

The Harvard Law School Record

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PRICE TEN CENTS

Connor, Barrett, Wadsworth To Judge Second Ames Quarter Finals Tonight Holmes, Pitney Clubs To Argue Taxability Of Radio Contest Prizes

Second of the Ames quarter-final arguments, between the Holmes-Powwow and the Pitney Clubs, will be heard tonight at 8 o'clock in the Langdell Courtroom. Hearing the case will be the Honorable Aloysius J. Connor, former judge of the New Hampshire Superior Court and now United States District Judge of New Hampshire; Richard F. Barrett of the Boston law firm, Powers and Hall, and Charles Y. Wadsworth, LL.B. '35 of Ropes, Gray, Best, Coolidge and Rugg, Boston.

The case will be *Dow v. Commissioner of Internal Revenue*. The question posed is the income taxability of proceeds gained by a radio listener through a participation contest.

Oral advocates for the Holmes Powwow Club are Robert P. Bass, Jr. (Harvard '46) of Portsmouth, N. H., and Robert B. Owen, Jr. (Harvard '47) of New York.

Of counsel on the brief are Theodore F. T. Crolius (Princeton '46) of South Orange, N. J., Charles T. Matthews (Princeton '47) of Huntington Station, N. Y., William H. Pratt (Harvard '47) of Newton, Mass., George Rublee, II (Harvard '48) of Allentown, Pa., Robert E. Schneider, Jr. (Harvard '46) of Hopewell, N. J., and Robert C. Winton, Jr. (Harvard '48) of Minneapolis, Minn.

The Pitney Club is orally represented by John D. Morrison (Pennsylvania '48) of Albany, N. Y., and James S. Reid, Jr. (Harvard '48) of Hudson, Ohio.

Of counsel on the brief are Robert K. Larson (Harvard '46) of La Grange, Ill., Vincent F. Leahy (Harvard '45) of Brookline, Mass., Rolf O. Slen (St. Olaf '48) of Madison, Minn., Gordon C. Smith (Colorado '47) of Longmont, Colo., Lawrence M. Woods (Amherst '48) of Kane, Pa., and Hans V. Wylder (Brown '46) of Garden City, N. Y.

Cardozo & Powell Clubs Argue Ames Final Before Black

The Ames Final, with the Cardozo and Powell Clubs, will be heard in the Langdell Courtroom tomorrow evening at 8 o'clock.

Hon. Hugo L. Black, Associate Justice of the United States Supreme Court, Associate Justice Edward A. Coughlin, Jr., of the Supreme Judicial Court of Massachusetts, and Judge Ernest W. Gibson of the U. S. District Court of Vermont will hear the argument.

Oral arguments for the plaintiff-appellees, represented by the Cardozo Club, will be offered by Ray Eder (Harvard '46) of University City, Mo., and Robert E. Frisch (Harvard '46) of New York, N. Y. Defendant-appellants' oral arguments will be presented by James C. Gibbons (Yale '45) of Oklahoma City, Okla., and William J. Holloway, Jr. (Oklahoma '47) of Oklahoma City.

The case is *Thellusion Terminal Company, a corporation; Brown Busline Corporation; and Central Motors Coaches Inc. v. Associated Motor Transport Workers of America, Local 100 of Boston, Ames; James Lane, individually and as president and business agent of the said Local 100 of the Associated Motor Transport Workers of America; and Herbert Morgan, individually and as vice-president and secretary and member of the executive committee of Local 100 of the Associated Motor Transport Workers of America*. The suit involves an attempt by a bus company to enjoin men striking and picketing its bus terminal and appealing for the public to boycott the company.

The points of law are the applicability and constitutionality of a state statute (Continued on page four)

Next week is spring recess for the Law School and the RECORD will not be published. We will resume publication with the issue of April 26.

April H.L.R. Issue Features Newman; Worcester Articles

The April issue of the Harvard Law Review was published last Monday. In the lead article on the publication of federal regulations, Professor Frank C. Newman reports on the progress made under The Federal Register Act and The Administrative Procedure Act in



FRANK C. NEWMAN

making rules and regulations more readily accessible to those concerned with government law.

Professor Newman finds that either through inadvertence or unwillingness, the agencies have failed to obey the APA's mandate for publication. As a result, the author writes, there is still no genuine repository which contains all the rules of general application. In order to attain this goal, Professor Newman suggests that there be culled from the register all documents that are not rules, and that all rules published, and not mere paraphrases of them, be set out. Since leaving the office of the General Counsel of the Navy in 1946, Prof. Newman has taught Administrative Law at the University of California.

Section 20b, added to the Interstate (Continued on page four)

"You May, But Need Not Cross Examine," Judge Leibowitz Tells Forum

"You may, but need not, cross examine" was the main thesis of an address on the *Art of Cross Examination*, delivered by Samuel Leibowitz, Judge of Kings County Court, New York, before an overflow audience of the Harvard Law School Forum last Friday evening. By many apt illustrations the speaker demonstrated that a trial lawyer should not only know how to conduct the actual cross examination, but that above all he must know when to cross examine.

