

The Harvard Law School Record

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NEWS IN BRIEF

LEACH ON UNIFICATION

The Law School Forum will present Professor W. Barton Leach speaking on the topic of *The Armed Services Investigation* tomorrow evening at 8 o'clock in the Langdell Courtroom.

Professor Leach holds the rank of Brigadier General in the United States Air Force Reserve, and is on frequent loan to the USAF, serving as special counsel to the Air Force in the recent Congressional investigation. The "inside" story of the B-36 investigation, and proposal on making unification 100% effective are two of the sub-headings in his talk.

Captain Carroll T. Bonney, U.S.N., professor of Naval Science at Harvard will introduce Professor Leach.

LAWYERS GUILD

A three-man faculty group composed of Professors Robert R. Bowie, Arthur T. Von Mehren, and teaching fellow John W. Scott, Jr., will present a discussion on occupation problems in western Germany on Wednesday, December 14, at 4:00 p.m. in Langdell South Middle under the auspices of the Harvard Lawyers Guild. Professor Bowie is slated to leave in February to take up his new position as general counsel for John J. McCloy, LL.B. '21, United States High Commissioner for Germany. Professor Von Mehren held a responsible position in the occupation, and teaching fellow Scott participated in the war crimes investigations of the pro-Nazi activities of the leading German industrialists.

Consideration will be given to the decartelization program and the recent discussions of a limited rearmament of western Germany in response to alleged revival of militarism in the Eastern zone.

(Continued on Page three)

Professor Freund's Study Of Supreme Court Is Published

Professor Paul A. Freund's book, *On Understanding the Supreme Court*, was published on December 5, by Little, Brown and Company. The book is comprised of three lectures Professor Freund delivered at the Law School of Northwestern University this spring under the auspices of the Julius Rosenthal Foundation. The text was prepared in response to the Foundation's suggestion that "the lectures be devoted to some aspects of the work of the Supreme Court, not excluding current controversies."

The scope of the book is best stated in its introduction. "Among the questions are these: How does the framework of democratic federal government within which the Court operates condition its activities? What are the hallmarks of a 'liberal' Supreme Court Justice? What is the bearing of the strategy and tactics of counsel on the process of constitutional decision? In dramaturgical terms, the three chapters . . . may be said to deal, respectively, with plot, character, and supporting roles. The first sketches some themes of concord and conflict. The second depicts some professional traits of a Justice (Brandeis) who by common consent is entitled to be called 'liberal.' The third suggests the part played by the 'company' in constitutional litigation."

RECORD OUT TUESDAY

The RECORD announces that next week's edition will appear on Tuesday morning, December 20 instead of its usual publication day, Wednesday. The first issue of the spring semester will appear early in February.

Powell Victor Over Mansfield In Semi-Final

Victorious Club To Vie With Cardozo In Ames Final Round In Spring

The Powell Club earned the right to face the Cardozo Club in the final round of the Ames Competition by defeating the Mansfield Club last Wednesday evening in the Langdell Courtroom. Chief Justice Calvert Magruder, LL.B. '16 and Justice Perkins Bass, LL.B. '38, awarded the decision to the Powell Club on the outstanding quality of their argument and brief over the dissent of Justice B. Abrams, LL.B. '27. But on the legal issue involving the right of a health officer to inspect a residence without a warrant, the Supreme Court of the Commonwealth of Ames unanimously upheld the contention of the Mansfield Club that such an invasion of the home without a warrant was unconstitutional.

William J. Holloway, Jr. (Okla. U. '47) of Oklahoma City and James C. Gibbens (Yale '47) of Oklahoma City were the oralists for the Powell Club. Counsel on the winning brief were Joseph E. Bare, Jr. (Rochester '47) of Rochester, N. Y.; Charles F. Harrington (Rochester '47) of Hamburg, N. Y.; Frank A. Howard, Jr. (Miami '47) of Coral Gables, Fla.; Duncan E. Lennon (Illinois '42) of Bloomington, Ill.; Alfred M. Naff (U. of South '47) of Birmingham, Ala., and Burton C. Wood (Okla. U. '47) of Oklahoma City.

Val L. Schoenthal (Iowa '46) of Atlantic, Iowa and William W. Dunn (Harvard '47) of New York City were the oral advocates for the Mansfield Club.

Counsel on the brief for the Mansfield Club were William C. Bumpers (U. of Arkansas '47) of Charleston, Ark.; Lionel C. Epstein (N. Y. U. '47) of New York City; Reuven J. Katz (U. of Cinn.) of Cincinnati, Ohio; William B. Patrick (The Principia '47) of Indianapolis, Ind.; James W. Rigrish (Ohio State '47) of Columbus, Ohio, and Harold H. Smith (W. Va. '39) of South Branch, W. Va.

