

The Harvard Law School Record

VOL. 13 NO. 9

CAMBRIDGE, MASS., THURSDAY, NOVEMBER 29, 1951

PRICE TEN CENTS

Smith, Warren Clubs To Vie In Ames Semi-Final Tuesday

Cortese, Potter, Adams, when To Be Oralists; Reserve Clause In Issue

At Tuesday night at 8 in the Lang Courtroom, the J. Smith and E. Warren Clubs will argue the case of *Handler et al.* before the United States Court of Appeals for the First Circuit in the first of the semi-Ames arguments.

Honorable William H. Hastie, B. 30, judge of the United States Court of Appeals for the Third Circuit, will serve as Chief Judge. Elliot L. Harrison, LL.B. '44 ('47), and Charles Curtis, LL.B. '17, both of the Boston Bar, will serve as Associate Judges. Daniel, the plaintiff-appellant,

was a member of the Washington Baseball Team. At the end of 1947 the Washington Team exercised its rights under the "reserve clause" to renew Daniels' contract for the 1948 season. Daniels, however, jumped to the Mexican League. As a result of this, Handler, the Commissioner of Baseball, declared Daniels ineligible to play in Organized Baseball for a period of five years. Daniels brought this action under the Sherman and Clayton Anti-Trust Acts for treble damages.

In the United States District Court for the District of Ames the defendants moved to dismiss. The motion was granted, and the complaint was dismissed.

Oralists for the J. Smith Club, represent (Continued on page four)

Dodd Legacy, Gifts Establish Aid Fund

Professor Edwin Merrick Dodd, who died tragically on November 3rd, provided a legacy in his will in the amount of \$15,000 for the establishment of a scholarship fund at the Harvard Law School. This was announced by Professor Dodd's executors, his classmate, Campbell Bosson, LL.B. '13, and Professor A. James Casner.

"Of course we are much touched by this fine gift," Dean Griswold announced. "This is further evidence of Merrick Dodd's intense devotion to the School. The fund will be set up as the Edwin Merrick Dodd Scholarship, and will help to make a legal education possible for a continuing series of the young men to whom Merrick devoted his life, and in whom he was so greatly interested."

Dean Griswold also announced that (Continued on page four)

State Of American Stage Is Tomorrow's Forum Subject



RICHARD RODGERS

Musical Comedy versus Serious Drama Works One Question For Panel

What may possibly be a trend away from serious drama in the contemporary theater and a growing emphasis on plays in a lighter vein will be the topic of discussion at the third Harvard Law School Forum tomorrow at 8 p. m. when Richard Rodgers, Lillian Hellman, Marc Connelly and John Chapman of the *New York Times* meet in the New Lecture Hall to debate "Is the Musical Replacing Serious Drama?" Elliot Norton, drama critic of the *Boston Post* will moderate, announced Martin J. Hertz, 2L (N. Y. U. '50) of Brooklyn.

Since the World War II period the number of serious works on the boards on Broadway has been decreasing, and a high percentage of those that were presented were revivals or the work of Continental dramatists. On the other hand, the number of musicals and musical comedies has been growing every year, even though such productions represent large investments and frequently do not return any profit.

Effect Of High Costs

Whether this situation arises out of a change in taste of theater audiences or out of a lack of new serious American plays will be the principal topic at the Forum. Also to be discussed by this panel of famous personages in the American Theater are the possible influence of small theater groups on the professional stage, the effect of today's costs on producers, who want profitable investment, and ways in which the potential American theater audience can be increased and kept going to plays.

Richard Rodgers, composer for the brilliant musical team of Rodgers and Hammerstein, has a long list of successes (Continued on page four)

Participants To Be Picked From Ames Clubs For New Drafting Competition

With the institution of a finals round, similar in scope to the upper rounds of the Ames Competition, the Drafting Competition will soon get underway. George E. Desipio, 3L (U. of Penn. '49) of Haddonfield, N. Y., chairman of the Drafting Committee of the Board of Student Advisers has announced that the Board will again conduct a drafting project for the second year men and women.

The qualifying competition will start in February and will end no later than the second week of March. Prizes will be awarded to the winners of the qualifying and final rounds.

The document drafted for the finals will be printed by the Law School and made available to the student body in the manner of upper round Ames Competition briefs. The scope will be that of the papers incident to a large corporate reorganization or a statute of current interest and sufficient complexity to occupy the efforts of an eight-man third year court for the period generally allotted for Ames work. Finals will be held in the fall of next year.

The drafting competition was instituted last year, in order to give as many second year students as possible some training in the drafting of instruments. The decision was made in line with the general policy of the Faculty Committee on Drafting.

Drafting Training Needed

The need for some training in the drafting of legal instruments has been a matter of great concern to the faculty. Drafting competition will provide a method for incorporating such training into the Law School's program. Members of the profession have been quick to point up this deficiency in legal training and many law schools now incorporate drafting in their curriculum. Drafting experience will undoubtedly be of great professional value to the participant. Success in this year's program may well call for an expansion of drafting facilities.

This year the drafting competition will be necessarily limited to the 64 students from the second eight highest clubs in the qualifying round of the Ames Competition. These eight clubs will be divided into groups of four with each group handling one problem. Next year the two winning clubs will operate as a unit of eight as in the Ames Competition.

Each group will be given a set of facts with an explanatory memorandum requiring an answer in the form of a document drafted by the group. The group will do its own research and drafting. But each group will be aided by a member of the Drafting Committee of the Board of Student Advisers in a manner similar to the first year Ames arguments.

The tentative time schedule of the

Board calls for the issuing of the facts sometime in February following Spring exams. Termination of the competition will be during the first week of March.