The speaker pointed out that the first prerequisite before starting any cross examination is to establish if the testimony given on direct examination and the personality of the witness have damaged one's case. There is no need to cross examine if no real harm has been done. The cross examiner must have a definite goal in mind toward which to direct his questioning and must decide how he intends to reach that end.

Stressing the importance of a full grasp of the fact situation involved in each case, Judge Leibowitz noted that it is vital for the trial lawyer to see the witnesses' stories as "moving pictures." If possible, no question should be asked to which the examiner does not himself (Continued on page three)

Surrey & Sutherland To Join Faculty As Full Professors Beginning Next Fall

Catalogue Also Lists Other Changes In Faculty; Additional Second, Third Year And Graduate Courses, Great Many New Seminars To Be Offered

Stanley S. Surrey, currently a Professor of Law at the University of California School of Jurisprudence and Arthur E. Sutherland, Jr., Professor of Law at Cornell Law School were confirmed as Professors of Law by the Harvard Corporation Monday, April 10.

Professor-elect Surrey received his B.S. degree from City College of New York in 1929 and his LL.B. from Columbia

University School of Law in 1932. He was admitted to the bar in New York and practiced with the firm of Proshauer, Rose and Puskus.

In 1933 Professor Surrey entered public service and worked with the NRA and with the NLRB. From 1937 to 1947 he was with the U. S. Treasury Department, acting as its Tax Legislative Counsel during the last five years. Professor Surrey accepted his present post at the University of California in 1947. His speciality is Federal Taxation. Next year he will teach sections of Legislation and Taxation and conduct a seminar in Special Tax Problems.

Professor Sutherland received his A.B. from Wesleyan University in 1922 and his LL.B. in 1925 from Harvard Law School. After admission to practice in New York in 1926, he joined the firm of Sutherland & Sutherland in Rochester, N. Y. until 1941.

In 1927-28 he was secretary to Associate Justice Oliver Wendell Holmes. Since, 1945, Professor Sutherland has been a member of the faculty at Cornell Law School, where he has taught Constitutional Law, Conflicts of Laws, Municipal Law, and Sales. He was a member of the New York State Constitutional Convention in 1938 and is now research consultant of the New York State Law Revision Commission and a member of the American Law Institute.

During the war Professor Sutherland was a colonel in the Coast Artillery. He will teach Commercial Law next year and probably will have a section in Constitutional Law.

Other previously unannounced appointments include those of six teaching fellows to staff the first year group work program and that of Woodrow W. Weiss, M.D., Wayne U. '43, LL.B. Wayne U. '49, as research fellow in Legal Medicine.

Charles R. Simpson, graduate student (J.D. U. of Ill. '45) of Urbana, Ill., Theodore S. L. Perlman, LL.B. '49 of Trenton, N. J., David R. Herwitz, LL.B. '49 of Swampscott, Mass., William H. Berman, 3L of Toledo, Ohio, Warren J. Greene, 3L of So. Orange, N. J., and Joseph E. Bare, Jr., 3L of San Francisco, Calif., are the new shepherds of the first year groups.

Other Faculty Additions
Earlier this spring the following appointments were announced: Louis L. Jaffe, LL.B. '28, Professor of Law, presently dean of the Faculty of Law, Buffalo University. Professor Jaffe will teach a section of Torts, and both a section and a seminar in Administrative Law.

John H. C. Morris, visiting professor of Law from the faculty of Magdalen College, Oxford, England, will teach a three-hour section and a seminar in Conflict of Laws each semester. William C. Hardee, LL.B. '43 ('47) and Kingman Brewster, Jr., LL.B. '48, both assistant professors. Mr. Hardee is scheduled to teach sections of Agency, Accounting and Corporations I. Mr. Brewster will teach one section of Trusts, the course on Government Regulation of Business and he will conduct the Anti-trust seminar jointly with Morris A. Adelman, newly-appointed professor of Economics at M.I.T.

Faculty Departments
A few of the present faculty members depart temporarily. Professor Robert R. Bowie is in Germany and remains there during the next academic year as general counsel for Mr. John J. McCloy, (Continued on page three)

Entry Of Lawyers In Labor Arbitration Unpopular With Both Sides, Says Cole

This article was written especially for the RECORD by David L. Cole, LL.B. 1924; Chairman of the New York City Transit Fact-Finding Board; a member of the Board of the National Academy of Arbitrators; formerly Chairman, New Jersey State Board of Mediators (1943-45); Chairman, Board of Inquiry, Bituminous Coal (1950).

One frequently hears disparaging remarks about lawyers in the field of labor relations. It is not uncommon for union representatives, when the going gets rough, to point a finger at the employer's attorney and to charge him with all manner of fault. At such times the keeper of the legal conscience may hear that he is without heart or soul, that he is utterly lacking in human understanding or compassion, that he is concerned only with winning his case, or that he thinks like a slide-rule. These criticisms are not limited to the employees' side. I have had off the record discussions with management people at the conclusion of cases in which they have also expressed misgivings over the value of lawyers, including their own, in this difficult field.