Guild Elects Westin Its New President

The Harvard Chapter of the National Student Lawyers Guild held general elections at its membership meeting on December 7. The following officers were elected: Alan F. Westin (Univ. of Fla. '48) of Miami Beach, Fla., chairman; Michael S. Muldavin (Harvard '49) of Ribera, New Mexico, vice-chairman; Sherwin B. Abrams (Univ. of Ill. '48) of New York City, secretary; Irwin Gostin (UCLA '43) of Los Angeles, Calif., treasurer.

Committee chairmen chosen include: James M. Fletcher (San Diego State College '48) of San Diego, Calif., Civil Liberties Case Note Committee; David D. Wach (Syracuse '48) of New York, N. Y., Court Tours; Hershel Zonderman (Boston Univ. '48) of Dorchester, Mass., Placement; Howard P. Staley (Univ. of Pittsburgh '48) of Brackenridge, Pa., Program; John W. Seder (Univ. of Chicago '49) of Wilmette, Ill., Publicity; Alfred I. Hopkins (Johns Hopkins '48) of Petersburg, Va., Research.

The Research Committee at present is comprised of five sub-committees working on a history of the House Un-American Activities Committee, a study of the Smith Act, an *amicus curiae* brief for the Lawson "Hollywood Ten" Case, the subversive teachers case (Feinberg Law), and the Stuyvesant Town Case.

Melville B. Nimmer (Univ. of Cal. at Berkeley '47) of Los Angeles, Calif., was appointed Regional vice-chairman, and Leonard W. Schroeter (Univ. of Chicago '47) of St. Petersburg, Fla., was appointed Resolutions Committee chairman.

Corwin, Fly, Howe, Kaltenborn Discuss Inadequacy of American Radio Friday



NORMAN CORWIN



QUINCY HOWE



H. V. KALTENBORN

What Is Wrong With American Radio? This topic will be discussed by H. V. Kaltenborn, Quincy Howe, Norman Corwin, and James Fly on Friday evening December 16, at 8:30 o'clock in the Cambridge High and Latin School. Erwin Canham will be moderator of the program, which is the last of the fall series presented by the Harvard Law School Forum.

Morgan Relates Days At Law School; Dean Ames, Beale Were His Favorites

This article was written especially for the RECORD by Edmund M. Morgan, LL.B. '05, Royall Professor of Law.

When I entered the Law School in the autumn of 1902, I had just spent four years in the College, where I had had a good time, acquired one degree and finished all the work for another without ever having to endure the pain of thinking any problem through. In the Law School from the outset we were expected to analyze problems, to seek possible solutions and to form and express judgments upon the validity of judicial opinions. It was a startling but stimulating experience for most of us. Among the first-year instructors there were two who had no aptitude for the work, but the others were top flight, particularly Dean Ames and Professors Beale, Williston, and Smith.

Dean Ames was superlative. He has become one of my idols. I am forced to concede that in all probability no man could be as good as I think he was. He never preached, but he was a superb teacher of ethics. His approach to a legal problem, his analysis of a judicial opinion, his criteria of judgment as to the validity or invalidity of the result reached by the court, all made us feel that we were preparing for a profession that called for the very best that was in us and that to stoop to meanness would be a betrayal of trust. I do not mean that we put this into words even to ourselves; I know I didn't; but when I got into the disagreeable realities of practice, I appreciated that I had got from the Harvard Law School and particularly from Dean Ames ideals that though difficult to hold, I could not and would not consciously surrender.

Dean Ames was first and foremost a gentleman. Out of class he was always kindly and courteous. If he met a student at the door to a room, he asked the student to precede him, overruling the student's objection with, "I am the host, you are the guest." In class if a student

Nugent, Edelman Named To Head Forum Board

At a meeting last Friday the Law School Forum elected its new officers for the spring term. They are Anthony P. Nugent, Jr., 3L (Harvard '47) of Kansas City, Mo., president; Paul S. Edelman, 3L (Harvard '46) of Brooklyn, N. Y., first vice president; Allen Klein, 2L (U.C.L.A. '48) of East Palestine, Ohio, second vice president; Raymond P. De-Member, 2L (Harvard '48) of Elmira, N. Y., secretary; and Sheldon Tabb, 3L (Pennsylvania '45) of Philadelphia, Pa., treasurer.

Nugent has announced that plans for the Forum series this spring will be described in the next issue of the RECORD.

answered "Unprepared," his usual response was, "I beg your pardon." When a student responded to a question with anything approaching an intelligent answer, the Dean would say, "If I understand you, you mean this," and would proceed to state a clear, concise proposition that would lead to a correct solution of the pending problem. He seemed to be trying to help the student to the desired end, not to demonstrate his inability to get there unaided. Most of us would acquiesce in his restatement without indicating that he gave us too much credit; but Ralph Williamson's honest reply was, "Well, I didn't mean that, sir, but I accept it."

