

The Harvard Law School Record

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PRICE TEN CENTS

Marsh, Magruder Elected To Offices By Alumni Group

Friday, the Law School was host to the Harvard Law School Association Council which met to elect officers and hear reports of the past year's activities. John Marsh, LL.B. '12 of New York, formerly head of the Fund, was elected President, succeeding John B. Buchanan, LL.B. '12 of Pittsburgh, while Calvert Magruder, LL.B. '16 of Boston, was re-elected First Vice-President. Second Vice-President will be Robert N. Miller,



Past President John G. Buchanan addressing the banquet of the Harvard Law School Assn. held last week. Sitting next to Mr. Buchanan are Dean Griswold and Judge Magruder.

LL.B. '06 of Washington, D. C., and Oscar W. Houser, Jr., LL.B. '48 of Boston, will be the new Secretary. Paul Hellmuth, LL.B. '43 of Boston continues as Treasurer, and Harrison S. Dimmitt, LL.B. '25 of Cambridge remains both Assistant Secretary and Assistant Treasurer.

Friday afternoon, the Association saw the film "Tradition and Tomorrow" based on the dedication ceremony at the new Graduate Center, which is intended to present new aspects of the school to local associations at whose meetings it will be shown during the coming year.

That afternoon, Dean Erwin N. Griswold, Professor David F. Cavers, and William S. Barnes spoke.

The Council also elected three members to its ranks for the coming four years. They are: John G. Buchanan, the retiring President of the Association, Wilkie Bushby, LL.B. '21 of New York City, last year's head of the annual giving program, and Kurt F. Pantzer, LL.B. '17 of Indianapolis, Ind.

Ames Participation Shows Small Drop

"Smoke without fire" characterizes the so-called exodus from the Ames Competition, said Bernard Nemtzw, 3L (Brown '48) of Newport, R. I., Chairman of the Board of Student Advisors, in releasing statistics concerning participation in the first and second year rounds of the Competition.

In the first year singles arguments a total of 514 students participated, 99 per cent of the first year enrollment. There were 255 complete arguments and four *ex parte* arguments. Only two students did not participate without obtaining excuses.

In the first year doubles arguments there was an 85 per cent participation in comparison to 92 per cent last year. Thus, there was an over all drop of only 7 per cent, he said. It was in this period that the "run" began on dropping out of the Ames Competition.

Nemtzw believes that the talks made by the various professors in first year classes helped to stop this "infectious trend."

In the qualifying round of the second year arguments 272 men participated in 68 full arguments in the fall. Eight others did prepare briefs but there were two sets of defaults in the orals. This represents an increase of 26 men over last year in the number participating.

Law School Establishes New Courses In Field Of International Legal Study

Heralded in the Law School catalog to be issued next week as "a major step forward" to meet the growing need for lawyers to deal with world legal problems, the Harvard Law School is announcing fourteen courses and seminars in the field of International Legal Studies for 1951-52. Seven of the fourteen are new. The new curriculum is designed both to create a field of specialization for graduate law students and to widen the range of electives for third year students in the international field. No required course of study has been specified.

Law Review Article Analyzes Unionism

In the May issue of the *Law Review*, Professor Clyde Summers of the University of Buffalo Law School examines *Legal Limitations on Union Discipline*, treating the problems with which courts must deal in protecting union members from arbitrary discipline by their leaders.

Professor Summers concludes that a theory based on an analogy to the rights of a citizen within a democratic society would provide the most effective solution.

Professor Robert Braucher of the Law School has contributed the timely article, *Requisition at a Ceiling Price*, which deals with the troublesome problem of the effect of price ceilings on just compensation in requisition cases. Not only does the advent of expended military procurement and price controls make this a matter of current importance, but also a petition for certiorari is pending before the Supreme Court of the United States in the recent *Safeway Stores* case, which dramatically presents the problem. The taking of goods at the ceiling price resulted in an out-of-pocket loss to Safeway of almost \$500,000.

Professor Braucher traces the history of cases dealing with price control and just compensation through both World Wars, and critically analyzes the *Safeway Stores* decision of the Court of Claims. He suggests that "a general, non-discriminatory, and reasonable regulation, allocating supplies in time of war, should not be treated as a 'taking' in the constitutional sense."

PBH Seeks Books For Loan Library

The PBH Committee has issued an urgent request to all students to donate their used casebooks at the end of examination period to the PBH library, so that the latter service may begin with the commencement of the fall term. Notices will be placed on all bulletin boards within the next week stating where and when the books may be deposited.

It is expected that the first collection will take place immediately after the last of the third year examinations, while the bulk of the books will be requested during the first and second year examinations. Only those books which will be used next year will be needed.

This library has been in existence for several years and has offered the rental of casebooks to students for a charge of 25c per semester. About 220 books were loaned during the past year. A minimum of marking is allowed so that they can be used again.

James B. Johnson, 2L (Montana '49) of Billings, Montana, the Librarian for next year, stated that PBH is trying to make the library facility more effective and useful than it has been in the past. "It has been intended primarily for the needy student. We consider it important that these books get to those who have the greatest need for them," he said.

In line with this, the Committee intends to give first preference to those who have indicated a need by previously asking the University for some form of financial assistance, whether scholarship, loan, or part-time employment.

