

The Harvard Law School Record

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Latest Review Features I.R.C. Divorce Topics

Articles by Dean Griswold and Professor Kaplan are featured in the next issue of *The Harvard Law Review*, to appear December 10.

Chief contributor to the coming issue of the *Review*, Dean Griswold uses the statement by Joseph Story, "intellectual father of Harvard Law School," as the basis for an examination of the present status of divorce decrees. Justice Story stated that a divorce could be granted only by a court in the state of domicile. Dean Griswold notes the inclusions which statutes and judicial decisions have made into Story's rule of domicile.

A notable factor in reducing the force of Story's rule has been the development of the judicial concept of separate domiciles. Five leading common law countries, England, Canada, Australia, New Zealand and the United States have recognized this doctrine as an exception to Story's rule. However, the Dean points out that there is still some reluctance, where international recognition of divorce is an issue, to recognize divorce unless the jurisdiction found to be the domicile would also recognize

Discard Remnant

He suggests that this remnant of legal conservatism be discarded in favor of a new development which would allow a court to recognize a divorce regardless of the attitude of the state of domicile, if the forum itself would grant the divorce on the basis of the facts before it. Dean Griswold's article was presented by him before the convention of the Law Consul of Australia at Sydney, this past summer. The article is entitled "Divorce Jurisdiction and Recognition of Divorce Decrees: A Comparative Study."

(Continued on page three)

2,997 Women Practice Law in U. S., Still Find Going Tough, Survey Shows

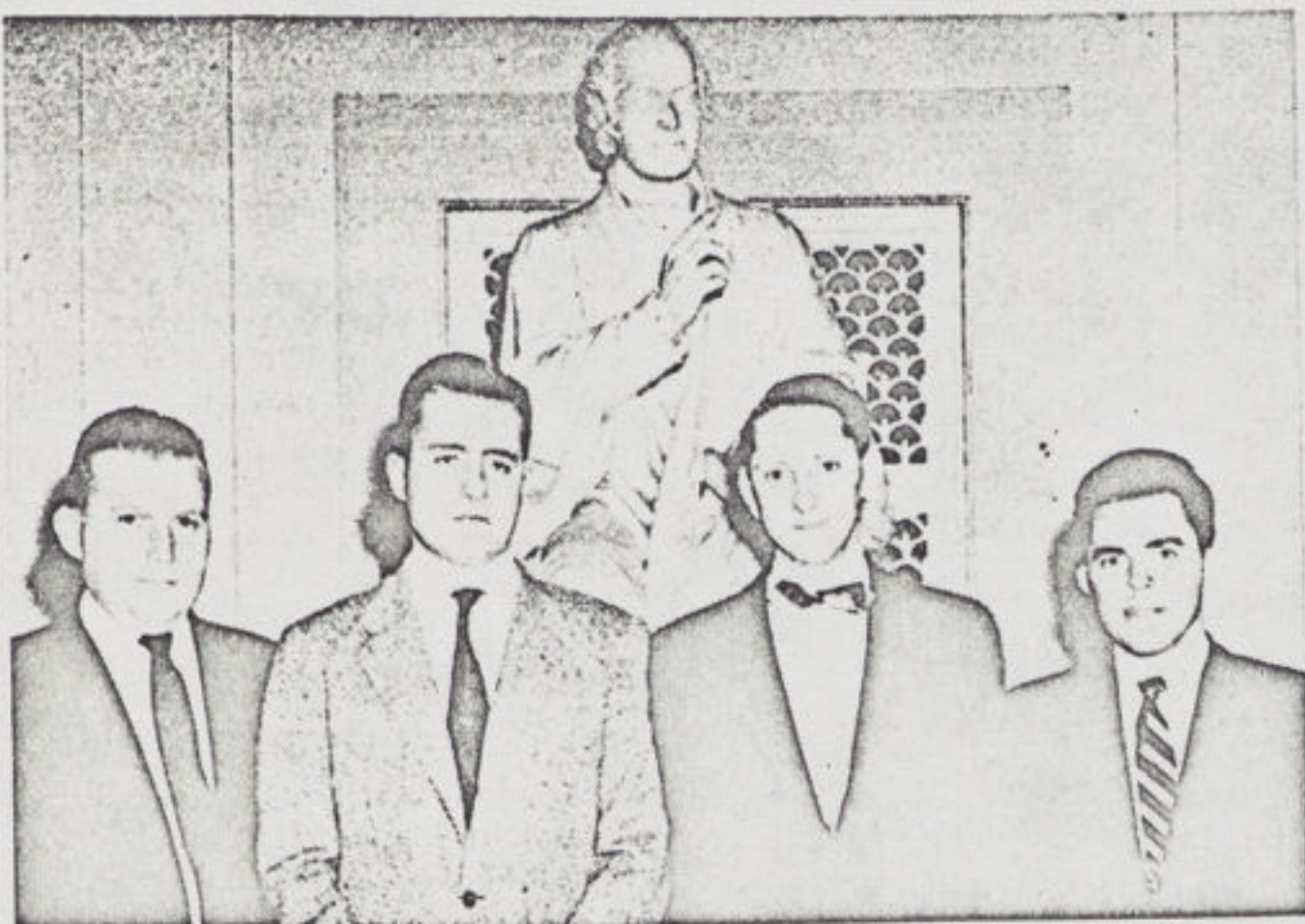
This article is a report prepared by Barbara L. Armstrong for the Survey of the Legal Profession, a study conducted by an independent Council of lawyers and laymen under the auspices of the American Bar Association. Mrs. Armstrong, A. B. Bryn Mawr College, '35, LL.B. Columbia '39, is a member of the firm of Josephs, Cooke & Armstrong, N. C. The article has been cut slightly for foot-notes omitted. It is available in entirety in the Treasure Room. Of 171,110 lawyers in the United States only 2,997 or 1.7% of them are women. That means one woman lawyer to every 48,753 people. Underlying these statistics is woman's uphill