This technique was at the opposite pole from that of Professor Beale. If a student was obviously thinking straight from a correct premise, Professor Beale would try to find another who disagreed on a plausible ground, lead him on until he got him to the end of a blind alley, and there assassinate him. With me, I confess, this was much more effective than the loving leading of the Dean. It burned the matter into my mind and made me wary of mental red herrings; it made me question every plausible statement. We often felt that Professor Beale was unfair in argument, for he would sometimes change the premise in such a clever way as to escape detection. To allow him to rephrase a statement for you was to court destruction. And he would misunderstand, or pretend to misunderstand, anything you said unless you phrased it so clearly as to defy misunderstanding. A few years after my time in the School, Professor Scott, then a student, wrote to his father: "Prof. Beale is rather sarcastic and points out in no gentle terms the absurdity of the answers given. He has a dampening effect on my conversational ability," as one of the fellows put it."

After I became a colleague of Professor Beale, who was one of the most lovable of men, I told him that, to me, he had been the best training for practice, for he represented a perfect combination of a stupid judge and an astute opposing counsel; that no court had ever embarrassed me by a question, because they were so much fairer and easier than any of those he had persistently put to me. When I said that I thought he had singled me out as an especially easy mark, he made a characteristic retort: "Well, if you had had any sense, you would have realized that if I went after you frequently, it was because I thought you were important." Later at a luncheon of Law School alumni in Chicago while he was Acting Dean, he, with a number of us of the faculty, was seated at the speakers' table. Most of the alumni were his former students. He

(Continued on page four)

Mr. Canham has worked with the *Christian Science Monitor* since 1925, and since 1945 has served as its editor.

H. V. Kaltenborn (Harvard '09), radio commentator, has been doing radio work since 1922 when he became radio's first news analyst. His work during the thirties included broadcasts on the Spanish Civil War, and during World War II he broadcast for NBC. He is founder and president of the Association of Radio News Analysts. Mr. Kaltenborn has also done much newspaper work, and his books include *We Look at the World* (1930), *I Broadcast the Crisis* (1938), and in 1945, *Europe Now*.

Quincy Howe (Harvard '21) has broadcast the news for CBS since 1942, having started regular broadcasting in 1939 with station WQXR. Before doing radio work, he served as editor of *Living Age*, a magazine that translated and reprinted foreign articles. In 1935 he became editor-in-chief of Simon and Schuster, succeeding Clifton Fadiman at that post. He has written many books, (Continued on Page three)

Faculty To Revise Academic Ratings

Dean Griswold announced this week that the faculty has redefined the "satisfactory academic standing" students must maintain to remain in the Harvard Law School. Up to now a student has had to have an average of at least 58 in his first year and 57 in the succeeding years. If the student got less than the minimum 55 in any course, his general average had to be one point higher. More than one course flunked in any year or more than two flunks in the student's entire work at the school meant that his academic standing had become unsatisfactory. Also, up to now all courses were either full courses or half courses.

As a result of the faculty's action, grades will henceforth be weighed according to the number of hours in the course. A two-hour course will be a half-course, a three-hour course a three-quarter course, and a course of four or more hours a full course. The minimum average will now be 58 for all years and at least one point higher in a year where the student failed one or more full courses. However, the student will not maintain satisfactory standing if he fails more than one and a half full courses in any year or more than two and a half full courses in his entire work.

The change does not affect first year standards. While the required general average has been raised slightly, the amount of courses the student can fail has also been increased. The net effect is to put more weight on the student's general average and less weight on the number of courses he has to pass. To prevent retroactive operation, the change "will not be applied adversely to any student with respect to the present school year," Dean Griswold said.

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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

There has been much controversy raised around the Law School over this column of two weeks ago and the subsequent reply last week by the Lawyers Guild and one of its members independently. Many students, however, have said that they cannot take part in the discussion intelligently as it is concerned with something about which they feel they know very little: legal ethics. Students do get an awareness of legal ethics at the Law School, and it is not necessary to take a course in a subject in order to learn it. However, many people are not getting a sufficient awareness to enable them to deal with complicated problems of the day. For instance, we have found many who had never considered the ethical questions involved in arguing pending cases in the newspapers. These students were certainly not prepared to discuss the further question of the effect on general concepts when one of the parties feels that the trial is political as in the prosecution of the top communists or the A & P anti-trust suit. These suits may not be of the kind that students will be actively involved in within the next few years; but as good lawyers they will at least be expected by laymen to give intelligent appraisals of the problems entailed. From a more practical standpoint, there are many ethical questions which students will actually have to decide soon as young lawyers and should be made conscious of now.