There are also plans for a book exchange system during the first week of school, so that prospective buyers and sellers can more easily get together. This service has also proved successful

In addition to the courses and seminars, work on plans for several research projects concerning world legal problems is being carried forward by William S. Barnes, Director of the Foreign Law Research Study, currently a Special Consultant to the UN Legal Department.

The curriculum is divided into three areas: Legal Problems of World Order, Legal Problems of the World Economy, and Comparison of Legal Systems.

Problems of World Order
A new seminar in *The Development of World Order* has been added to the course in *International Law* and the seminars in *International Law Problems* and *World Organization* now being offered by Judge Manley O. Hudson, Bemis Professor of International Law, and Assistant Professor Louis B. Sohn respectively. In the new seminar, Mr. Sohn, who is now serving as UN Legal Affairs officer, will explore possibilities for the future extension of world law.

In the category of problems of the world economy are five seminars, of which, *Legal Problems of World Trade*, was given this year and will be continued (Continued on page three)

Commager To Talk On Legal Program

Henry Steele Commager, Professor of History at Columbia University since 1939, will speak at the second and last Forum legal program of the semester in Harkness Commons at 8 p.m. on Friday, May 11. Professor Commager plans to discuss Constitutional limitations of the President's power.

Professor Mark DeWolf Howe of the Law School will introduce the lecturer. There is no admission charge.

Specially to be emphasized are the war-making powers of the Chief Executive and his control of military operations. In the course of his lecture, Professor Commager will also discuss the historical growth of the Presidential powers and conflicts with the Constitution that have occurred.

The author of numerous texts and analyses, Professor Commager is currently at work on the 40-volume *Rise of the American Nation*, now in process of publication. He is a frequent contributor to *Harper's* and the *New York Times Magazine*. During 1947-48 he was a visiting professor of American History at Cambridge University.

Officers And Directors Of HLS Forum Chosen

Next semester's Law School Forum will be under the direction of Richard A. Myren, 2L (Wisconsin '48) of Madison, Wis., chosen president by the board of directors last week, replacing William Cousins, 3L (Illinois '48) of Chicago, Ill. Louis Del Duca, 2L (Temple '50) of Philadelphia, Pa., was elected first vice-president in charge of planning; David Spiller, 2L (Michigan State '49) of Chicago, Ill., becomes the second vice-president, who directs publicity; Charles Retherford, Jr., 2L (Harvard '49) of Acton, Ind. will serve as secretary; and Frederick A. Levy, 1L (C.C.N.Y. '50) of New York City, becomes the treasurer.

Successors to the board of directors are: John R. Berger (Hillside College '50) of Ayala, Ind.; Russell L. Brenne-man (Ohio State '50) of Columbus, Ohio; Arthur S. Ecker (Harvard '49) of New York City; Charles S. Edwards (Penn State '50) of McAdoo, Pa.; Matthew Foner (N.Y.U. '50) of Brooklyn, N. Y.; Joseph H. Guttentag (University of Michigan '50) of Detroit, Mich.; Don (Continued on page four)

Army Suggests Law Students Take Selective Service Exam

With this issue the *RECORD* concludes publication of Volume 12. We will resume publication in the Fall for the 1951-52 school year.

Teaching Fellows Named For '51-52

Sidney L. Posel and Robert A. Kagan have been appointed Thayer Teaching Fellows for the 1951-52 Group Work Program. Mr. Posel received his A.B. from the University of Pennsylvania in 1940, his M.S. in 1941 from the University of Wisconsin, and his LL.B. at the University of Pennsylvania, where he served as Note Editor of the *University of Pennsylvania Law Review*, in 1950. At present Mr. Posel is studying at the London School of Economics as Gowen Memorial Fellow of the University of Pennsylvania investigating the legal status of nationalized industries.

Further Appointments

Mr. Kagan received his A.B. from Harvard College in 1945 and his LL.B., *magna cum laude* from Harvard Law School in 1950. He was an editor of the *Harvard Law Review*. At present he is associated with Rosenman, Goldmark, Colin & Kaye of New York City.

Clarence C. Ferguson, Jr., 3L (Ohio State '48) of Baltimore, Md., president of the Legal Aid; William W. Schwarzer, 3L (Southern California '48) of Los Angeles, member of the Legal Aid; and Carl Slater, 3L (Harvard '48) of Brooklyn, have also been appointed as teaching fellows for 1951-52.

It is possible that more teaching fellows will be appointed when the first year enrollment becomes more definite.

Country Legal Practice Offers Inviting Benefits, Satisfactions - Little Money

This article is written especially for the *RECORD* by Professor Arthur E. Sutherland, LL. B. '25. Prior to teaching law, Professor Sutherland practiced law in Rochester, N. Y. for fifteen years.

The start of the study of law involves some measure of decision, but not, as yet, a very definitive and irrevocable choice of a career. There are still three years of rather pleasant uncertainty. The

sacrifice of accumulated skill, friends, experience. This is less true, to be sure, in changing from government employ to private practice than it is in changing from one type of practice to another; and perhaps this continued prospect of mobility is one of the most attractive features of the call to Washington. The adventure of change is still ahead!