The paradox is that at this same moment the economists and public relations experts are reporting on the growing concentration of this country's wealth in women's hands and the extent of women's influence on much of the country's opinion. And psychologists and satirists add to this power-picture with their studies of "Mom" and the predatory female. Furthermore, in fields medicine, advertising—they have come other than law that women have seriously tackled—art, business, politics, completely proved their value and such stereotypes as the Boss-Lady and Madame Ambassador have long since been affectionately taken to the nation's heart. Yet when it comes to women who enter the law, the majority of large law offices still refuse (short of a war) to interview them for jobs. It has been said with some truth that women must work twice as hard as men for half the pay and so far there have been relatively few women—although the number is steadily increasing—who have won positions of real distinction in practice, in legal service to the government or on the Bench.

The Law—For Men Only?

The practice of the law is the last of the great intellectual disciplines or professional fields to be undertaken by women. Certainly men think of the law as "the last citadel." Basically they may fear that women's participation in these particular fields will cost them the control of their property, will lessen their status and will alter their vital relationships. Some such uneasiness helps to explain why most men, at the mere mention of the words "women lawyers," begin to think in caricatures of which

(Continued on page four)



From left to right: W. Tarver Rountree, Philip O'Brien of Scott-Powell Club; Richard A. Myren, William A. Carroll of Marshall Club.

Tax Case Concludes Ames Semi-Finals; Scott-Powell v. Marshall Club Tonight

Tonight at 8 in the Langdell Courtroom the Scott-Powell and Marshall Clubs will argue the case of *Sturges v. Commissioner* in the United States Court of Appeals for the Ames Circuit in the last of the semi-final Ames arguments.

The Honorable Arnold Raum, LL.B. '32, judge of the Tax Court of the United States, will serve as Chief Judge. George Blodgett, LL.B. '21 and Haskell Cohn, LL.B. '25, both of the Boston Bar and experienced tax practitioners will serve as Associate Judges.