Lawyers Unpopular

This type of feeling was summed up in a recent case of national significance by the head of a large union. He stated, in substance, "Up to 1942 we had plenty of disagreements and fights in this industry, but they were by and large pretty clean fights and were decided on the real merits. Then came the war with its wage stabilization and War Labor Board rules, and as a result we were deluged with lawyers. Now we are suffering from a veritable plague of lawyers, and no good can come of it."

Irrespective of whether legally trained people are helpful or harmful in labor relations, the fact must be recognized that to a degree they are persons suspect. The collective bargaining agreements which regulate wages and working conditions are second in importance to no other agreements or relationships of business enterprises. It is not surprising, therefore, to find managements eager to have the good-will of the representa-

tives of the unions with whom they are dealing, and in this process tempted occasionally to repudiate their own attorneys or to subscribe to the view that lawyers are a bad influence in this field.

Curiously, however, I have seen very constructive and helpful work done by lawyers in labor relations. I am not thinking of representation or other disputes before the National Labor Relations Board, nor of charges of violations of the Fair Labor Standards Act, nor of proceedings before courts under the Taft-Hartley Law or other laws. I am thinking of the functions which go to the heart of labor relations—the negotiation of new agreements, the making of policy concerning the acceptance of labor organization within a plant, and the handling of the manifold grievances which arise during the term of the agreement, including matters of contract interpretation and others on which the contract is silent. It is in these phases that one exposes himself and his philosophy and psychology to secure scrutiny and criticism. It is in these phases that feelings run high. Here the stuff is made which will result in either good or trying and embittering relationships. And everyone who participates must be prepared to accept the blame which will be levelled at him if things do not go well.

Young Lawyer's Attitude

There is very little that the law school can do to guide the student into the right course, even if there were a "right" course. Individual instructors may influence the students to a degree by their own thinking, but this is by no means the full answer.

The young attorney must face several difficult problems. Should he simply act as the devoted, and perhaps blind, advocate of his client? Is it for the attorney to undertake to mold the client's thinking if it seems to the attorney that this (Continued on page four)

1950 Yearbook Ready For Distribution Apr. 24

Distribution of the 1950 Yearbook will begin on Monday morning, April 24, at 9 o'clock at the Yearbook Office, Gannett House, the Yearbook Committee announced. All those who have paid for their copies are urged to pick them up at that time. The Committee also wishes to inform those who haven't as yet made their purchases that 50 copies are still available at \$6.00 each.

This year's issue features an article by Dean Erwin Griswold outlining his views as to the probable future development of the Law School and the role it can play both as an educational institution and as a vital force in the community.

Since the issue is dedicated to Professor Edmund Morgan, there are three articles in tribute to his outstanding contributions to the field of law by Professor Scott, Mr. George Wharton Pepper of Pepper, Bodine, Stoke and Hamilton of Philadelphia, and Mr. Felix Larkin, General Counsel of the Department of Defense. Although the same size as last year's Yearbook, 240 pages, this year's issue contains many more local scenes and special effects.

All funds remaining after expenses will be turned over to the Phillips Brooks House.

Political Clubs Debate Truman Health Plan

Tomorrow afternoon at 4 o'clock the Harvard Law School Democratic Club and the Harvard Young Republican Club will debate the Truman Health Plan in Langdell South. Moderator will be Professor Robert Braucher, LL.B. '39 of the Law School.

The proposition to be argued is: "Resolved that Congress should adopt the Truman proposal for compulsory health insurance as embodied in the Ewing Report." James Macdowell, 2L (Florida '43) of Auburndale, Florida, and Alvin Goldstein, 1L (Colgate '49) of New York, N. Y., will be the speakers for the Democrats. Opposing them will be Fred True, 3L (Bowdoin '45) of Georgetown, Mass., and Daniel Sklar, 1L (Colorado '49) of New York, N. Y., for the Republicans.

Each speaker will have 15 minutes for his first speech. This will be followed by a 10-minute rebuttal for each club and then a question period with questions directed to the speakers by members of the audience.

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AMES ATTENDANCE

Our news columns have been reporting the facts on the four quarter-final and the final rounds in the Ames Competition. There are more pertinent things to be said on this subject.

The first is that attendance at the Ames argument is a valuable way for a law student to spend an evening. Professors Casner and Leach have an entertaining note in their *Cases on Property* at page 73, a note which makes the point that vicarious experience teaches, and teaches especially well when it is also enjoyable. There is a great deal of the air of oral advocacy which can be enjoyably experienced in the Langdell Courtroom of Ames.

Secondly the Courtroom visitor can maximize the ratio of benefits obtained to hours spent, by reading the briefs in the argument before going in to listen to the case. These briefs are available the day of the trial at the Reference Desk in Langdell Library. To assure that there will be enough to go around, it is suggested that those who pick up briefs at the library bring those copies to the argument and not take another one there.

WHAT PRICE EDUCATION?