It is not yet certain what the four problems will be. Last year one group worked on a Whiskey Distillers contract. The Board recently received a request from a nearby corporation for a copy of the final instrument. Another group worked on an Unemployment Compensation Statute.

The third group did a designation of a beneficiary Statute and the last group worked on a will. This year the Board of Student Advisers hopes to keep all the projects within the limits of the second year courses.

Final instruments will be submitted to a set of Judges, specialists in the particular field of the project, for criticism and decision.

New Expose Of Unauthorized Practice In Survey Of Legal Profession Report

The following material was released by the Survey of the Legal Profession, for which Edwin M. Otterbourg wrote a report on Unauthorized Practice of Law. Copies of the report may be obtained at \$2.00 each from Warren H. Resh, State Capitol, Madison 2, Wisc., Editor, Unauthorized Practice News.

The need to protect the public against unauthorized practice of law and the work of the legal profession to that end were recently set forth in a report prepared by Edwin M. Otterbourg, New York attorney, for the American Bar Association's Survey of the Legal Profession. The article is entitled "A Study of Unauthorized Practice of Law."

A former Chairman of the A.B.A. Standing Committee on the Unauthorized Practice of Law, Mr. Otterbourg has practiced law in New York for 45 years. Since 1913 he has been an active member and later Chairman of the unauthorized practice committee of the New York County Lawyers Association. He is a vice-president of that Association

and its representative in the House of Delegates of the A.B.A.

Assisting the author were John D. Randall, Chairman, of Cedar Rapids, Iowa; Thomas J. Boodell, Chicago; Edgar N. Eisenhower, Tacoma; Warren H. Resh, Madison, Wisc.; Cuthbert S. Baldwin, New Orleans; and Law School Professor A. James Casner, all members of the Unauthorized Practice Committee of the A.B.A.; and Frederic P. Houston, LL.B. '34, New York City.

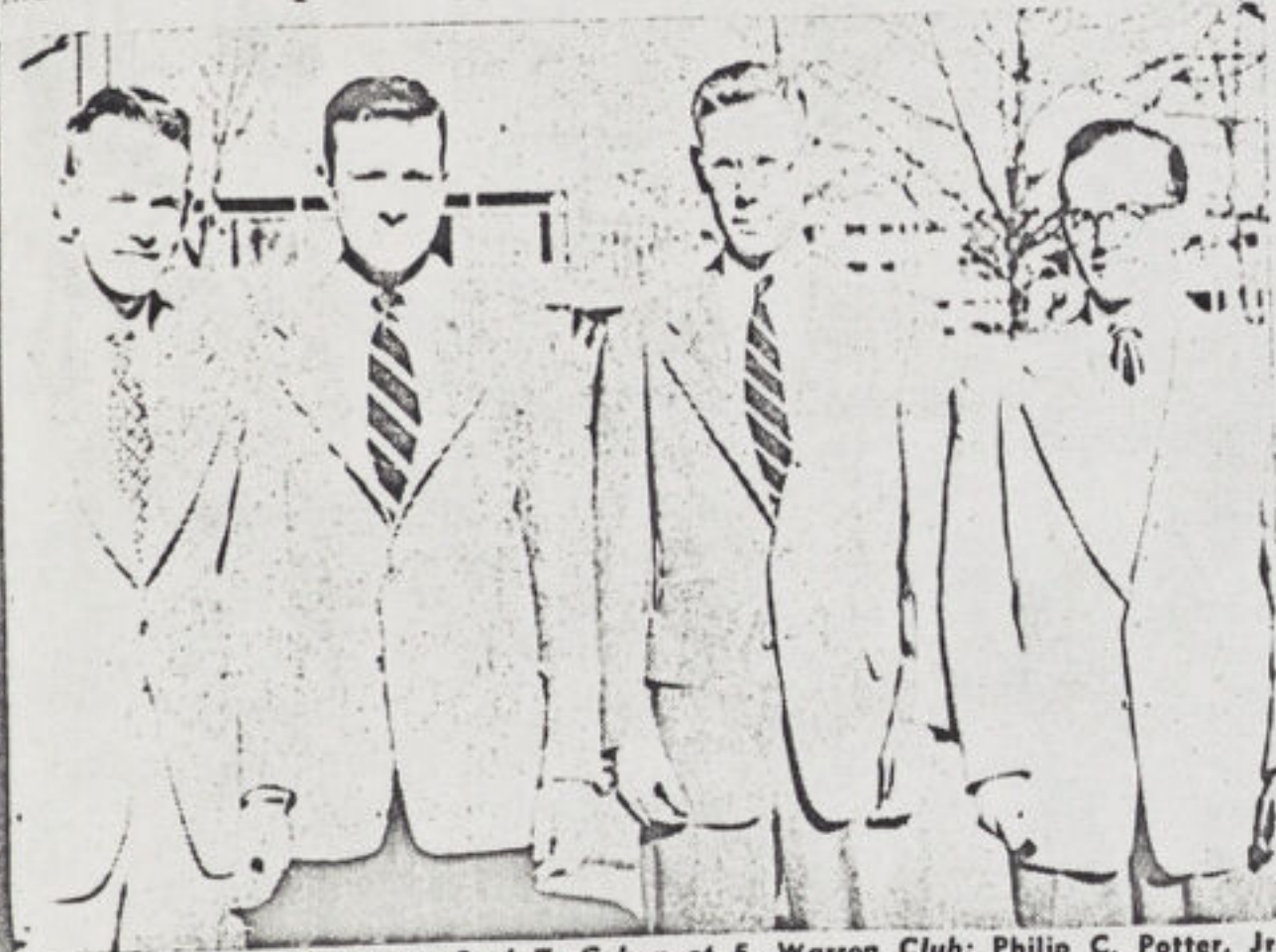
"Were laymen permitted to practice law under any specious pretense or even in good faith," writes Mr. Otterbourg, "it would make futile any program seeking to maintain high standard of education, training and character for lawyers, holding them strictly accountable for unprofessional acts and subjecting them to discipline therefor."