The case involves the determination of a deficiency by the Commissioner for the taxable year 1947, in the income tax return of Sturges, the petitioner. The case arose from a shift by Sturges from the cash to the accrual method of reporting taxable income. The Commissioner approved the shift but required that all the accounts receivable on the books on January 1, 1947, be included as income and that the opening inventory be elim-

inated. These adjustments raised Sturges' net income from \$50,000 to \$300,000. The Commissioner determined a deficiency of \$200,000. In a memorandum decision the Tax Court decided that there was such a deficiency.

Oralists for the Scott-Powell Club, representing the petitioner, are Philip O'Brien, 3L (Yale '48) of Holyoke, Mass., and W. Tarver Rountree, Jr., 3L (Alabama '49) of Selma, Ala.

Oralists for the Marshall Club, representing the Commissioner, are William A. Carroll, 3L (California '49) of Corcoran, Calif., and Richard A. Myren, 3L (Wisconsin '48) of Madison, Wis.

On the brief for the Scott-Powell Club were: Daniel P. Davison, 3L (Yale '49) of Locust Valley, N. Y.; Thomas P. Healy, 3L (Michigan '49) of Grosse Pointe, Mich.; Philip C. Jessup, Jr., 3L (Yale '49) of Washington, D. C.; Atherton Phleger, 3L (Stanford '49) of Redwood, Calif.; Robert W. Smith, 3L (Hamilton '49) of White River Junction, Vt.; and Jay W. Tracey, Jr., 3L (Yale '49) of Rocky Ford, Colo.

On the brief for the Marshall Club were: Robert B. Hudson, 3L (Stanford '49) of West Los Angeles; Rodney W. Loeb, 3L (California '50) of Los Angeles; Stanley V. Ostrow, 3L (Yale '49) of Pittsburgh; and Floyd Wilkins, Jr., 3L (California '46) of Fowler, Calif.

Theory Of Drafting Is Pantzer's Lecture Topic

Mr. Kurt F. Pantzer, LL.B. '17, S.J.D. '20, of the Indiana Bar will present a special lecture on "The Principles of Draftsmanship," Friday, December 14, 1951. Mr. Pantzer, a national authority in the field of drafting, has been invited by the Harvard Law School through the Faculty Committee on Drafting. His lecture will be in the Langdell Courtroom from 3:00 to 5:00 p.m.

Dean Griswold will open the session. The guest speaker will be introduced by Professor Braucher.

Among the subjects that Mr. Pantzer will discuss are the importance of drafting in legal education, the general principles of draftsmanship, and the value and use of form books. Attention will also be paid to the drafting of contracts and corporate documents, the drafting of pleadings, and the relationship between drafting and advocacy and drafting and negotiations.

Mimeographed materials containing valuable information on drafting will be distributed free to all who attend. This material, contributed by Mr. Pantzer, will total about 150 pages. It will be similar in form to a manual on drafting.

Intense interest in this subject has sent Mr. Pantzer all over the country lecturing on the elements and importance of good draftsmanship. He is a member of the American Law Institute and a member of the Editorial Board for the Uniform Commercial Code.

Academic Freedom is Topic For Forum Panel Tomorrow

Allen A. Zoll, executive vice-president of the National Council for American Education which published the widely-criticized "Reducators" list; Carey McWilliams, now a staff writer for *The Nation* and the author of numerous books on minority groups; and McGeorge Bundy, an Associate Professor of Government at Harvard University, will discuss the topic "Can We Afford Academic Freedom?" at the fifth fall meeting of the Harvard Law School Forum tomorrow night at 8 in the Langdell Courtroom of the Law School. Law Professor Robert Braucher will moderate.

Copies of Law Bulletin Available For Students

Copies of the current issue of the *Harvard Law School Bulletin* will be available to students for the first time this week, announced Harrison S. Dimmitt, Secretary of the Law School. They may be obtained at the Law Library delivery desk.

Believing that the forthcoming December issue of the *Bulletin* contains much of interest to the student body, Dean Griswold has authorized the placing of a limited number of copies of that issue at the Langdell delivery desk where they will be given to students requesting them as long as the supply lasts.

The *Bulletin*, which is edited by Mr. Dimmitt, is now in its fourth year. It is a 16 page periodical published bimonthly and sent to the 19,000 Law School Alumni. It contains news of the school and alumni activities as well as short articles of general interest.