The faculty no doubt is aware of this deficiency in our legal education and has included an introduction to legal ethics in the group work now being given in the first year for the first time. However, it is evident that the present second and third year classes also need some of this instruction. Perhaps a series of lectures on ethics can be arranged following the precedent of those announced to fill the gaps in equity instruction for the present second year class after the abolition of equity as a separate subject.

B. A. F.

Letters to the Editor

To the Editor of the RECORD:

I would like to make a plea for good sportsmanship in connection with the parking problem. For the most part, all goes smoothly, and the prohibition of over-night parking on University grounds opens up a good deal of room for automobile commuters. But occasionally someone arriving late does obstruct a driveway, or block another car by double parking. Such thoughtlessness annoys other motorists far more than is justified for the purpose of saving a few minutes for the parker himself. For the benefit of all, we enforce a system of parking tickets and fines. But in the last analysis satisfactory conditions can be achieved only through voluntary cooperation in preventing violations of this kind.

Considerable parking space is available within five minutes' walk of the Law School, in the parking lot on Divinity Avenue. The Law School does not undertake to provide parking for all law students on the Law School Grounds, and unless the limited facilities available there can be utilized without the difficulties which have been present recently, it may be necessary to restrict even further the parking possibilities at the Law School.

LIVINGSTON HALL, Vice Dean

To the Editor of the RECORD:

I have some difficulty in understanding why it is necessary for the college squash varsity to virtually monopolize the Hemenway Squash Courts. From two in the afternoon on, six of the 12 courts are reserved for the varsity leaving only six for the entire Law and Graduate School student bodies. So many of these have found squash a quick and pleasant way of staying in shape that six courts are far from adequate.

No doubt the varsity needs the practice (particularly if they hope to surpass the record of their colleagues on the football team) but there are in the University a very large number of other courts. On Linden Street are the University Courts. Each of the undergraduate houses have squash courts and the Business School has squash courts. While it might be contended that graduate students are permitted to use the Linden Street courts, these are certainly more accessible to the men in the college.

The Harvard Athletic Ass'n has no hesitation in charging 20 dollars a year for a participation ticket. It might at least make an effort to see that some facilities are available for the price.

CHARLES H. RESNICK, 3L

I just read your digest of the case of *Burdes v. Burdes*, 90 N.Y.S. 2d 97 (1949), in the your column "Sub Judice" of November 2. It is stated there that "like many libertines, Gil wanted his wife to be a virgin."

Your dictum that any true libertine would want anybody to be a virgin is contrary to common experience of soul-observing mankind. No libertine, if he really is one, wants a virgin for reasons that even a libertine—despite the fact that this word is a pleasant derivative of "liberty"—would not care to have printed, but which may be condensed into the statement that she utterly bores him. And then the strain...

No, the man who worships virgins, by and large still the typical *homo Americanus vel non Europaeus*, is of an entirely different breed. Bolstered by your article, he may think of himself as a libertine; but actually he is a weakling, plain and simple: a man who cannot stand the idea of being compared. The libertine is always happy to learn, but our weakling dreams of being the master and hence the teacher, however inefficient.

REGINALD PARKER, *Libertine quondam*
Visiting Professor of Law,
University of Arkansas Law School

Off the Record

Love Lost and Found in Prison

Even though warm romance has blossomed not infrequently behind cool prison walls, a new ingredient has been introduced recently to this love motif in a Canadian prison. It seems that a husband and wife, both ostensibly in love with each other when first committed to the same penitentiary, discovered during this constrictive period that they simply were not made for each other. So after the husband's release, the wife, who was kept behind, instituted divorce proceedings and named another woman prisoner in the same prison as co-respondent.

Could a Reasonable Jury Find . . . ?

A California motorist came into traffic court to face the following charges: driving on the sidewalk and through a vacant lot; the car had no license plates, no registration, no windshield, no muffler, no headlights, no taillight, no horn, no emergency brake, illegal exhaust pipes and doors that were welded shut. Also driving without a driver's license.

He was booked on suspicion of stealing the car.

Now that women are to be with us at the Law School, why not a new property course on "How to break a girl's will"?

THINGS TO COME



Gallery

LEVERETT SALTONSTALL
United States Senator



One of the realities of American politics that is not generally taught in a course in American Government is that the public servant is appealed to through the feet as well as the head. We became aware of this blank in our education while waiting for Senator Saltonstall to appear for interviewing. Looking over a biographical sketch of the Senator, we noted under personal facts that his shoe size, carefully listed, was 8½ E. The rather open publicity given this esoteric fact, caused us naively to question his secretary, why? She told us that they had had so many requests for this information that they decided to publish the fact for all to see. This set us to thinking about democracy, as the Senator walked in, shoes and all.