Three years of the mental discipline received in law school should be valued highly. Moreover the lawyer is bound by canons of ethics enforced by the courts with the assistance of bar associations. He cannot, for example, solicit business or have interests which conflict with those of his client.

Unauthorized practice is a swindle on the public. Whenever it takes place, some person receives either incompetent or unqualified advice, or advice which cannot be honestly disinterested.

Mr. Otterbourg calls today "the Paper Age" because of the many forms, certificates and other legal papers closely related to every person's life. Much legal work goes to business concerns, he says, because their advertising causes the public to think they will give legal advice or services as "merely incidental adjuncts to the business services to be

(Continued on page three)



Left to right: Brock Adams, Saul Z. Cohen of E. Warren Club; Philip C. Potter, Jr., Joseph R. Cortese of J. Smith Club.

... Lifesmanship For Lawyers Explained, Conversation Tactics Listed For Study

Upon graduating from law school and entering practice, the young lawyer will find himself looked up to as a leader of men, and a source of informed opinion. He will be invited to dinners and cocktail parties, and will be expected by his hostess to shine brilliantly, make a definite impression upon the guests, and keep the conversation flowing. Herewith, the RECORD presents some useful suggestions and devices with which all young lawyers should be acquainted and able to use as the situation demands.

The Socratic Approach. Here, you merely flitch the technique of your favorite professor. If you perceive someone else, say a historian, becoming the center of attention, quickly assume an air of intense interest, and put questions to him. The questions, of course, should be unanswerable; e.g. You know, I've always wondered about Aaron Burr. Q. Me, was he really a traitor? If his friend confesses ignorance, merely say "Oh," in a tone of voice which suggests that he's probably a very poor historian. The bigger his reputation, the more effectively devastating this device is. You will soon earn a fine reputation for yourself as one who asks penetrating questions that even experts cannot answer them.

The Skotte Dialectic. This is similar to the Socratic Approach, but with an obvious improvement. The idea is not to let the other fellow answer at all. This removes the danger that possibly he may have known the correct answer to one of your questions. Only advanced practitioners should employ this method, as an amateur might arouse sympathy for the other fellow if he is not skillful.

The best way to interrupt is to anticipate the other fellow's answer. Thus: Q. Will Russia attack Yugoslavia? A. Well I don't — Q. You don't know? A. No, I mean — Q. Oh, you do know

but you don't want to say, is that right? A. No. Q. Ah, then you will say, eh? A. Yes. That is, I will try to — Q. Try to what? Yes, yes? This method is guaranteed to so irritate your opponent that he will shortly excuse himself hastily and depart. This is your cue to turn to the audience and remark, with a wry smile, "Poor chap, really isn't very sure of himself, is he?"

The Facts-Keeper. This is a variation of the "Open mind" system, and is calculated to stop the other fellow dead in his tracks, confuse him, and make him apologize to you at the same time. Its beauty lies in its simplicity. All you do is insist on facts—not important ones, of course, mere trifles. But you make it appear that without these facts, no right-thinking person is qualified to form an opinion, let alone discuss the subject in public.

Here's how it works. A. . . . and I think that the Taft-Hartly Act is unfair to Labor. . . . Q. Unfair? A. Yes. Q. Do you know what the average worker makes today? A. Well, not exactly, but about — Q. No, no, that won't do. We can't discuss this thing on the basis of guesses only. We must have facts, statistics, proof. A. I guess you're right, but I was just thinking of the Act itself, and — Q. You've read the Act, I suppose. A. Well, partly. Q. (Horried) Partly! You mean you have never even

(Continued on page four)

RECORD POSITIONS

Openings are now available on the RECORD staff for newsmen, copy-readers, and ad men. Advancement is fast and the work, rewarding and interesting.

All students interested in joining staff are requested to leave name, address and phone at the RECORD office, Austin Hall, third floor, before next Wednesday.

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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.

Austin Library

The student body undertook a burden of co-operation when the National Reporter System was restored to the Austin Hall reading room. However, they are not quite fulfilling their obligations.

We had all bemoaned the loss of the Reporters, law reviews and treatises, and the visions of things to come in Langdell during the Ames Competition rush seemed very bleak indeed. In response to student opinion, the RECORD requested, in its first issue of the year, that the National Reporter System at least be returned.

Attendants at the desk in Austin had to be eliminated for reasons of economy, and so it was with some misgivings on the part of the librarian and school administration, that the books were replaced. Although no incidents of "borrowing" have yet been reported, the volumes are not being returned to their proper places on the shelves.

Those who take books from the shelves and then leave them on the tables are not playing squarely with the administration or their fellow students. A man may search for a particular volume and not be able to find it even though it is physically present in the room, simply because its initial user didn't take the time to put it back.

Remember, too, that the retention of the present system, in its entirety, may well depend on its success this year.

LETTERS to the EDITOR

To the Editor of the RECORD:

Re: *The Real McCoy*, 98 N. E. 2d 435, RECORD, Oct. 31, 1951.

I was pleased to see that, unknown to me, you picked up my little opinion in the above case and splashed it on your editorial page.

To my further amazement, the *St. Louis Post Dispatch* did the same thing on its editorial page of Nov. 3, 1951 and "Case And Comment" gave it space in its Sept.-Oct. issue.