Friday is the deadline for all the dormitory room applications. Every application represents, to one extent or another, one student's earnest attempt to acquire maximum comfort at minimum expense.

Under the present rate schedule, on the basis of a 36-week school year and including linen expense the minimum rent is approximately \$7.00 a week for a double room. The price of more complete privacy—a single room or a two or three room suite—starts at \$8.00 and goes up to \$10.00 a week. These rates are almost identical to those prevailing in most of the rooming houses over the past few years when rooms were at a premium, and probably average slightly higher. Quite a few men have been living in rooms at \$4.00, \$5.00 and \$6.00 a week. Considering the fact that rent schedules on new dorms can be no more than an estimate based on anticipated costs and contingencies it would seem that the relationship of University rents to outside rents is more than coincidental.

The Graduate School Bulletin of March 16, 1950 reported that a "part of student rents was to be used toward the unendowed part of project production costs." We have no way of knowing how this applies to the Law School, especially if the construction for the law section is fully endowed.

We too are concerned with the extra financial burden the graduate student is being asked to carry and interested in exploring all possibilities of shifting it. For example, the Graduate Council has suggested a plan which would allow dorm inhabitants to choose one-third maid service with, of course, a corresponding reduction in rent. Although to date no action has been taken on this proposal, it represents the sort of thinking that will help to counteract the tendency to lose sight of the fact that the student also has grave financial problems.

The day is not far off when the G. I. Bill will be a thing of the past; it is impossible to ignore this. When that day comes, will non-scholarship students from families in the lower income groups still be represented in the Law School student body.

H. C. C.

Gallery

DUNCAN HOWLETT

Clergyman

What can happen to a young man who enters the Law School but whose inchoate aspirations incline toward a career in the ministry? He is not sufficiently sure of himself or of the worth of the church to disappoint a parental desire to have him study law. Intellectually he has agreed to accept the curriculum because of the recognized value of a Harvard Law School training. By temperament he is keenly aware of human suffering and human rights, predisposed to alleviate the one and fight for the other.

Imbued with these qualities, young Duncan Howlett matriculated at the Law School. The year was 1928. Six months of work in the first year class crystallized his desire to study and practice theology. He had discovered and was shocked by an appalling difference between human rights and legal rights. The case system was, in this respect, a great teacher.

He can recall a discussion in one of Professor Francis B. Sayre's classes in which his own preoccupation with moral guilt ran beyond the indulgence of the law and his fellow students. The young man stated that he could not understand the difference in culpability and, consequently, in legal guilt between a successful and an unsuccessful murderer where both intended to kill. The comment was greeted with general laughter.

However shaking the discovery might have been, the future clergyman decided to stay on. What followed was, as he recalls, an undistinguished march toward his LL.B. Along the way, the disturbing influences of a law, often blind to practical justice, became fixed in his mind.

The Law School was not without sympathetic souls. For his association with professors like Felix Frankfurter and Thomas Reed Powell, men who proceeded from the basis that law was more than geometry, he was grateful.

When in 1931 he received his degree, Duncan Howlett held one conviction he thought to be unshakable. He would not practice law. He had made up his mind to enter divinity school in the fall.

The Law School, however, was not ready to untie the bonds that it had been securing for three years. The recent graduate had only acquired a knowledge of the lawyer's skill. In a society rocked by severe economic depression, he was fit and acceptable for little else.

He became a member of the Massachusetts Bar. The conviction that he would not practice law was laid aside and he stepped into a practice in Holyoke, Mass., left open by the death of one of his legal brethren. The would-be minister was on his own in one of the most demanding aspects of legal work—general practice.

The bitterest fruit of his two years as a practitioner of law was what he had to do as a lawyer. Depression years were difficult times for all. There were bills to be collected from people who should not have had to pay. There were mortgages to foreclose, evictions to secure, and hard earned wages to attach. "I was constantly confronted by the temptation to feather my nest at the expense of someone else."

The low point in his legal career came when he was visited by a worker whose pay he had been instructed to attach. The worker had only a short while before been handed his pay envelope, empty but for the statutory allowance. He entered the office angry and confused and

pitifully clad. These arguments were too strong for the young attorney. His client was legally entitled to the salary, but nothing seemed ethically clearer than that the client could wait. Mr. Howlett returned the wages to the worker and managed to retain the client.

In 1933 the way was clear. The successful practitioner bade goodbye to the bar and entered the Harvard Divinity School.

Today, at 43, the Reverend Duncan Howlett, now minister of the First Church in Boston (Unitarian), is still a young man—tall, vigorous and square-jawed. Clad in a beige sports jacket with his legs dangling over the arm of an easy chair, the Reverend Mr. Howlett is probably physically indistinguishable from Duncan Howlett, the law student of 20 years ago.

By marrying the former Carolyn Abbott Chance in 1943 he divested the New York and New Jersey bars and the

firm of Hines, Rearick, Dorr and Hammond of a competent lady lawyer.