As Senator Saltonstall settled back to meet our questions with his memory, he said there never was any doubt in his mind that after Harvard College, he would study law. Whether attributable to environment or heredity or a mixture of both, the Senator came from an automatically legal family. His great-grandfather was President of the Massachusetts Senate, a member of Congress and first Mayor of Salem. His grandfather was appointed Collector of the Port of Boston by President Grover Cleveland. His father and his uncle both practiced law actively, the latter also holding several political offices.

With regard to his work at the Law School, the Senator reiterated the old refrain, but with a variation. "Yes, he studied hard," but he added quickly, "For two years." In the third year he was too busy with marriage, commuting and an approaching family, to study very hard. He reflected sadly that this showed in his grades. He recalled that he was a member of the first class in Criminal Law taught by the then professor and now Mr. Justice Frankfurter. While commuting cut down his social activities at the Law School, he found time to befriend, among others, Archibald MacLeish, Ken Royall, and Charles Curtis, and coach the Harvard freshman football team for two years.

After graduating from the Law School and upon his release from military service in World War I in 1919, Senator Saltonstall entered law practice with his uncle. His plan was to practice with his uncle for several years and then with his father. As far as he could see, his career was to be that of a useful attorney with a good knowledge of the law and widespread acquaintance in the community. Then in 1920, an event

occurred which gave his destiny a different definition. Upon being approached as a respected citizen and on the pretext that it would "only take one night a week," he consented to run for the Board of Aldermen of Newton. Victory was inevitable. This first time he was unopposed. Almost simultaneously with this inroad into public service, a scandal of bribes and fixes arose in Middlesex and Suffolk counties, leading to the resignation of the District Attorneys. Senator Saltonstall's uncle undertook to restore "equal justice under the law" in Middlesex county as District Attorney with the promise that the Senator would assist as his Assistant District Attorney. After serving in these two capacities and then as a Member of the Massachusetts House of Representatives, beginning in 1923, the Senator recognized that public service was to play a significant role in his life.

Senator Saltonstall was genuinely modest in appraising the elements that made him a public servant. He loves people and feels a deep sympathy for their desires. His training and practice in the law fitted him for the give and take of politics. Once in office, there is a natural ambition to go further. He could financially afford to hold public office. There was a series of what he termed "fortuitous events" that took care of the practical aspects of political success. To begin with, his name had been coupled with success in the Commonwealth. His colleagues elected him as Speaker of the Massachusetts House of Representatives for three consecutive terms from 1929 to 1937. In the gubernatorial campaign of 1938, James Curley split the Democratic Party to assist in his election.

While the ironic event and mundane position are ingredients of successful politics, where one must win the vote of the people and does so continuously, something more is needed. The Senator did not list this, but he has that something more. It is his forthrightness and sincerity that inspire confidence and won for him, a Republican, the Massachusetts election to the governorship in 1940 and election to the U. S. Senate in 1944, when the late President Roosevelt was sweeping the state in the presidential election. These same traits gained the necessary admiration earlier in his career to make him the Speaker of the Massachusetts House of Representatives for the longest period of time that had been enjoyed in that position by the same individual for a hundred years of Mass. history.

After serving as governor for three consecutive terms from 1938 to January, 1945, the Senator and his wife decided that they were entitled to retire from the rigors of public office. But with the war in progress, and several of his children involved, he felt it was a logical step to run for Senator if the people's vote were for him. He had to be doing what he knew best in a time of need, helping to administer the affairs of the people, this time from Washington.

The people's vote was his again. The Senator was elected to the Senate in November, 1944. He carried Massachusetts by the largest margin ever given a candidate for a statewide office—561,668. At that time he was reelected to fill the then unexpired term of Henry Cabot Lodge, Jr., resigned, ending January 3, 1949. In November, 1948, he was reelected for a six-year term.

His present committee assignments are Appropriations and Armed Services. As a Senator, he has been closely associated with the following national legislation: Foreign Aid Appropriations, Unification of Armed Services, Veterans Benefits, National Act Against Discrimination in Employment, National Science Foundation, Child Health, Displaced Persons, Naval Affairs and Anti-Filibuster. If being a liberal means judging each situation on its merits and voting on the basis of that judgment, Senator Saltonstall fits this category.

Although the Senator's political life has made great demands on his time, he has still found the necessary amount of this scarce commodity to pursue his favorite hobby which is working on his farm in Dover, Massachusetts. The sports of football, crew and hockey have given away to sailing, horseback riding, golf and tennis, to keep his six-foot frame in shape. And when things get too stuffy over at the Senate Chamber in the capitol in Washington, the Senator takes a long walk or goes for a swim. The Senator also tries to vary the constant reading of legislation with an evening's reference to books on historical or bibliographical subjects.

To those who would seek to influence public opinion, the Senator pointed out five avenues of approach: "Radio commentator, newspaper columnist, civil servant, appointive office holder and elected office holder." Commenting on that state of the civil service, the Senator said, "Despite the talk of bureaucracy in Washington, many of the nation's civil servants are extremely high caliber workers and deserve the salary raises that Congress has granted." He indicated that the road of the virtuous elected office holder was not golden but satisfying.