Now the thing that hurts is that life becomes so complicated that graduates must necessarily be lost when they graduate. You see I am a graduate of Harvard Law School (Class 1929) and a subscriber to the HARVARD LAW SCHOOL RECORD, but no where in your report of *McCoy v. McCoy* do you give me that identifying credit; and ever since that day in June 1929 when I got that sheepskin, that has been one of the things of which I have been most humbly proud. Incidentally, the Governor of New York also got a sheepskin—an honorary one—on that same occasion—Franklin D. Roosevelt.

Now I am not as familiar with the technique of how editorial pages can be amended ex post facto, as I am with the same routine as to court records; but if there is such a way and it could be done to supply this missing bit of information, I would indeed be grateful.

In order to keep the record straight, I want to say that I am as interested in the tough and serious side of the law as in the human interest side.

With best regards to an institution whose graduates can go anywhere and feel proud, and with appreciation for your taking judicial notice of my little effort, I am

Gratefully,

EARL R. HOOVER

LL.B. '29

Gallery

HARVEY H. BUNDY
Lawyer Statesman



In meeting Harvey H. Bundy one instinctively feels that here is a man in whom one may place a great deal of trust. A tall Bostonian with a dignified but charming manner. Mr. Bundy is trustee or a counsel to trustees for many large estates and trusts.

It is rather surprising therefore, to learn that Mr. Bundy early in his career caused quite a stir in certain legal circles when he violated a strongly established legal precedent. When Justice Holmes' newly appointed secretary, Mr. Bundy, reported for work in 1914, he was definitely a single man. Within a very short time and owing very much to the aid of Mrs. Holmes, a married Mr. Bundy finished out the secretarial term—a surprising departure from the tradition which at the wish of the Justice had grown up about the post.

Teaching School

Upon graduating from Yale in 1909, Harvey Bundy had not yet decided what his life's work was to be, and so he embarked temporarily on a career of teaching for a year (1909-1910). He taught elementary subjects at St. Marks School, becoming acquainted with pedagogy but still unsure of his real goal in life. A trip around the world with an extended visit to the Orient furnished the time to make the choice, which fell between teaching and law. The decision was greatly influenced by a legal family background, his father and grandfather having been lawyers, and the appeal of the intellectual excitement engendered by the law.

Law School And After

In 1911 Mr. Bundy entered Harvard Law School. In the years that followed he became Case Editor of the Harvard Law Review and the second chairman of the newly formed Board of Student Advisors.

After graduation, in 1914, Mr. Bundy became secretary to Mr. Justice Holmes and the events described in the opening paragraph ensued. On being asked about his impressions of the year spent as secretary to the great jurist, Mr. Bundy replied that the period spent with Justice Holmes was in many ways a continuation of his training at Harvard. Without any perceptible interruption the approach to the law which had been taught him, "recognize and analyze the problem," was intensified and extended to every aspect of the legal problems placed before him. This training at Harvard and with Mr. Justice Holmes, was the most valuable part of his entire education.

In 1915 Mr. Bundy returned to Boston and began practicing with the firm of Hale and Grinnell, moving to Putnam, Putnam and Bell in 1916. But there were to be many interruptions in his private practice. Then in 1917, after being rejected for military service on the basis of poor eyesight, Mr. Bundy was appointed to a position with the then embryonic F. B. I. During the later period of the first World War he moved to the Food Administration as an assistant counsel.

The war over, private practice was resumed in Boston, first with the firm of Putnam, Bell, Dutch and Santry, until 1929, when Mr. Bundy became a partner in his present firm, Choate Hall and Stewart. During this time and until 1931 and the major part of his work involved corporate and taxation law.

Return Trip to Washington

In 1931 Mr. Bundy was appointed Assistant Secretary of State, and served with the administration of President Hoover until 1933, when the new administration of Franklin Roosevelt took office. Mr. Bundy did not return immediately to his practice in Boston, but moved to another position, Special Legal Assistant to the Secretary of the Treasury. The banks of the nation were in somewhat of a turmoil, and though student readers probably don't recall this period, there was a great deal of work to be done to set them back on their course. The Bank Holiday was declared and for some weeks Mr. Bundy worked in the Treasury Department on the procedures which brought some order out of the chaos.

By 1934, Mr. Bundy was back in Boston, with Choate, Hall and Stewart. For the next eight years private practice was not to be interrupted. It was during these years that he began to deal more extensively with the problems of trust and estate management. This segment of the law was to become his major interest in the future. When asked from which course at the Law School he felt he had benefited most, Mr. Bundy unhesitatingly answered, "Scotty on Trusts."

World War II

In 1941 the United States was on the brink of the war raging in Europe and Asia. Our government felt the need of expanding our military efforts. Henry L. Stimson, the Secretary of War, in staffing his expanded department called on Mr. Bundy to serve with him as his Special Assistant.

The war years followed, four long years spent in the daily task of helping in the prosecution of the war. These years Mr. Bundy remembers as being very difficult ones. The task of advising on the disposition of problems that involved men's lives is sometimes nerve racking. The knowledge of the existence of the Manhattan Project added both to the excitement and the intricacy of the work. Mr. Bundy was serving as Mr. Stimson's liaison man with General Groves (who was in charge of the development of the atomic bomb), as well as an army representative with the Office of Scientific Research and Development.

When hostilities ended in 1945, Mr. Bundy returned to Boston and resumed private practice for the third time. The bulk of his present practice involves estate management and trust administration. He is also serving as vice-chairman of the Carnegie Endowment for International Peace, as Chairman of the Metropolitan Boston Red Cross, and as trustee of Wellesley College. As lawyer, statesman, and distinguished civic leader Harvey Bundy has demonstrated a capacity for leadership rarely equalled.

L. B.

Off the Record

DOG-GONE DIVORCE CASE

Lee Bronte, operator of a fashionable beauty salon, won a divorce from hair stylist Seymour Bronte and got custody of their dog.

The hair stylist did not contest the decree, but he obtained "rights of reasonable visitation" and the privilege of taking the dog for walks on week-ends.

