, S.J.D. 1920, of Indianapolis, will speak on *Medium Community Firm Practice*.

Over 1000 students from Cambridge and vicinity are expected to attend the school, which the Forum is repeating this year because of its success in the past.

FEMME — (Continued)

Molinsky is set on becoming a lawyer. Like any other normal, healthy, red blooded American girl, Miss Molinsky hopes some day to marry and have a family, despite the fact that she plans to practice law throughout her life.

The young lady who had been dined by the *Law Review* was wined by the *Record* on Saturday night when she attended the *Record* party at Kendall House. She was most pleased at an opportunity to meet some of the faculty and they seemed impressed by her interest and enthusiasm.

As Miss Molinsky bade adieu to Cambridge she could only conclude that "the law is a jealous master." *Non sub femina sed sub deo et lege.*

MORGAN — (Continued)

prosecution's two ballistics experts submitted an affidavit saying that he had repeatedly told the prosecutor that he could find no evidence that the bullet had come from Sacco's gun. At the trial the witness' only testimony was that the markings on the bullets were "consistent with" their having been fired from Sacco's gun. This conduct of the prosecutor was to Professor Morgan's way of thinking outrageous and highly unethical, and grounds for a new trial.

Professor Morgan's conclusions from his research on the subject are that there was no fair trial given the two anarchists, and that there was a breakdown of the adversary system in the eyes of the thinking public. About their actual guilt or innocence Professor Morgan offered no opinion, nor, said he, could anyone know the truth.

GERMANS — (Continued)

berg-Baden; W. Schilling, practicing attorney in Bremen; Professor W. Apelt, authority on German constitutional law and author of a history of the Weimar Constitution; Dr. H. von Bila, assistant to the Minister of Justice in Hesse; Dr. C. Kluger, presiding judge at the District Court in Berlin; Dr. H. Loewenheim, member of the Court of Appeals in Frankfurt-Main and a member of the law faculty at the university in Frankfurt; Dr. H. Weinkauff, President of the district court in Bamberg and teacher of law in the law school at Bamberg.

The Germans have been in the United States since the beginning of October and have already visited Charlottesville, Va., Washington, D. C., and New York City. After leaving Boston, the group will travel to New Haven, Conn., Ann Arbor, Mich. and Chicago, Ill.

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