B. M. H.

Alumni Notes

LL.B. '09—*F. Winchester Denio*, under the retirement plan of the First National Bank of Boston, retired on October 15 as vice-president in charge of legal matters. He has resumed the practice of law as associate counsel with the firm of Goodwin, Proctor and Hoar in Boston. A former president of the Massachusetts Bankers Association, Mr. Denio is now treasurer of the New England Council.

LL.B. '14—*Timothy Brown*, was appointed in July to the Wisconsin Supreme Court. Mr. Brown, a practicing member of the Wisconsin bar for 35 years, is a former circuit court commissioner and executive assistant to two former Governors of the State.

LL.B. '28—*Horace A. Hildreth*, former governor of Maine, has been appointed president of Bucknell University, Lewisburg, Pa.

LL.M. '32—*Charles B. Nutting*, former vice-dean of the School of Law and Professor of Law at the University of Pittsburgh, has been appointed Dean of the School. During the war, Mr. Nutting served as associate solicitor for the Department of Agriculture.

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Dean Announces Receipt Of Donation In Memory Of Late William Sheldon

Dean Edwin N. Griswold announced last night the receipt of a gift in honor of William DuBose Sheldon, who graduated from the Law School in 1938 and died in 1943 while on Naval Service in the Pacific.

A plaque honoring Mr. Sheldon's memory will be affixed to the door of the conference room of the Board of Student Advisers at the Law School, on which Mr. Sheldon served while at Harvard. Mr. Sheldon also served the Law School as Faculty Advisor in charge of the annual Ames Competition.

The amount of the gift is \$4573. This is approximately half of a total fund which was raised by friends of Mr. Sheldon. The other half has been given to Princeton University, where Mr. Sheldon did his undergraduate work. It will be used by Princeton to provide fellowship assistance in the general field of international relations.

The Trustees of the William DuBose Sheldon Memorial Fund, which raised the money, include Mr. Justice Felix Frankfurter, Gerhard A. Gesell, Yale Law School, 1935, and Mr. Sheldon's sister, Mrs. Helen Sheldon Taggart.

A portion of the fund will be used to refurnish the conference room of the Board of Student Advisers, and the balance of the gift will be used for scholarships to be awarded to second and third year students at the Law School who possess outstanding qualifications.

Mr. Sheldon was the son of Rear Admiral Luther S. Sheldon, Jr., of 3202 Cleveland Avenue, N.W., Washington, D. C. Mr. Sheldon won the Silver Star for gallantry at the invasion of Guadalcanal, and died later of complications from tropical diseases contracted in the South Pacific.

GETTING MARRIED?

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NEWS BRIEFS —(Continued)

HLRC

The Harvard Law Republican Committee announced the publication of the latest issue of its new research bulletin, the *True Republican* which will go on sale tomorrow in the Law School.

Prepared under the direction of Fred True, 3L, it is the second of a series on the Labor, Education, and Farm bills and other controversial legislation that the group has studied.

The current issue contains a comparison of the benefits of the Truman and Taft Health bills and of the different way the programs will be set up. The estimates of cost and the different ways the programs will be paid for are listed.

AMES AWARDS

The Board of Student Advisers announces the following awards: Ralph K. Smith (Dartmouth '46) of Sewickley, Pa., received the highest oral grade in the Qualifying Round of the Ames Competition. Mr. Smith argued for the Griswold Club, and will receive the prize awarded by the Scott Club to the best oralist in the Qualifying Round.

The opinion submitted by Barry Golomb (Harvard '46) of New York, N. Y., has been awarded the prize as the best judge's opinion submitted in connection with the recent Ames arguments. Mr. Golomb's opinion was handed down in a property case involving the finding of a tin box containing money. The opinion submitted by Gerard Mandelbaum (Yale '46) of New York, N. Y. received Honorable Mention.

AMES QUARTER-FINALISTS

The Board of Student Advisers announces that the following eight clubs have passed the Qualifying Round of the Ames Competition and will enter the Quarter-Final Round next term: the Coke, Glueck, Gardner, Pitney, Kent, Holmes-Powwow, Storey and Casner Law Clubs. The Coke Club led the other seven, winning all four of their arguments with an average of 139.8; the Glueck Club is second, also winning four arguments, with an average of 135.0. The other six qualifying clubs lost one of their four arguments. Their averages follow: Gardner, 140.9; Pitney, 138.9; Kent, 138.9; Holmes-Powwow, 137.9; Storey, 136.9, and the Casner-Law, 136.9. While the Gardner Club ranks third, having lost one argument, theirs is the highest average.