Boston Herald, Nov. 22, 1951.

PROFESSORIAL QUIPS

Professor Amory warning students not to over-emphasize tax avoidance in planning business structures:

"People who do this are going to get their feet crossed and wind up cutting off their noses to spite their face."

The following bit of information was overheard in Professor Scott's Trust Class: "The queen of all indoor sports. Following the res."

Entering a sparsely filled room the day after Thanksgiving, one of our more humorous pro-

fessors began his lecture "The seminar will please come to order."

TO EACH HIS OWN

Comparing the consent element in society's submission to the judicial power with marriage, in the 17th century, John Winthrop said, "The woman's own choice makes such a man her husband; yet being so chosen, he is her lord, . . . and a true wife accounts her subjection her honor and freedom, and would not think her condition safe and free, but in her subjection to her husband's authority . . . and if through forwardness or wantonness, etc. she shake it off at any time she is at no rest in her spirit, until she take it up again; and whether her lord smiles upon her, and embath her in his arms, or whether he frowns, or rebukes, or smites her, she apprehends the sweetness of his love in all, and is refreshed, supported, and instructed by every such dispensation of his authority over her." Howe, *Readings in American Legal History*, p. 195.

Sub Judice

INTER-EMPLOYEE RELATIONS

Dave and Bill had been on the local force for many years, but in spite of their acquaintance, there was little love between them. One night Bill left the police station after a long shift. He arrived home about midnight and about three quarters of a twelve-ounce box of ale.

Bill then drove to a restaurant where he ate a box of clams. He started for home slowly, but weaving, because the king pins in his car were loose and he was trying to hold the car together. He was driving with one hole in the road. He was driving with one as he reached for clams from the box of ale.

Dave and another officer drove up and ordered him to pull over. After a short conversation they drove him to the police station, and plained about him being all over the road demonstrate his sobriety he walked back forth on a straight line and explained about king pins being loose. The captain left it to the arresting officer as to whether Bill should be booked, and he was accordingly booked.

An hour later he was given tests by a physician who testified that he was sober. At the time the tests Dave stated that he wasn't interested in the doctor's reports. Dave swore out complaints for drunkenness and operating a vehicle while under the influence of intoxicating liquor, for which Bill was tried and found guilty. Bill brought this action for damages for illegal arrest.

Held: For plaintiff.

The court said, "the defendant here, a police officer, had the right without a warrant to arrest the plaintiff if he was drunk, or if he was operating his automobile while under the influence of intoxicating liquor. But the right to such an arrest for either of these offenses exists, if, and only if, the person arrested was actually committing the offense for which he was arrested." *Muniz v. Mehlman*, 99 N.E. 2d (1951).

A WOMAN'S PREROGATIVE

Woodbury had been carrying on an adulterous relationship with his child's governess for several years. His wife now sues for divorce, several years after first learning of the adultery.

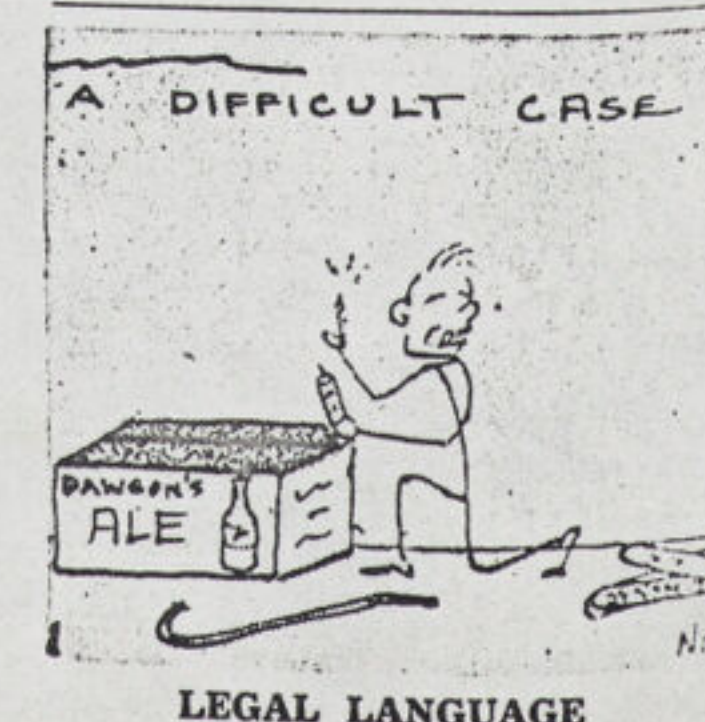
Woodbury contends that his wife had condoned the adultery by continuing his allowance. He also contends that she had connived at adultery by writing the following letter.

"Dear Sylvia, . . . I want to be big about . . . he needs you as a lover and friend apart from his fondness for me, for whom he no longer feels any desire in the way in which gratify him . . . so please go ahead, if you want as friend and lover . . . it will not hurt me but I cannot give you James [the Woodbury son] as well . . . that situation is vile and I have lived this vileness for three years with your Scotch conscience forcing you to give an indecent situation. James must become son and you must not share him with my band. Share everything else, but not my heir and dearly beloved only son. Your goodness to the boy has been perfection but that could combine the roles was very far from like. I leave you the half that appeals to most."

Held: Divorce granted.

The court found that this first request for child was not complied with, and had in been later repudiated. When a reconciliation was later effected it had been made with understanding that the husband would discontinue his illicit relations with Sylvia, who with the knowledge of Mrs. Woodbury was the second time pregnant by Mr. Woodbury.