Although his clerical duties provide the minister with an around-the-clock job, he has found time to lecture in theology at Tufts College and the Harvard Divinity School and to hold responsible positions in various Unitarian associations. In 1939 the Reverend Mr. Howlett served as commissioner with the Unitarian Service Committee in Poland.

At present, among other things, he is chairman of the Unitarian Commission on Planning and Review and a member of the Harvard Board of Overseers' Committee to Visit the Divinity School. Summers are devoted to reading and writing and relaxing at the Howlett's farm in Lovell, Maine.

The Reverend Mr. Howlett's current efforts in theological thought have been devoted to a re-examination of the role of the church in modern society. With regard to this problem, he feels that an unbiased recognition of modern man's social needs, as well as his changed conceptions of deity and infinity, is essential to a satisfactory application of the spirit and truths of Christianity to modern life.

Mr. Howlett finds it difficult to estimate the value of his Harvard legal education in his present work as minister. However, he feels that his two years in general practice were an invaluable preparation for the ministry. A direct and intimate contact with human suffering and problems, coupled with the clinical opportunity for observation of human relations which his Holyoke practice afforded, were well worth the time involved.

As to his present estimation of law and the legal profession he states, "My outlook is more realistic today than when I entered law school. I find that there is no panacea for existing evils and I see the difficulties involved in working out rules of conduct that will always come out the way you want them to. The stability of the law is necessary for any adult society. I have a growing appreciation of the function of law in society, however short it may fall of its goal. And when it comes to reform, the law has exhibited a greater propensity to grow and to change than have the churches."

To the law student he has this to say: "The world needs men who are concerned with the welfare of other men. Your generation as a matter of compulsion must look beyond personal welfare to the welfare of humanity and to the securing of human rights. Choose any vehicle you like. In terms of satisfaction I know of nothing that makes life more worthwhile than dedicating yourself to these ends." D. L. S.

been unable to locate after considerable search and inquiry.

The reference which I seek, for inclusion in a forthcoming book on the Declaration of Independence, deals with an anecdote about Elihu Root.

As I remember it, Mr. Root in conversation with an associate made the comment that the word "secure" in the Declaration of Independence means "safeguard" and not "obtain."

The son of the person with whom Mr. Root had the conversation, who had been told the story by his father, used it in a brief before the National Labor Relations Board, and later recounted the incident in a book review or article recently in a law review.

I shall greatly appreciate receiving this information, as in spite of much effort I have hitherto been unable to locate this citation.

EDWARD DUMBAULD, LL.B. '29.

Sub Indice

KICKS ON ROUTE 66

Jones* was accompanied by a female when he parked his truck one night five feet from U. S. Route 66 in Crawford County, Mo. Three police officers drove past the truck and found the couple in one another's embrace. [The reader is advised to check the printed report of the case for a more *Arabian Nightish* description of what the policemen saw.]

Jones* was convicted of a misdemeanor under Section 4653 R. S. Mo. 1939, which provides: "... and every person, married or unmarried, who shall be guilty of open, gross lewdness or lascivious behavior, or of any open and notorious act of public indecency, grossly scandalous, shall, on conviction, be adjudged guilty of a misdemeanor."

Jones* appealed on the grounds, *inter alia*, "that the place stated in the information is not a public place, ... that whatever act was committed is not a violation of any law because it is not charged that it was viewed by anyone except the officers of the law, ... that [the act] did not affect the public senses, ... that [the act] was an isolated incident and not under the character of a public nuisance as provided by the statutes."

Held, conviction affirmed. "Whether appellant succeeded in his lascivious behavior or not, under all the circumstances, he was evidently endeavoring at that very time [to commit an illegal act] with a female person, along side of and near a highway, over and along which the public was likely to pass at any moment. The trial court properly held that it was the place where defendant was attempting to commit his act, and not the actual presence of people on the highway, other than the officers themselves, that made the act one of notorious public indecency. In selecting a spot, near the highway, for the commission of such an act as is admitted to have occurred, the defendant showed a contemptuous disregard for the public, who were likely to pass by on the highway every few minutes, and we do not think he is entitled, under the record made, to complain of the jury in finding him guilty of a misdemeanor." *State v. Jones*, 224 S.W. 2d 546 (Mo.—1949).

* Fictitious name.

Off the Record

Lines at Midnight beneath Memorial Hall
(After Prof. Scott's Remarks on the Expiration of Causes of Action)

The bell-clapper's an ax
Clipping off the heads
Of thousands of Causes
Asleep in their beds.
Though bursting with vigor
And unabated power,
They're slaughtered by Statute
At the midnight hour.

Better to die thusly
Still joyous and sound
Than fester from Laches
And stagger around
Pale, rotting and weary,
Awaiting the day
When shrouded in twilight,
They moulder away.

I'd rather be indicted
Than be accused by rumor.
I prefer the air-bubble
To the malignant tumor.
And quick death by Statute
With calendar precision
To a faint life awaiting
The Court's final decision.

I. J. L.

ULYSSES, THE USELESS USE

Listen, my children, to old Mother Goose,
To the tale of Ulysses, the useless use.