AVC MEETING

AVC has announced a meeting to be held Thursday, December 15th, in the Shepard Room of Phillips Brooks House at 8:00 p.m. Endicott "Club" Peabody, AVC State Chairman, will discuss the fourth annual national convention of AVC.

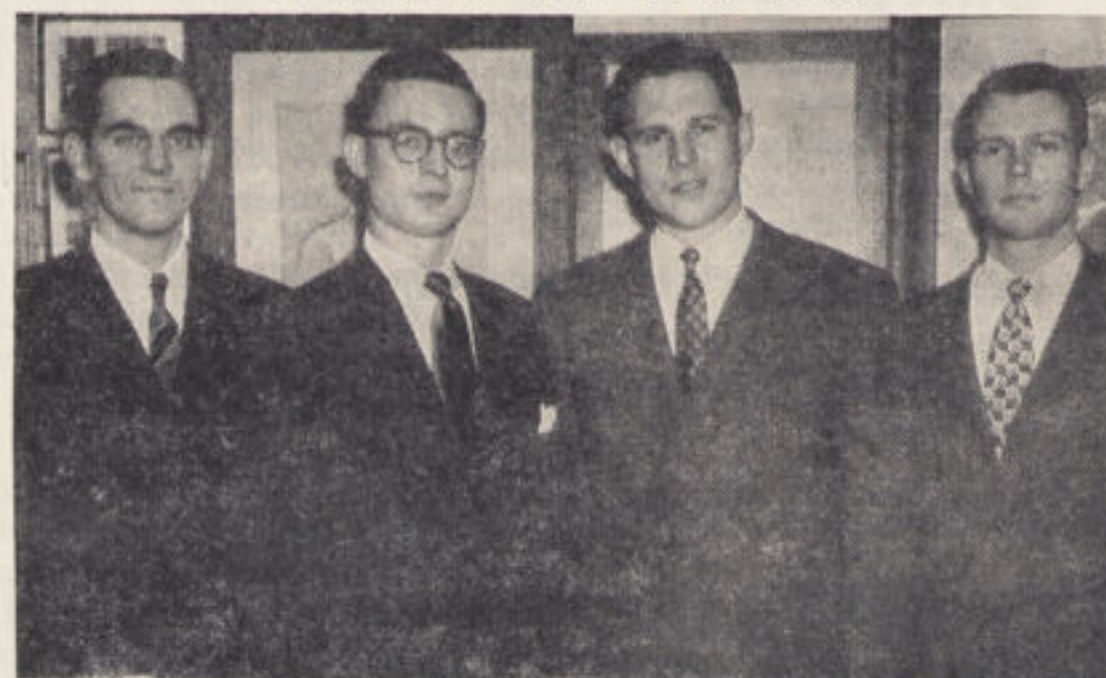
TOUCH FOOTBALL

The touch football team of Lincoln's Inn has defeated the teams of Chancery and The Tiger Club to win the title in the Law School touch football league.

ERRATUM

It was erroneously reported in last week's edition that a number of Fulbright scholarships will be awarded. The figures referred to the number of applications received. Awards will not be announced until next April.

AMES SEMI-FINAL ORALISTS



William Dunn, Val Schoenthal, William Holloway, Jr., James Gibbens

FORUM SPEAKERS—(Cont.)

including *England Expects Every American to Do His Duty* (1937), *Blood is Cheaper than Water* (1938), and most recently, *A World History of Our Times: Vol. I, From the Turn of the Century to the 1948 Armistice*. Since 1941 Mr. Howe has been president of the National Board of Review of Motion Pictures.

Norman Corwin began his career as a newspaper reporter, and worked for several years with the *Springfield Republican*. He is best known, however, as a radio playwright, having joined CBS in 1938 and later NBC. Typical of his shows are *My Client Curley*, chosen as the best radio fantasy of 1940, and *Radio Primer*, which in 1941 was chosen as the best radio satire. In 1941 Corwin directed *This Is War*, an all-network war series, at the invitation of the White House. The same year he became the first radio playwright to receive a grant from the American Academy of Arts and Letters. More recently Mr. Corwin received the first Wendell Wilkie One World award.

James L. Fly is a graduate of the United States Naval Academy and Harvard Law School ('26), who from 1939

through 1944 was chairman of the Federal Communications Commission. For four of these years he was also chairman of the Board of War Communications. From 1929-1934, Fly served as special assistant to the United States Attorney-General, and in 1934 he joined the TVA, becoming its general counsel in 1937. At one time with the law firm of White and Case, Mr. Fly is now a member of the firm of Fly, Fitts, and Shoenbrok.

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Calendar

LEGAL WORLD Law Wives

A Christmas party and carol sing will be held tonight at 8 o'clock at Kendall House. All wives are invited.

King's Bench

King's Bench will hold a bridge tournament at Kendall House, Monday, December 19, at 7:30 p.m.