The fact that the plaintiff had continued Woodbury's allowance while she and their child James were in the United States, to avoid time bombings, was not a condonation of a continuance of the affair between Woodbury and Sylvia. *Woodbury v. Woodbury*, 2 All L. 684 (1949)



NEWS IN BRIEF

FORD LECTURES

Next Tuesday, at 5:10 p.m. Dr. Ford will present the second in a series of lectures on Law and Medicine in Langdell North Middle. This lecture is entitled "Death by Gunshot."

SCHOLARSHIP

A \$400 scholarship to the University of Cambridge, England, is being offered by the Electors to the Humanitarian Studentship in Public International Law. Applications must reach the Secretary of the Faculty Board of Law, the Squire Law Library, The Old Schools, Cambridge, not later than January 1, 1952. Applicants must be under the age of 32, must produce evidence of the receipt of a degree, and must show that they are fit for advanced study. Additional information may be obtained at the RECORD office.

AMES COMPETITION

First year—Arguments: Round 8 tomorrow, Round 6 next Monday, Round 7 next Wednesday. Brief Exchanges: Round 7 today, Round 8 tomorrow. A Coffee Hour will follow each qualifying round argument.

COFFEE HOUR

James Rodney Schlesinger, Sheldon Fellow in Economics, who has just returned from the Middle East, will speak at the Law School Coffee Hour next Tuesday in Harkness lounge at 1:30 p.m. on "The Arab Mind and Arab Nationalism."

DIANETICS

L. Ron Hubbard, originator of "Dianetics" will be heard by tape recording at PBH this Friday night at 8 o'clock. Sponsor of the lecture is the Cambridge Dianetic Study Group which has been working since last spring to encourage informed lay opinion regarding dianetics.

HOLLY FAIR

Cambridge's Center for Adult Education, 42 Brattle Street, will sponsor a Holly Fair, featuring country store items on December 1, from 11 a.m. to 9 p.m. Gifts of all sorts will be sold and a snack bar will serve meals at lunch and supper times. At 8 p.m. an auction will be held to "clear out" unsold gifts.

Alumni Notes

LL.B. '28—William W. Jenkins has been appointed general attorney in charge of the Corporate Legal Services Department in the Legal and Patent Services Division of the General Electric Co., in Schenectady, N. Y.

LL.B. '32—Alvin Miller announces the opening of an office for the general practice of law in New York City.

LL.B. '49—Charles R. Pascoe and Benjamin H. Walker, who were recalled into the Air Force last spring, are completing the Judge Advocate General's Course at the Air Command and Staff School, Maxwell Air Force Base, Montgomery, Alabama.

LL.B. '49—Mitchell S. Reiger is now associated with the law firm of Reiger and Reiger in Chicago. Henry Heyburn has been elected representative for the 34th District in the Kentucky General Assembly. Mr. Heyburn ran as a Republican.

LL.B. '50—Richard F. Palmer announces that he is joining the firm of Kidder and Peabody of Boston.

LL.B. '51—Bernard Sternin has joined the New York City firm of John M. Wilson and Harry A. Spiegelman.

LL.B. '51—Frank Brenner has been sworn in as a criminal law investigator in the office of the New York County District Attorney. When admitted to the bar Mr. Brenner will be made an assistant district attorney. Mr. Brenner served as Articles Editor for the RECORD for 1950-1951. He was also Secretary of the Harvard Voluntary Defenders. Patrick H. Kennedy announces an association for the general practice of law with John Kennedy under the firm name of Kennedy and Kennedy in Oklahoma City, Okla.

Class of '53—David G. Hayhurst, who enlisted in the Army after completing the first year, is a Second Lieutenant in charge of an ambulance unit in Korea. Lt. Hayhurst entered the Army in June, 1951, and has been in Korea since September.

GOURDIN NAMED JUDGE

Edward O. Gourdin, LL.B. '24, of Roxbury, was appointed special justice of the Roxbury District Court by Governor Dever last week. Mr. Gourdin has been chief of the civil division of the United States Attorney's office in Massachusetts since World War II in which he served as a colonel.

In 1921 Mr. Gourdin set a new world's broad jump record of 25 feet 3 inches. He was admitted to the bar on returning from the Olympic Games at Paris in 1924.

Mr. Gourdin, whose appointment must be approved by the Governor's Council, is the first Negro ever to be appointed a special justice in Massachusetts history.

Calendar

OUTSIDE WORLD

Ford Hall Forum

William L. Shirer, noted author and correspondent will speak on "The World Today," this Sunday evening at 8. Admission is free although voluntary contributions to help defray expenses are welcomed. Ford Hall is located in Jordan Hall, 30 Gainsboro Street, Boston.

Fine Arts Museum

Sunday's program in the Boston Museum of Fine Arts will include a lecture at 3 p.m. on "Court Painters: Titian and Valazquez" by Margaretta Salinger, and a concert of Italian Court music at 4:00 o'clock. There is a nominal admission fee.

UNIVERSITY WORLD

Malraux Lecture

Prof. W. M. Frohock, of Columbia University, will deliver a lecture on "Malraux's Novels: The Recurrent Pattern" Friday afternoon at 4, in the Modern Language Center, 5 Divinity Avenue.

Early History of Forum Told By N.B.C. Founder

Jerome Rappaport, LL.B. '49, founder of the New Boston Committee and one of the founders of the Harvard Law School Forum, spoke to a meeting of the Forum Planning Committee in Harkness Commons on November 20. He spoke about the early history of the Forum and of the contribution made by its programs to "progressive and clear-headed thinking" in the Boston community.

Mr. Rappaport began his talk by explaining the reason that the Forum was founded. He said that its organizers felt then, as many do now, "the lack of a sense of direction, brought about in part by the complexity of present-day society and the need for information about many important things." It was to help unravel this complexity that the Forum was begun.