Nomadism Not Recommended

But nomadism is hardly compatible with success for most men who come to the bar. They do well to choose one place and stay there, gaining the confidence of the community (or that part of it which human limitation makes possible). The choice of a place for a professional career, while not irrevocable, is a serious one, somewhat permanent, not to be entered into lightly or unadvisedly.

Only part, and perhaps only a minor part, of this choice turns on professional considerations. A man's calling is only part of his life; he is not always at work (though the lawyer sometimes seems so to his family, and to himself). Granted that he has complete and obvious integrity, abundant energy, a liking for people, intelligence, and a reasonable store of professional knowledge, a young man will find himself in demand as a lawyer in any place where he finds life pleasant. He will do well, all things considered, to practice where he wants to live, rather than to live where he thinks he can best practice.

Big City Appeal

The large cities have their appeal—to more than four out of five graduates of Harvard Law School it is compelling. The appeal is more than that of cultural opportunities, theaters, music, and great numbers of people interested in these (Continued on page four)



PROF. ARTHUR E. SUTHERLAND

graduate in law may turn to business, to government service, to practice in a large city, or in a small community; and selection of one of these courses can await his last few months of formal study. When the inevitable moment of decision comes, it is often painful. The young man is three years older, for one thing. For another, he begins to realize that a change of professional milieu is less easy after life's work is started; it involves some

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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.

Spring's Burdens

With final examinations starting within three weeks, bar review courses running currently, and many men planning and looking for jobs, this seems a good time to evaluate the required paper which the third year men are just finishing while engulfed by these other tasks.

Third year men are not complaining about the desirability of a legal paper. But they are objecting to the situation that arises because it is generally not possible to get the papers out of the way in the first term or shortly after mid-year examinations. One of the chief objections to the paper is this timing which places it in the last term when other pressures are building up to the climax of final exams, closely followed by bar exams. As a result, many a man spent his "Spring Vacation" in Langdell Library finishing his *magnum opus*.

This pressure near the end of his Law School career may be intensified for the student because his professorial advisor is not always easy to reach. In other cases, professors, pressed with their own work, are unable to read and criticize the student's paper until late in the term. This may place a terrific burden on the writer if his paper has to be rewritten a few weeks before exams.

If it is impossible to arrange for writing most papers in the first term an alternative might be to count the two-hour credit given for the paper as part of the 24 hours required in the third year. This would be in line with the view that the paper is a very valuable adjunct to legal education. It may be that the paper is more valuable than most two-hour courses.

Local Draft Control

We were generally in agreement with General Hershey's original proposal to defer temporarily all graduate students and all college students who qualify on the basis of class standing and/or the forthcoming tests.

But when the proposal was proclaimed it was almost immediately greeted with cries of "Discrimination!" There was some merit to this criticism but we think the virtues of the deferment plan greatly outweighed the case for the other side. For men in school the feeling that you will be able to finish the current year and will quite probably be allowed to finish your course may be the difference between half-hearted study and maximum effort. As things stand it is not difficult to understand why a draftable man might go to see the Red Sox battle the Yankees some afternoon rather than read Williston. Another result of General Hershey's plan was the assurance of a steady supply of trained graduates. As emphasized by Professor Braucher in his letter to us last week, this is a top consideration.

But as a result of the pressure brought to bear on Congress, Mr. Vinson's committee repudiated the inchoate policy and it will not go into effect. Congress has forced General Hershey to return the question of draft deferment for students to the local draft boards. Once again, students will be uncertain as to their future, unable to plan their careers, and unhappy under the capriciousness of many draft boards. At best, we seem only to have localized the discrimination.

Gallery

ALFRED C. CLAPP
Law School Dean



"Ames Competition is a great thing. It gives one a sense of the reality of the law and some glimpse as to how it operates outside of the classroom." So spoke Alfred C. Clapp, New Jersey State Senator, President of the Essex County Bar Association, an active practitioner, and the new dean of Rutgers Law School. He states that the students who engage in Ames work are learning how to apply abstract principles. "I feel that the Ames Competition should be a compulsory program. Here at Rutgers we are considering the possibility of giving credit for work done in the moot court program."

Changes in New Jersey Law

Mr. Clapp has had a hand in establishing the new judicial system in New Jersey, which has been hailed as one of the outstanding systems in the United States. He was a delegate to the 1947 Constitutional Convention and at present is chairman of the Advisory Committee on Revision of Statutes. The purpose of this committee is "to revise the statutes which affect the courts, and in addition, the crimes act and the estate law — nearly one-fourth of all the statutes of the state — a herculean task for which we have been allowed one year. Our statutory setup needs to catch up with our new court system." Mr. Clapp was reporter for the State Supreme Court on the Rules of Civil Procedure. This is possible because under the new system the Supreme Court of New Jersey has rule-making power as regards matters of procedure. The set of rules now in use in New Jersey are patterned after the Federal Rules.

Mr. Clapp graduated from the University of Vermont and after working for a year in New

York entered Harvard Law School in 1924. "I was a member of the L. Hand Club and, as I recollect it, lost most of my arguments." When asked what changes he thought time had wrought on these halls of learning, he replied, "What impresses anyone of my vintage are the new dorms. The faculty, I think, is still the best in the country but it is not quite as good as the one we had. We had Williston, Pound, Beal, Frankfurter and a few others whom you can't replace."