Before 1536 Ulysses was born,
In a conveyancer's mind, on an early morn.

"Why give to old Henry his feudal dues,
When he stands to gain, and I stand to lose?"

"I'll create a device beyond Henry's abuse,
I'll change all the land law with my little Use."

But Henry was foxy and passed a great law,
Which stuck in the conveyancer's ugly old craw.

For what happened to Ulysses, our little hero,
Was not 1-1, but relative zero!

This poem has no meaning; in fact it is museless,
But so was Ulysses, the Use that was useless!
* Pimbes' Case.

STANLEY L. GOLDEN, LL.

Alumni Notes

As noted in last week's issue, 8000 copies of the RECORD are distributed weekly: 1000 to students and administration and 8000 to subscribers in all 48 states, the District of Columbia, the Territories of Hawaii and Puerto Rico, and 24 foreign countries. A complete breakdown of subscription figures follows.

United States

Alabama, 11; Arizona, 12; Arkansas, 14; California, 491; Colorado, 47; Connecticut, 135; Delaware, 24; Florida, 66; Georgia, 51; Idaho, 5; Illinois, 312; Indiana, 95; Iowa, 48; Kansas, 12; Kentucky, 37.

Louisiana, 27; Maine, 56; Maryland, 84; Massachusetts, 1194; Michigan, 107; Minnesota, 84; Mississippi, 10; Missouri, 112; Montana, 8; Nebraska, 24; New Hampshire, 57; New Jersey, 208; New Mexico, 10.

New York, 1602; Nevada, 9; North Carolina, 38; North Dakota, 2; Ohio, 314; Oklahoma, 29; Oregon, 36; Pennsylvania, 394; Rhode Island, 114; South Carolina, 20; South Dakota, 8.

Tennessee, 36; Texas, 92; Utah, 13; Vermont, 21; Virginia, 99; Washington, 63; Washington, D. C., 359; West Virginia, 40; Wisconsin, 54; Wyoming, 3.

Territories

Hawaii, 34; Puerto Rico, 14.

North and South America

Argentina, 2; Brazil, 2; Canada, 36; Costa Rica, 1; Cuba, 3; French West Indies, 1; Guatemala, 1; Panama, 1; Peru, 1; Venezuela, 3.

Europe and Asia

China, 2; England, 19; France, 8; Germany, 3; Greece, 1; Hongkong, 1; Israel, 1; Italy, 1; Japan, 2; Lebanon, 1; Philippines, 7; Saudi-Arabia, 1; Switzerland, 6; Thailand, 1.

LL.B. '07—Arthur A. Ballantine has been appointed chairman of the United Hospital Fund Council, New York. He previously served as chairman of the council's board.

LL.B. '12—Stuart C. Rand was recently named by Mayor Hynes of Boston to the board of trustees of the Boston City Hospital. Rand has served for seven years on the same board under three different mayors.

LL.B. '20—The Bar Association of the County of Middlesex, Mass., has elected Bennett Sanderson as president. Vice-presidents are John A. Daly, LL.B. '14, and Arthur W. Coolidge, LL.B. '06. Treasurer is R. Jackson Cram, LL.B. '04.

LL.B. '25—The creation of the William Nelson Cromwell Professorship in International Law in the Cornell Law School and the appointment of Arthur E. Sutherland, Jr. as the first incumbent of that chair were announced recently. The professorship will be formally established July 1, under the will of William Nelson Cromwell, senior partner in the New York law firm of Sullivan & Cromwell, who died in 1948. Sutherland has been teaching at Cornell since 1945. In 1948 he was appointed commissioner of uniform state laws for New York. He has also served as a consultant to the Hoover Commission.

LL.B. '30—John Baker, Jr., was recently appointed a vice-president of the New England Mutual Life Insurance Co., Boston.

LL.B. '35—Harris B. Steinberg, whose cartoons appear in the RECORD from time to time, has contributed several aquatint etchings to the exhibition of legal prints at Kennedy & Company's galleries, 785 Fifth Avenue, New York. The exhibition will continue through April 15.

LL.B. '36—Frank Pace, Jr., former Director of the Bureau of the Budget was nominated last week by President Truman to the post of Secretary of the Army.

LL.B. '48—James O. Worrell recently opened his own office in Tulsa, Okla.

FORUM — (Continued)

know the expected answer beforehand.

The speaker listed as the prerequisites of a successful cross examiner the following factors: self-control, caution, tact, patience, determination, and a special ability to dramatize that which you have scored.

Judge Leibowitz concluded his address by warmly recommending the practice of criminal law, a field which he termed "soul-satisfying, thrilling, live, and clean."

CATALOGUE — (Continued)

United States High Commissioner for Germany. Professor E. Merrick Dodd, Jr., is to be on leave during the Fall semester 1950 while Professors Ralph J. Baker and James A. MacLachlan are scheduled to drop their teaching duties for the Spring semester 1951.