Another reason that spurred the first officers in the early post-war days, he said, was the feeling that "the three years spent here deprived us of constant contact with large areas in which we would be called on to make decisions after leaving school."

He declared there was "danger that in your three years here you are taking yourself into an ivory tower with only a rationalized hope that when you return to your communities you will be able to take up where you have left the world."

Mr. Rappaport was introduced by Louis Del Duca, 3L (Temple '50) of Philadelphia, first vice-president in charge of the planning committee.

SURVEY—(Continued)

purchased."

The offending advertisers, according to Mr. Otterbourg, claim that they are "experts" or "specialists" and know the law in their field better than lawyers. The courts, however, regard unauthorized practice of law as "a menace to the public and to the administration of justice, and have sought to prevent it, not in the selfish interest of the bar but as sound public policy."

The report describes a change in the federal government's attitude toward the unauthorized practice of law. Agencies have discovered that it is not practical to bypass lawyers or to encourage lay practitioners, but some of these abuses are yet to be corrected.

Unauthorized practice usually takes place in an office, where the results may not show up for years. The harm is already done when the violation comes to the attention of the prosecuting authorities. The burden of the fight to prevent this kind of harm, Mr. Otterbourg believes, is on lawyers acting through their bar associations.

A.B.A. Solution

Sporadic prosecutions are not enough, he says. In recent years national conferences between American Bar Association representatives and those of various key organizations such as the trust companies or the realtors have been held. "Statements of principles" are worked out in these sessions as guides for recognizing and avoiding unauthorized practice of law.

These agreements have been formulated by the A.B.A. with the national groups representing collection agencies, life insurance adjusters, trust companies, real estate brokers, accountants, and others. The "Statements" are ratified by the governing bodies in each organization. Subsequent disputes are settled before joint committees on the basis of the agreement. The integrity of the non-legal groups and the importance of their functions are not questioned.

Howell Discusses Legal And Scientific Problems Involving Rainmaking

Dr. Wallace Howell, New York City rainmaker, spoke at Tuesday's Coffee Hour in Harkness lounge on "Scientific and Legal Aspects of Rainmaking."

Doctor Howell estimated that by the use of rainmaking methods the natural precipitation of an area can be increased normally by 15 to 20 per cent and sometimes by 50 per cent. The major problems today arise from attempting to reconcile the conflicts of interest among the various groups concerned, such as those favoring more electric power, flood plain farmers and industrial users of water, such as paper mills.

As a result of Dr. Howell's rainmaking activities, suits totalling over \$2,000,000 have been brought against New York City.

There have been three bases for legal action against rainmakers: 1. the injunction to stop the rainmaking program, usually sought by the resort businesses; 2. the trespass action due to smoke particles used in the process crossing other people's land; 3. the suit alleging malicious mischief.

Doctor Howell explained the technical problem of making rain fall from a cloud as one essentially of increasing the size of the tiny water droplets in clouds to a size in which they will precipitate.

Clouds are made up of millions of tiny water droplets. As such the cloud is a stable colloid in the atmosphere. When very cold substances, whether dry ice pellets or silver iodide vapor for example, are introduced into the cloud, the small droplets are brought together until they form groupings large enough to fall to earth.

Present projects of Dr. Howell include a rain prevention experiment on the Eastern slope of the Andes in Peru and rain inducement in a 45,000 square mile area in Canada.

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FORUM—(Continued)

to his credit. Currently represented on Broadway by "The King and I," the team includes among its past shows the classic "Oklahoma!," "South Pacific," and "Allegro." Rodgers will long be remembered for his work on other shows,



JOHN CHAPMAN

among which are "Babes in Arms," "By Jupiter," "Carousel," "State Fair," and "The Boys From Syracuse."

Few Dramas

A serious playwright, and long a respected figure in the theater, Lillian Hellman should be able to throw light on the problem of the dwindling number of full-dress dramas. Among her plays are "The Children's Hour," "Watch on the Rhine," "The Little Foxes," and its sequel, "Another Part of the Forest." Her latest play was *Autumn Garden* with Fredric March and Florence Eldridge which played on Broadway last year. It is coming to Boston with the same cast in January.

The third writer on the program is Marc Connelly, whose single musical was "Helen of Troy, N. Y." In 1930 he won the Pulitzer Prize for "The Green Pastures," a perennially popular allegory. His other plays include "Beggar on Horseback," "To the Ladies!" and "The Farmer Takes a Wife."

John Chapman, drama editor for the *New York Times*, is also president of the New York Drama Critics' Circle and editor of the "Best Plays" yearbook, published by Dodd, Mead & Co. He appears frequently as a lecturer and is expected to have decided views on the influence of musicals on the state of health of the American stage.

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Dixie's Political Set-up
Discussed By V. O. Key

Professor V. O. Key, of the Harvard University Department of Government and author of *Southern Politics*, spoke on the current political situation in the South, at a recent meeting of the Southern Club.

Dr. Key, who left the chairmanship of the Yale government department to come to Cambridge, outlined the political line-ups in Dixie. He explained, on the basis of geographical and historical factors, why the South votes differently in various sections.

He observed that President Truman has made himself unpopular in southern areas. Despite the strong tendency toward clinging to one party, a two-party system has begun to unfold in Texas and Florida and in Arkansas. And several weeks ago in the local elections, Little Rock surprised most of the nation by electing its first Republican mayor since before the turn of the century, when a Republican was voted into office.

Professor Key stated that it is not clear now who will lead the new Southern Republicans. That question must wait until the coming presidential elections for some indication of an answer.

AMES—(Continued)

sending the plaintiff-appellant, are Joseph R. Cortese, 3L (Ohio '49) of Youngstown, and Philip C. Potter, Jr., 3L (Harvard '49) of New York City.