Teaching Law

Mr. Clapp will assume his duties as Dean of Rutgers University School of Law on July 1, of this year. He started teaching in 1929 at one of the local law schools in New Jersey which through a process of merger and evolution became the Rutgers Law School. He has been a visiting Associate Professor of Law at N. Y. U. Law School since 1947 and an Associate Professor of Law at Rutgers since 1946. Mr. Clapp thinks that faculty members should have some practical experience. "It is invaluable for the teacher to have had some practice although not absolutely necessary. At any event a student should have some professors who have known something outside of the classroom. At Rutgers we meet this problem by employing some practicing lawyers as part time teachers."

Mr. Clapp unlike many other educators is strongly in favor of bar examinations. "I am in favor of clerkships, attorney's exams, post-admission education and counselor's exams. Such exams are needed because there is no standard law school curriculum in use in the United States. The final word as to the standards of each state must be left to the courts."

Politics and Law

Mr. Clapp has been active in politics for many years. He was Deputy Surrogate of Essex County from 1939-1947. He has been State Senator from Essex County since 1948. His talents have not been confined to politics and education; he also has been an active writer in legal periodicals. He has been the Editor of the *New Jersey Law Journal* since 1943 and has just completed a 5-volume treatise entitled *Wills and Administration in New Jersey*.

Summing up his wide experiences Mr. Clapp said, "The practice of law has given me the greatest satisfaction. I think this is because of the great diversity in a lawyer's life. First there is the fascinating study and development of principles of justice. Then there comes the experience of applying those principles to the realities of life. And they have little dramas of the courtroom which incidentally are not so much a matter of wits as students are given to think. The real reason why I enjoy practicing law is because the law is an intellectual profession closely in touch with actualities."

Letters to the Editor

To the Editor of the RECORD:

It was a pleasure to read the Gallery account of George Knowles Gardner, Professor of Law, (RECORD, April 11, 1951). I had the privilege of studying Contracts under him during his second year of teaching at the Law School.

If I read the Gallery correctly, Professor Gardner is of the opinion that we of yesterday did not have an inquiring mind comparable to those who study law at the present time. I would say history indicates that those who believe there has been any improvement in mental capacity or condition of the human being during the past few thousand years have the burden of proof; be that as it may, I think his Contracts class '29-'30 had its fair share of "bright boys" who refused to accept categorical pronouncements of the Professor. Former students can hardly be blamed because the Law School decides to improve its teaching methods.

However, my main reason for writing is to point to the flagrant omission of what to us at that time was the most colorful incident in our Professor's career.

On July 28, 1914 Mr. Gardner left New York harbor a passenger aboard the *KRONPRINZESSIN CECILIE* which was destined for England with a cargo of gold. Due to World War I's imminence this German ship, after three days at sea, received orders to return to New York. Her master feared British men o'war and decided to enter the port of Bar Harbor, Maine. There was one obstacle; none of the crew was familiar with Maine waters! At this point Mr. Gardner, a yachtsman by avocation, took the helm and safely piloted the ship and the gold into port.

The most fortunate part of the whole affair was that it gave rise to a leading case in Contracts, which because of the role of our Professor, we would remember long after the rest of the course became dim in our minds' eye. The *KRONPRINZESSIN CECILIE*, 228 Fed. 946, 238 Fed. 668, 244 U. S. 12.

HENRY B. ELY, LL.B. '32
Los Angeles, Cal.

To the Editor of the RECORD:

Your news item of April 25 entitled "Gardner & Hardee Hit New Bar Oath" was fair enough; but it hardly displayed the accuracy which one would expect of a student of the common law.

Gardner and Hardee did not "testify"—they argued. To "testify" is to bear witness to a fact.

Gardner did not "point out that lawyers in the Massachusetts General Court do not have to take oaths." They do have to take oaths.

What Gardner did was to read verbatim the following: "Every member of your two Houses, and every lawyer in Massachusetts, has already taken an oath substantially in these words: 'I, swear that I will support the Constitution of the United States of America.' Everyone who shall hereafter be elected to either of your two Houses, or who shall hereafter be admitted to the Bar of Massachusetts will do the same. This oath is required of all legislators and lawyers by Article VI of the Constitution of the United States."

"Every member of your two Houses, and every lawyer in Massachusetts, had already taken a second oath substantially in these words: 'I, do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts and will support the Constitution thereof. So help me God.' Everyone who shall hereafter be elected to either of your two Houses or who shall hereafter be admitted to the Bar of Massachusetts will do the same. This second oath is required of all legislators and lawyers by Amendment VI of the Constitution of this Commonwealth."

"The Constitution of this Commonwealth also says, in Amendment VII, that: 'No oath, declaration or subscription, excepting the oath prescribed in the preceding article and oath of office, shall be required of the governor, lieutenant governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.'"

Let's get our facts straight.

GEORGE K. GARDNER,
Professor of Law

Sub Judice

LOOK BEFORE YOU LEAP

Ruth met Fred in September, 1946 and later that year informed him that she was pregnant by him. A meeting was arranged by an attorney where it was agreed that Fred and Ruth would undergo a marriage ceremony and that six weeks later Ruth would apply for an annulment of the marriage. It was understood that they would not cohabit or assume the relationship of husband and wife after the ceremony. The ceremony took place Jan. 26, 1947.