The Description of Courses in the new Law School Register for the academic year 1950-51 has a fresh look, with the grouping of each year's courses introduced by a very adequate statement of the requirements and options for that year.

In the second year Taxation or Labor Law A (Labor Law B is a new two-hour course for the Fall term providing less intensive work in the field) may be substituted for Commercial Law. This course must then be taken in the third year. In addition, one elective must be scheduled in the Fall semester of the second year.

Third year students have over two pages of instructions to aid them in making up their schedules. Taxation, the only required course, and Evidence, Corporations II, Conflict of Laws and Labor Law A have more than one section each. These courses are also arranged in alternative forms to facilitate scheduling of desired graduate seminars.

Additional Courses

Several courses not presently offered have been added to the third year list. These include Domestic Relations A and B (Professor William E. McCurdy), Insurance and Municipal Corporations (Professor George K. Gardiner, who returns from leave this year) and Labor Law B (Professor Archibald Cox).

Professor Milton Katz, Byrne Professor of Administrative Law and currently ECA special ambassador, resumes his duties next fall with one section of Administrative Law and a seminar on the same subject.

Twenty-seven graduate seminars are scheduled for the coming year. The number and variety is in line with the Faculty's newly announced policy "that a substantial part of a third year student's time ought to be devoted to sustained, intensive, personal work on one or more specific legal problems thoroughly testing his critical powers of analysis of the problems, his ability to bring relevant knowledge to bear upon them, and his creative powers in framing solutions for them."

Writing Requirements

Only one seminar may be taken without special permission. Since each seminar requires the preparation of a scholarly paper, two seminars starting in the second half of the third year will only rarely be allowed. These papers may be used to satisfy the writing requirement which was instituted this year.

Alternatively this requirement may be met either by a paper written for a course, by participation in the writing program administered by the teaching fellow for the third year, or by writing a paper with the special permission and under the supervision of a Faculty member.

Among the first year courses, the description of Civil Procedure and Criminal Law have been broadened in line with the development of those courses this year. The latter course now includes a substantial treatment of the basic constitutional protections involved in the administration of criminal justice.

A number of casebook changes are evident in the catalogue. Courses affected are Civil Procedure, Property I and Torts in the first year and Commercial Law, Corporations I and Property II in the second year.

The catalog indicates that the requirement that a student must be twenty-one years of age before graduation has been eliminated. Preparing for the invasion of the fair sex, there is the notation that women students will not be treated in Stillman Infirmary (strictly male) for slight ailments although for more serious conditions they will be treated in Harvard-associated hospitals.

ROTCH BUILDING TO BE DEMOLISHED



Students returning to Cambridge next fall may find an old familiar landmark has disappeared during the summer, if all goes according to present plans. The Rotch Building (above), current home of the metallurgy department, and originally built in 1891 as the Carey Athletic Building, will be torn down this summer to clear the ground around the new dormitories.

The building, which is located at the north end of Langdell Hall was considered for demolition several years ago as maintenance costs have been excessive. The building was the chief athletic cen-

ter of the University from 1891-1898, but when sports activities were transferred to Soldiers Field the building was put to other uses. The adjoining Astronomical Observatory will also be leveled.

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The Spring Review, Preparing Candidates for the Massachusetts Bar Examination to be held July 6 and 7, will begin on May 29, 1950 and will continue through July 3, 1950.

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Calendar

UNIVERSITY WORLD
Fogg Art Museum

Now through May 3, the Fogg Art Museum is exhibiting the James N. Rosenberg collection of paintings, drawings and prints. These include several of Mr. Rosenberg's own works.

Chancery Club

Professor Paul A. Freund will present an informal talk at a Chancery smoker this evening at 7 p.m. His subject will be *Observations on the Supreme Court* and will include comments on the trend to be anticipated as a result of the changes in court membership by the recent appointments.

Poetry Readings

The English tutors in Kirkland House have arranged a series of poetry readings for Sunday evenings in April. Richard Eberhart will give the first reading on April 16. He will be followed by May Sarton on April 23 and Archibald MacLeish, LL.B. '19, on April 30. The readings will be given in the Kirkland Senior Common Room at 7:30.

German Music

Sunday at 3 p.m. in the Paine Music Building there will be a free concert of German music. The program will consist of selections from Bach, Mozart, Beethoven, Hindemith, Trunk and Brahms.

United Nations Council

David Owen, Assistant Secretary-General in charge of Economic Affairs, United Nations, will speak on the *United Nations and Point Four* this evening at Littauer Center at 8 o'clock under the sponsorship of the United Nations Council.

Concert

The Harvard and Radcliffe Music Clubs and the Music Department are presenting the Juilliard String Quartet in two concerts on Thursday, April 13. There will be one concert at 5 p.m. in the Paine Music Building and the other at 8:30 p.m. in Sanders Theatre. Both concerts are free.

Kirkland House Forum

What is a Classic? will be the topic

for discussion April 14 at 7:30 p.m. in the Junior Common Room at Kirkland. The speakers will be Professors George C. Homans, Howard Mumford Jones and Kirtley F. Mather.