Oralists for the E. Warren Club, representing the defendant-appellee, are Brock Adams, 3L (Washington '49) of Seattle, and Saul Z. Cohen, 3L (Rochester '49) of Rochester, N. Y.

On the brief for the Smith Club were: Robert P. Cook, 3L (Hamilton '49) of Tuckahoe, N. Y.; Phil N. Crawford, 3L (California '49) of Lakeport, Calif.; Theodore J. Horvath, 3L (Ohio '49) of Cleveland; William J. Kelly, 3L (Geneva '49) of Beaver Falls, Pa.; Richard E. Mansfield, 3L (Northwestern '49) of La Grange Park, Ill.; and Arthur V. Savage, 3L (Princeton '49) of Morristown, N. J.

On the brief for the E. Warren Club were: Jack Brown, 3L (Northwestern '49) of Council Bluffs, Iowa; Robert A. Goldston, 3L (Bucknell '49) of Brooklyn; Alvin Levin, 3L (Rochester '49) of Rochester, N. Y.; David H. Vernon, 3L (Harvard '49) of Winthrop, Mass.; Robert Warshaw, 3L (Harvard '46) of Brookline, Mass.; and Marvin W. Weinstein, 3L (Bucknell '49) of Washington, D. C.

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LEGACY—(Continued)

a number of gifts have been received from alumni and friends of the School, sent in honor and in memory of Professor Dodd. After consultation with Professor Dodd's family, and with his executors, the Dean said these gifts would be added to the Edwin Merrick Dodd Scholarship Fund enhancing Professor Dodd's own gift and increasing the amount of scholarship aid it would provide.

If there are others who would like to make gifts in honor and memory of Professor Dodd, they will be gratefully received, and will likewise be added to the Edwin Merrick Dodd Scholarship Fund.

For the past several years, Professor Dodd had been working on the manuscript of a book on "The Early History of Corporations in New England." Recently his teaching schedule had been adjusted so that he might devote a large part of his time to this book.

Professor Chafee has made a careful survey of the state of the manuscript, and finds that a large part of it is virtually in final shape, and that much of the rest of it was far enough along so that it can be brought to completion.

Subject to the approval of the executors, Dean Griswold announced that the Law School, through faculty members and the School's publication funds, will undertake to see that this book is finished and published.

TACTICS—(Continued)

read an official copy of the Act? A. I read a detailed explanation of the Act in the *Times*. Q. In the newspapers? (turn to the audience with a tolerant smile, and speak in condescending tone) We really can't discuss this vital subject merely on what is in the newspapers, you know. I thought when I joined this discussion, that you were well informed. (Now, you take over.) I'd better explain the Act, so we'll both understand what we're talking about. Now then, Sec. 1 of the Act, provides that (Of course you don't know what's in the Act either, so you proceed as follows) in case of—oh, I see it's getting late, and it would take too long for me to explain the whole Act. Why don't we discuss it some other time—after you've had a chance to brush up on the subject, hmmm?

Anti-Physician Tactic. The doctor is the lawyer's chief social rival, and if you find yourself in the same room with one, you must attack at once, or you may find he has beat you to it with some remark like, "Have you ever noticed that all crooked politicians are lawyers?"

Here, we recommend this gambit. It is used immediately upon introduction, as follows. Q. How do you do, Dr. Kraus. Say, are you any relation to the Kraus I just sued for malpractice? Oh, you're not? Well anyway, it was a very interesting case . . . the patient died an agonizing death, you know, because this Kraus was drunk when he operated. Happens quite a lot, I hear. By this time, all the guests will be giving the doctor dirty looks, and chances are he will leave early.

The preceding devices should be mastered before proceeding to more advanced social weapons.

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Taft Attacks Administration's Foresight
In New Book On U. S. Foreign Policy

Senator Robert A. Taft (R. Ohio), LL.B. '13, has set forth his foreign policy views in a recent book, "A Foreign Policy for Americans" (Doubleday, N. Y., 1951, 127 pp. \$2.00).

One theme runs throughout the slim volume: ". . . the ultimate purpose of our foreign policy must be to protect the liberty of the people of the United States." The Senator maintains that the administration thinks too much of the peace and welfare of the world as a whole and too little of the national self interest of the United States.

Senator Taft is quite confident that in the event of war the United States could be protected almost entirely by sea and air power. The danger is that the United States will overcommit itself.

Advocates Air Power

Throughout the book, the Senator makes it clear that he believes we will lose to the Communists if we fight them on land, which he terms "fighting the enemy on his chosen ground." He proposes that we do not use land power to defend any area, including Europe, which cannot be defended by air and sea power, unless we are "almost certain of success." He would limit our activities to "such occasional extensions of action into Europe, Asia or Africa as promise success in selected areas."

The Senator adds that his policy "certainly does not abandon to Communist conquest the Continental nations." "We

will support them (the Europeans) by sea and air and I would agree to some troops to prove to them that we intend to fight at their side if the Russians attack."

UN For Diplomacy

The lesson which the Korean War teaches, the Senator states, is that the United Nations has no power to prevent aggression. The United States should use the United Nations as a diplomatic weapon, the author asserts, but should develop its own policy of alliances and purposes of military defense.

Senator Taft reiterates his claim that President Truman acted unconstitutionally in sending our troops to Korea without Congressional approval. President Roosevelt's sending troops to land was likewise unconstitutional.

The Senator continues to stand by long-held view that a Hitler victory would not have constituted a serious threat to American liberty. On the ground he seeks to justify his opposition to what he calls "the policy of the (Roosevelt) administration." He insists that his policies provide adequately for American defense.

In what may well become the most quoted phrase in the book, Senator Taft remarks, "Power without foresight leads to disaster." He argues that Roosevelt and Truman administration have lacked foresight.

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