In July, Fred, Jr. was born. The parties had not cohabited after the marriage ceremony, but Ruth refused to bring annulment proceedings. Fred brought this action to have the marriage annulled claiming that it lacked mutual consent of the parties, having been "ostensible" and entered into only to give the unborn child a name.

Held: The parties were legally married. "While it is true that in passing upon a petition to annul a marriage, courts may well take into consideration whether or not there has been cohabitation, the fact that there has been none subsequent to the marriage ceremony is not of controlling importance, and particularly is this true where there has been prior sexual intercourse."

The court felt that Fred had intended to enter the legal status of marriage and must be charged with the legal implications arising from this status. "It is of even greater significance that the parties married 'to give the child a name,' that is, to give it the status incident to a legitimate birth. To annul the marriage would render a void *ab initio* and so defeat this very purpose."

The court further felt that the intentional agreement that the marriage should not be valid or binding was void as against public policy. *Schibi v. Schibi*, 69 A. 2d 831 (Nov. 29, 1949).

LEGISLATIVE WOOLGATHERING

House Bill No. 367 (Session of 1951)

AN ACT relating to the creation of a board of shepherd examiner; the qualifications and standards of shepherders and apprentice camp-movers; the discovery, education and training of shepherders; repealing, amending and re-enacting the Volstead act, the Ten Commandments, the Mann Act; the truth-in-fabrics act; the law of gravitation; defining the duties of shepherders and providing for examination and license fees; prohibiting lambing in the wintertime, and establishing the catfish capital of Kansas at the confluence of the Fall and Verdigris rivers near Neodesha in Wilson County, Kansas.

Be it enacted by the Legislature of the State of Kansas:

Section 1. It shall be unlawful for any person to be placed in charge of a band of woolies in this state as guide, nurse and companion, unless said person described in this act as a shepherd shall have duly passed a mental, moral and physical examination by a state board of shepherd examiners.

Sec. 3. Any person desiring to become a shepherd shall make application in writing for a license to the board of shepherd examiners, enclosing a remittance amounting to \$50 in some such form as will pass the scrutiny of any intelligent receiving teller, and shall appear for examination where and when notified by said board.

Sec. 4. Applicants for shepherd's license shall be of sound mind and body, free from hallucinations, ticks, scab or other defects; and shall have served at least five (5) years as camp-tender, brass rail polisher, wireless operator, or radio expert. Any shepherd who has attained the age of 55 years and served not less than five (5) years at his profession who shall become muscle bound from stirring mush, twisting flapjacks, or other physical exercise incident to his official duties may be declared eligible to golf retirement. In order to secure the benefit of this section the said shepherd shall make application in writing to the board giving specific details of his whole or partial disability and the cause thereof and upon approval after due investigation the said board shall issue the shepherd's employer a citation in aurora borealis, upon receipt of which the employer shall immediately provide said shepherd with one niblick, one midiron, one brassie, one mashie, and a set of golf balls together with one competent instructor for not less than ninety (90) days or until said shepherd shall have become proficient.

Sec. 5. Any and all person or persons, who at any time have purchased pari-mutuel tickets or voted on the passage of the slot machine act, either for or against, are qualified to receive a certificate as shepherd, and may do so without taking examination.

Sec. 6. No person in this state shall practice shepherding nor be an applicant for a license to perform such duties: (a) who cannot find nothing else to do; (b) who is an inmate of a state institution or a member of the state legislature; (c) who is president or cashier in the army, navy or marine corps.

Alumni Notes

LL.B. '23—The Exposition Press, New York, has announced the publication of "Thirty Pieces of Silver," a passion play by Francis S. K. Whitaker. The theme is based on the betrayal of Christ by Judas Iscariot.

LL.B. '25—J. Harold Merrick has opened an office for the general practice of law at 91 Main Street, Ridgefield, Conn.

LL.B. '28—Sam Street Hughes has been appointed a trustee of Berea College, Berea, Ky. Mr. Hughes' term will expire in 1954.

LL.B. '30—Leonard A. Blue, Charles Oechler, LL.B. '33, and Alfred W. Roberts, LL.B. '31 have become members of the law firm of Rathbone, Perry, Kelley and Drye located at 70 Broadway, New York City.

LL.B. '33—Herbert A. Bergson and Herbert Borkland, formerly assistants in the anti-trust division of the Department of Justice, announce the formation of the partnership of Bergson, Adams and Borkland, located in the World Center Building, Washington 6, D. C.

LL.B. '34—William B. Waterman announces the opening of offices for the general practice of law in the Putnam Building, Davenport, Iowa. Harold A. Lipton and Harold L. Lipton are members of the firm of Booth, Lipton and Lipton, with offices at 11 West 42nd Street, New York City.

LL.B. '35—Williams C. Blind along with G. Clark Cummings, LL.B. '40 have joined the firm of Dorr, Hand and Dawson with offices at 6 Broadway, New York City.

LL.B. '38—Thomas S. Hinkel has become a member of the firm of Ivins, Phillips and Barker, located in the Southern Building, Washington 6, D. C.