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UNIVERSITY WORLD Social Relations Society

Dr. George K. Zipf, University Lecturer, will discuss *The Sociology of World Domination* this afternoon at 3:45 o'clock in Room 327, Emerson Hall.

Free Enterprise Society

H. V. Kaltenborn, author and radio commentator, will speak on *Our Divided World*, Thursday, December 15, at 8:30 p.m., Auditorium, Littauer Center.

OUTSIDE WORLD Community Church

The Community Church of Boston presents Albert Deutsch, 1949 recipient of Lasker Press Award in Mental Hygiene, in a talk on *Our Stake in Mental Health*, Sunday, December 18, at 10:30 a.m. in John Hancock Hall.

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MORGAN—(Continued)

was telling them what a fine group of graduate students we then had—a judgment in which I did not concur—and I



EDMUND M. MORGAN

foolishly interrupted, "I should like to debate that with you." At this, much to their delight, he gave to his former students a demonstration that he had lost none of his old capacity for squelching: "Of course, you would, Eddie, of course you would. The less you know about a subject, the better you can talk about it!"

The present generation of students may have seen about the premises Professor Williston, who, now an octogenarian, still comes to his office for half a day. His work on Contracts and Sales is known to every lawyer in the land. His course in Contracts was to our class a most interesting experience. He seemed never to hurry or to show the least impatience. Whether the student's response was keen or stupid, it would be followed by a penetrating question or a series of questions that either led him to a sound result or put him in what he could not fail to realize as an impossible situation. Professor Williston operated what seemed an impossible machine, a noiseless, rubber-tired, ball-bearing logical steam roller. You either had to run before it, get out of the way, or be run over. And he ran you down so gently and politely that although you might be flattened, you could bear no resentment.

Judge Jeremiah Smith gave the course in Torts. His method of instruction was to begin with a rule as generally stated by text-writers and frequently reiterated in judicial opinions, and by the use of hypothetical and actual cases tear it apart, phrase by phrase, and word by word. This would usually result in a demonstration that the rule as formulated was exceedingly inaccurate and likely to be misunderstood. In the course of this treatment, we could not escape seeing that what the courts did often differed mightily from what they said. Dean Ames used to reach the same result by a different method. But both made it abundantly clear that no lawyer could accept any generalization at face value. Judge Smith also asked as to every rule, how would it work in practice, why do the courts stop at this point rather than go further in the application of what they concede to be a sound principle? In Torts, particularly, how easily the facts could be distorted by parties and witnesses who are mistaken or corrupt; and the courts must always bear this in mind. He laid great emphasis upon accuracy in thought and in expression.

With most of these men we had courses in the second- or third-year or both. There we came into contact with other great men also: John Chipman Gray, a recognized master of the law of Property both at the bar and in the teaching profession; Eugene Wambaugh, whose casebook on Agency was standard for a generation; Joseph D. Brannan, who was an outstanding authority on Negotiable Paper; Edward H. Warren, whose later career has made him a legend among alumni.

Thayer died in 1902, and Gray inherited the course in Evidence. He was a marvel in teaching Property III, but as for Evidence, he was in my opinion one of the least effective of all my instructors. He knew how trial judges reacted, but he had not taken the trouble to determine why. He had no love for the subject. In fact he is reported to have said that in assigning it to him the fac-

ulty had wished on him the bitch pup of the litter. Brannan was a walking encyclopaedia of the law of Bills and Notes, but I have rarely sat in a class where so much information was given in so dull a manner. The true worth of Wambaugh I never appreciated. In a large class, he was not stimulating. He was direct and forthright, but he did not, in the one class I had with him, either arouse the men to spirited opposition as Beale did, or excite debate as Williston did, or lead interestingly to the desired end as Ames did. It was not until I was in the same office with him during World War I that I came to see the quality of his mind, his power of keen analysis and his unmatched ability to reduce a proposition to its lowest terms. He had a perfectly beautiful sense of subtle humor, and was the greatest teacher of practical philosophy I have ever met. E. H. Warren came to the faculty in my third-year. He gave us Corporations. He was not the famous "Bull" of later years. Indeed,

he watched his step as if he were much more afraid of us than we could be of him. Certainly none of us had the slightest fear of him. We were used to big men, experienced teachers. If anything, he smelled like fresh meat to us.

What characterized the School then, as I hope it does now, was the encouragement of independent thinking and of the information of independent judgments and accurate expression of them. One faculty member did not fear to disagree with the opinion of another, and did not hesitate to let us know it. And we often tried to refute one instructor in argument by urging the views which he knew and we knew were held by another. Each of us was expected to stand on his own feet. Intellectual courage and honesty were taken for granted. The intellectual pabulum was there—we could take it or leave it. What we got out of a course depended upon what we put into it. It was a great training for practice and for life.

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