Brandeis Institute

This week's lecturers at the Brandeis Institute include William Schuman, president of the Juilliard School of Music, who will speak on April 19. Oscar Williams will discuss *Poetry and Its Relation to Reality* on April 18.

LAW REVIEW—(Continued)

Commerce Act in 1948, enables railroads voluntarily to readjust their security structures so as to avoid financial difficulties which may force the railroads into bankruptcy or receivership. In an article devoted to this section Messrs. Chauncey H. Hand, Jr. LL.B. '17 and G. Clark Cummings LL.B. '40, both former editors of the *Review*, discuss the procedural and substantive requirements established by the ICC for railroads utilizing this provision. Both authors participated in the drafting of sec. 20b and in several adjustment proceedings under it.

The problem of drafting partnership agreements is the subject of an interesting article by Mr. Dean K. Worcester, formerly executive vice-president of the New York Stock Exchange and now a partner of Carter, Ledyard and Millburn of New York City. In this comment the considerations which should affect the draftsman's choice among the alternative provisions available are carefully examined and the various problems incident to drawing up the agreement are pointed up.

Mr. Theodore S. L. Perlman, LL.B. '49, teaching fellow at the Law School, discusses the applicability of the Robinson-Patman Act to the practice of manufacturers in giving "introductory offers" at a price lower than the expected final sale price. In the final comment Mr. Angelo P. Sereni compares and contrasts the customs, attitudes and practices of the legal profession in Italy and the United States.

COLE—(Continued)

thinking is out-moded or simply the product of long antagonisms and bitterness? If he decides to do so, he must be ready to accept the loss of a retainer, and possible characterization within the client's social and business circle of a kind which will not help build his practice.

Should the attorney elect to fight valiantly for his client along the lines laid down by the client, he may be greatly disappointed later to find he has become labelled in the process as anti-union or pro-union, and that the label will stick to him most tenaciously for years to come.

The Lawyer's Contribution

Assuming that he desires to make a contribution to the improvement of labor relations, how can the lawyer shake himself free from the precedent-following methods which are so ingrained in the legal profession? And where in his training will he find the materials to guide him?

I am afraid that this adherence to *stare decisis* is the greatest obstacle which one trained in the law must overcome to be a good and effective force in labor relations. He must be logical, but he must not appear to be a champion of "cold logic." He must use the reasoning with which his background has endowed him, but he must not behave like the laymen's notion of a lawyer. He must give, and he must make it clear that he is giving, a good deal of consideration to the future relations of the employer and the employees and their union. He must distinguish clearly in his own mind between litigation and differences at the collective bargaining table. After the court action is concluded, the parties need not do business together if they prefer it. But



DAVID L. COLE

after the immediate labor dispute is resolved, the parties must continue to live together, and if the resolution of the dispute lays a foundation for disharmony and resentment, then it would have been better even for the party who prevailed not to have had that settlement made.

This leads to a practical point—What should the young lawyer do who wants to enter this field? Because of the delicate, varied, and often highly technical matters met, I feel no one fresh out of law school, without specialized training or experience, is ready to announce himself as a specialist in this work. He can do himself, let alone his clients, a grave injustice. The technical problems may involve an understanding of job evaluation, time studies, job content, wage structures, and an appreciation of the new or changed features of jobs. Not infrequently one must understand insurance, pension and other so-called social programs. Along broader lines, the specialist must have the fundamentals of cost accounting and of statistics and statistical methods. These things can best be attained by exposing oneself to them gradually and getting the feel before accepting the responsibility of working out complete, rounded programs which may involve a composite of these and many other things.

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AMES—(Continued)

prohibiting secondary boycott and picketing; whether the statute is in a field of federal legislation; and whether the bus companies may go to a state court for an injunction. There is no state anti-injunction statute but in fact there is a common law acceptance of the idea.

Of counsel on the brief for the Cardozo Club are Stanley S. Brotman (Yale '47) of Vineland, N. J., Samuel Dash (Temple '47) of Philadelphia, Pa., Paul S. Edelman (Harvard '46) of Brooklyn, N. Y., William K. Glikberg (Stanford '47) of San Jose, Cal., Albert A. Raphael, Jr. (Yale '45) of New York, N. Y., and Marshall J. Seidman (Pennsylvania '47) of Pittsburgh, Pa.

Of counsel on the brief for the Powell Club are Joseph E. Bare, Jr. (Rochester '47) of San Francisco, Cal., Charles F. Harrington (Rochester '47) of Hamburg, N. Y., Frank A. Howard, Jr. (Miami '47) of Coral Gables, Fla., Duncan E. Lannon (Illinois '42) of Bloomington, Ill., Alfred M. Naff (University of the South '47) of Birmingham, Ala., and Burton C. Wood (Oklahoma '47) of Oklahoma City, Okla.

Faculty members and their guests and third year members of the two finalist clubs only, will be admitted through the West Wing door of Langdell. All others planning to attend the Ames final are to enter the Courtroom through the Library or Langdell center.

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