LL.B. '39—Lt. Comdr. Robert S. Berger has been recalled to active duty in the Navy, and is currently serving on the Staff of the Commandant, Ninth Naval District, as Assistant District Intelligence Officer. Bennett Boskey resigned as Deputy General Counsel of the United States Atomic Energy Commission and announces the opening of an office in the Ring Building, Washington, D. C.

LL.B. '40—Walter J. Cummins and Robert L. Foote, LL.B. '41 have become members of Sidley, Austin, Burgess and Smith in Chicago.

LL.B. '41—William C. Steel has become a member of the firm of Loftin, Anderson, Scott, McCarthy and Preston of Miami, Fla.

LL.B. '42—Robert Taft has joined the firm of Taft, Stettinius and Hollister, located in the Dixie Terminal Building, Cincinnati, Ohio.

LL.B. '47—Alonso G. Moron, President of Hampton College, Hampton, Va., has been appointed as a member of the Caribbean Commission. The Commission is concerned with the improvement of conditions in the Caribbean area through the joint action of the governments concerned.

LL.B. '47—Jackson Akin has been made a partner in the firm of Rodey, Dickason, Sloan, Mims and Akin in Albuquerque, N. M.

LL.B. '48—Richard R. Paige announces the opening of his offices in the Alfred DuPont Building, Miami, Florida.

LL.B. '50—Leon S. Lipson is not, as erroneously reported, a member of the firm of Alheimer, Kabaker, Lipson and Naiburg, but is currently employed by Cleary, Gottlieb, Friendly and Ball.

Few Vacation Jobs In Law - Toepfer

The placement office gets little notice from firms requesting summer employees, and for that reason has no positive suggestions to offer first and second year men asking for such summer employment, according to Assistant Dean Louis Toepfer.

Few firms actually need summer help, as the work during the summer proceeds at a slower pace, he said. In the main, summer employment is given as a favor to the individual student.

It is possible, however, to obtain such employment if the student really wants it. But, said Mr. Toepfer, the only way to get it is by seeing offices in the city in which the student wishes the job. Large firms offer the best prospects and the Placement Office can supply the names of such firms.

If remunerative employment is desired, Mr. Toepfer suggests that employment in some other field will almost certainly pay more.

The usual summer work in the large firm will differ little from the research work to which the student is already accustomed during the school year, Mr. Toepfer replied when queried as to the value of obtaining such summer legal employment.

Many lawyers feel that the student should take the summers off and do something outside the field of law in order to gain a variety of experiences.

If the student merely wishes general employment, he should apply to the Student Employment Office at Weld Hall, or the bulletin boards for job openings that are sometimes sent into the placement office.

capital respectively, are designed to be complementary. Their topics are *Legal Measures to Promote American Investment Abroad* (Mr. Brewster), and *World Economic Development* (Mr. Sohn).

Comparison of Legal Systems
A new seminar in the group deals with the *Legal Problems of Federalism* found in different federated countries and in proposals for world and regional unions. Professors Paul A. Freund, Arthur T. von Mehren, Berman, and Sohn will collaborate on this seminar. The Comparative Public Law seminar given this year by Professor von Mehren entitled *Limitations on the Exercise of Governmental Power*, will be continued, as will the two second year electives, *The Civil Law System* (Mr. von Mehren) and *Soviet and American Law* (Mr. Berman).

A unique development is found in the final offering, *Comparative Legal Research*. So far as possible the students will be paired off so that two from different legal systems will work together. The common lawyer will work in the civil lawyer's system (and vice versa). It is expected that these students will help to train each other in the use of tools and techniques of research in each system.

INT. LAW—(Continued)

tinued by Assistant Professor Harold J. Berman. The other four will open up new areas of work for study and course arrangement. A comparative study of *Law as an Economic Control*, comparing its role in such contrasting economies as United States, Great Britain, and Russia, will be given jointly by Assistant Professor Kingman Brewster, Jr., Professors Robert R. Bowie and Berman, and Sidney L. Posel, Thayer Teaching Fellow, now a graduate student in Britain.

Professor Bowie will present a seminar on *Economic Integration* as exemplified by the Schuman Plan. This seminar and his participation in the previous one depend on Professor Bowie's return from Europe where he is serving as General Counsel to John J. McCloy, U. S. High Commissioner for Germany. The last two seminars in this group, emphasizing problems in the export and import of

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NEWS IN BRIEF

LAW CLERKS APPOINTED

Benjamin C. Fisher, 3L (Illinois '48) of Washington, D. C., will clerk for Judge Learned Hand next year, Dean Griswold's office announced this week. Other Court of Appeals clerkships reported were George B. Gelman, 3L (Rutgers '48) of Pompton Lakes, N. J., who will clerk for Judge Augustus Hand, and Lawrence A. Sullivan, 3L (U.C.L.A. '48) of Flushing, N. Y., who will clerk for Judge Calvert Magruder.

YEAR BOOK ELECTIONS

The Law School Yearbook announces the election of B. Jenkins Middleton, 2L (Princeton '49) of Rochester, New York and Irwin Markowitz, 2L (Wisconsin '49) of Newark, New Jersey as Co-Editors of the 1952 Yearbook. Others are Eugene Feldman, 2L (C.C.N.Y. '48) of New York City, Advertising Manager and Frederick Herberich, 2L (Harvard '47) of Akron, Ohio, Business Manager. Positions on the business and editorial staffs of the Yearbook are open now. Men who will be in Cambridge or vicinity this summer are needed to do advertising work. All those interested

should check for further information at the Yearbook office in Hastings Hall.

MACLEISH TO SPEAK

Professor Archibald MacLeish, LL.B. '19, Boylston Professor of Rhetoric and Oratory, will speak at the Coffee Hour tomorrow at 1:30 p.m. in Harkness Commons. He has not announced the title of his address.

DISTRIBUTION DELAYED

The 1951 Harvard Law School Yearbook will not be available for distribution until May 5th. Though expected by April 20, delays at the printers prevented meeting that date. The books will be distributed during the week of May 7 at the Yearbook office in Hastings Hall, 1541 Massachusetts Ave.

MASS. BAR EXAM.

Of the Harvard men taking the Massachusetts bar examination for the first time, eight passed and none failed. Of all Harvard men taking this examination, 29 passed and three failed, according to statistics released last week by Dean Griswold's office.

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Calendar

UNIVERSITY WORLD Adams House Music

The Harvard Glee Club, Radcliffe Choral Society, and Adams House Orchestra, will deliver a concert tonight at 8:30 in Sanders Theatre. The program will consist of French and English choral and orchestral music of the eighteenth century. Admission is free.

Sauvy Lectures

Two lectures will be given by Alfred Sauvy of the Institut National d'Etudes Demographiques, in the Lounge, Littauer Center at 8 p.m. On May 10, Mr. Sauvy will discuss "Population Problems, Now and 150 Years Ago." On May 11, his subject will be "Soviet Population Theories: Marx and Malthus."

OUTSIDE WORLD

Fenway Concerts

This Sunday at 2 p.m., Vera Francheschi, pianist, will perform at the Gardner Museum. The following Sunday, also at 2 p.m. there will be a concert by the Juilliard String Quartet.

SUTHERLAND—(Continued)

things; it is more than the sheer excitement of multitude; it is more than the larger sums of money that the great city treats familiarly. Perhaps more attractive than any of these is the tradition that here is Success. For centuries young Jack Scotts have gone up from small towns to London, and their American brethren have gone to Boston or Chicago, Philadelphia or New York. The winners among them have become the acknowledged leaders of the Bars of their states. The United States is an urban nation, and is steadily becoming more so. Its population, manufactures and commerce have tended to concentrate in great centers. Quite naturally, young lawyers follow that trend.

There are always a few who look the other way. In the United States about 750 cities have a population of 15,000 or more, and of these, 130 are centers of 'metropolitan areas' having populations of at least 130,000. There are, thus, in

the nation more than 600 communities that deserve the name of small towns where, as in larger centers, but on a smaller scale, men organize businesses, pay taxes, convey land, contract with one another, quarrel and litigate, and govern themselves with all the lawyers' skills that are so exasperating to the layman.

Benefits of Country Practice

Looked at from downtown New York, such a small community often has a deceptively simple and leisurely air. There is no long ride, morning and night, on the commuters' train, no struggle in the subway, perhaps no elevator. The half-envious big-city lawyer probably at some time in his life has visited Monticello, and looked a little wistfully at the 'law-office' set at the end of a brick walk, with a wide view across a green Virginia countryside; or he has driven through some up-state New York county seat and seen, behind the Court House, the one-story frame house, neat with white paint, occupied as an office by the leader of the local Bar, his set of reports ranged along the walls of what was once the front parlor, his windows looking on an elm-shaded street, down which the advocate walks four times daily, on his way to and from work, or to and from lunch. It bespeaks calm and measure. There a man (it seems to the visitor) has time to ponder the great issues of justice. The escapist sees in this clapboarded idyl a survival from a happier time, when life was less hurried, less jostled, when crowds did not sweep all men continuously along, without pause for breath until breath was no longer needed.

In this idyllic vision there is much truth, but the appearance of leisure is, unhappily, deceptive. Civilized man has conquered many things—mechanical ice-boxes and cars and television sets and quick-lunches. But the segment of the race that follows the law never has mastered the control of its own time, either in downtown Manhattan or in the green county seat. The country lawyer finds his days and his nights occupied in business exactly as much as his city cousin; the business is different, but equally peremptory. The foreclosure of a small mortgage, or the probate of a will covering a small estate take as much time as the same transactions involving larger sums, but the country lawyer, in the course of nature, has to do much more with his own hands and on his own feet

in order to finish the two smaller tasks. One hears awe-inspiring stories of the labors of young men in big-city offices, tense and under pressure, toiling nights and Sundays. These ordeals are matched by the labors of the country cousins. For one thing, people in the country are apt to feel that the most convenient time to see a lawyer is during the evening, or on a Saturday afternoon, or on a Sunday. (This seems no more than reasonable, as otherwise the law-business breaks into a working day!). Then, too, the country lawyer is apt to be both an office and a trial man, and during term time he will burn his office-light night after night, trying to prepare for the next day's session, and trying not to fall too far behind in the routine of his practice. And blunders are at least as conspicuous in the county-seat as they are in Manhattan.

Public Demands

Beside these daily incidents of the lawyer's life, he is expected to be a public figure. He will find himself on the School Board, attending meetings several evenings a month to decide on teachers for the coming year, or on the repairs to the schoolhouse. He will be expected to be reasonably expert in municipal law, understanding bond-issues and the details of election machinery, local assessments, tax rolls, highway law, and so on *ad infinitum*. He will be asked to answer questions thereon at all hours for members of the village board, the Town Superintendent of Highways, and the committee of the neighbors who are protesting the proposal to enlarge the central school.

On the whole, these things are pleasant. There is a flattery in being necessary to the lives of good people, whose concerns are less inclusive, perhaps, than those of great corporate businesses, but are somewhat more comprehensibly human. The busy-ness of the small-town lawyer is as continuous and as urgent as that of the great city lawyer, but its quality is different, and less wearing. Perhaps this helps account for the fact that statistics available in the placement office of the Law School show many more older lawyers surviving in small communities than in large.

Political Opportunities

The country lawyer is much more apt to be active in politics than his city counterpart. Dean Toepfer has a set of statistics concerning approximately 170,000 American lawyers; of these more than 15,000, who live in cities of less than 200,000 population, are holders of public office; less than 6,000 of those who live in the larger cities are office-holders. This difference may result from at least two causes. For one thing, his profession makes the lawyer a more conspicuous person in a small town, than in a big city. His calling itself makes him in some measure a public man. His voluntary service on the school-board and in the fire-company make him respected and looked to as an appropriate nominee for the legislature, or for some local office. Another cause may be economic since the County or the Assembly District is an important client in the country. The rural lawyer is less convincing than his city counterpart if he talks of the sacrifices involved in accepting public office. In many counties, the District Attorney is a part-time official, paid an annual fee by the public, and not barred thereby

from continuing in private practice where it does not conflict with the conduct of criminal cases

Less Money

The countryman naturally handles less money than his classmate who goes to the large city. The people he serves have less to spend. In 1948, American lawyers in villages of less than 1,000 population had median net incomes little more than one-third of those in cities with more than a million inhabitants; and the lawyers in the largest cities earned half-again as much as those in communities having from 5,000 to 50,000 population. However, this difference must be considered in the light of what it buys. Housing is better in small communities, out-door recreation is more accessible, and the frustration and fatigue of daily travel is less.

His relations with his brethren of the County Bar will be far different from those of great city lawyers. He knows all the members of the County Bar, generally by first names. No man's character is hidden from his fellows. As a result, practice is easier, less formal. Oral stipulations are perhaps too frequent for fallible human memory, but those who forget with suspicious frequency come to be known and mistrusted. The judges, too, know the members of the Bar.

Whichever he chooses, city or country, the young lawyer sometimes will have his moments of doubt and regret, inevitable until some plan is devised that can make pointless the melancholy proverb about eating cake and having it. If he chooses the city, there will come moments when he envies the calm poise of the lawyer in the county-seat, the sanity of his life, the human quality of his work. And if he chooses the country or the small town, there will likewise be minutes of regret, when he thinks of the grandeur of his city cousin, handling large affairs, binding and loosing the great of the world unimpressed by their greatness. Like most regrets both are profitless. The country lawyer has chosen many good things: space around him, some contact with simple lives, the chance to earn the gratitude of unassuming people for help directly given, occasional quietness. These blessings are not inconsiderable for one man in his time.

BSA Announces Winner Of 2L Drafting Project

Griswold - Kaplan - Hughes - Langdell, the club that sounds like a law firm, operated like one to win the Board of Student Advisers' second year Drafting Competition. The winner was determined on a point score.

Members of the victorious club are: Martin Barr (N.Y.U. '49) of Newburgh, N. Y.; Richard P. Conerly (U. of Mo. '48) of Jackson, Ala.; H. Calvin Coolidge (Brown '49) of Cleveland Heights, O.; Donald S. Evans (Dartmouth '47) of Springfield, Mass.; Harry S. Middendorf, Jr. (Harvard '45) of Chestnut Hill, Mass.; Russell R. Pearson (Harvard '47) of St. Paul, Minn.; Sidney D. Rosoff (N.Y.U. '49) of The Bronx, N. Y.; and Walter J. Skinner (Harvard '48) of Providence, R. I.

Other clubs that placed first on individual problems were: Contract, Frankfurter; Estate Planning, Seavey; and Statute I, Casner Law Club.

Dean To Visit Australia; To Attend Bar Meeting

Dean Griswold will leave for an extended trip to Australia and New Zealand late in June. He plans to return early in September.

Late in July the Dean will be the guest of the Australian Universities Law Schools Association and the Law Council of Australia at the celebration of the 50th anniversary of the Commonwealth of Australia in Sydney. Dean Griswold and Cody Fowley, President of the American Bar Association, will be the American representatives at the seventh Legal Convention of these two groups.

FORUM BOARD —(Cont.)

S. Harnack (University of Wisconsin '50) of Milwaukee, Wis.; Martin J. Hertz (N.Y.U. '50) of New York City; Harvey S. Krieger (U.C.L.A. '50) of Los Angeles, Calif.; Ivar C. MacDougall, 2nd (Yale '49) of Bronxville, N. Y.; Ray D. Nester (Harvard '50) of Washington, D. C., and James E. Ryder (M.I.T. '50) of Cambridge, Mass.

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