Included in the current issue are articles by Dean Griswold, surveying the post-war developments in the Law School; Professor Seavey on his Restitution course; "Lawyers in National Defense" by George A. Brownell of the New York firm of Davis Polk Wardwell Sunderland & Kiendl; the mock trial in Ames, and an "Appreciation of E. Merrick Dodd" by University Professor Zechariah Chafee, Jr.

Sid Rosoff, 3L (N. Y. U. '49) of New York City, coordinator of this program, said yesterday that the Forum, taking note of recurrent national examples of restrictions of freedom on the campus,



McGEORGE BUNDY

wanted to bring together three speakers with widely divergent points of view to debate whether traditional academic freedom must be restricted in the light of today's "cold war" battle.

Four main issues have been set out and should provoke sharp controversy among the speakers, according to Rosoff, as well as bring forth prolonged discussion. (Continued on page four)

Musicals Filling 'Emotional Lag' Left By Current Drama, Rogers Tells Forum

"It's a very potent business this playing music in conjunction with dramatic situations," Richard Rodgers said last Friday in his attempt to explain why musicals and musical plays have currently pre-empted the position held by serious drama. Mr. Rodgers spoke at the fourth regular meeting of the Harvard Law School Forum.

Mr. Rodgers pointed out that musicals are trying to fill "an emotional lag." "There hasn't been very much emotional fare for us in the serious theater. . . . Two things are happening at the same time. The serious drama has stopped feeding that need, and the musical started filling it. The minute a dramatic play which satisfies that need comes along, it will be just as hard to get tickets for it as it is now to get tickets for a musical," he said.

"We have to encourage young people to write for the theater before we will have the great era of the Twenties again," John Chapman said. For the

lack of new playwrights, he blamed too few dramatic groups and courses in colleges which teach writing. "Colleges are missing the boat in not trying to find faculties to instruct students in playwriting," he declared.

Introduced by Elliot Norton as a professor of playwriting (until last June) at Yale, "a college in Connecticut," Marc Connelly dealt mainly with the esthetic benefits to be derived from theater-going. Of the musical play he said, "The fact that four or five excellent, gifted, imaginative craftsmen happen to be contemporary is a very good thing, but it doesn't indicate anything at all about public taste. The musical play is a part of the theater; and it has a definite place in our cultural life."

Lillian Hellman observed that there is a shortage of new plays by established dramatists and works from unknowns. She commented that, "We don't know what we are for, and it seems we don't know what we are against. Such a world is an uncomfortable world to live in, and few writers can find their way out. Those who can are in their forties and fifties and had developed in a freer atmosphere."

In general the speakers were agreed that the musical, either musical comedy or musical play, was not going to replace serious drama in the American theater, but all recognized the deficiency in straight drama at the present. While Miss Hellman and Mr. Connelly did not make concrete suggestions for fostering new talent, Mr. Chapman called upon colleges to make use of their facilities and Mr. Rodgers spoke of a project now underway in New York to teach "semi-professional" dramatists theater craft and production methods.

TAX FORUM SATURDAY

"Major 1951 Tax Legislation and Tax Aspects of Insurance Planning" will be discussed at the forum sponsored by the Federal Tax Institute of New England this Saturday at John Hancock Hall.

The forum will last all day, beginning at 9:30 a.m. and will feature panels led by Dean Erwin N. Griswold, Professor A. James Casner, Professor Stanley S. Surrey, and Hon. Calvert Magruder, Chief Judge, U. S. Court of Appeals for the First Circuit.

Special student admission tickets are \$2.00 and may be purchased at the auditorium.



BARBARA ARMSTRONG

struggle over the past eighty years for professional education, opportunity and recognition. Even now, with the law schools, the Bar associations and the courts finally open to them, most women lawyers agree that the going is tough.

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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.

Draftsmanship

During the three years in the Law School, the student body receives a large dose of incidental and indirect training in problems of draftsmanship. This is accomplished for the most part via the analysis of faulty documents which are criticized in the appellate opinions which are read. But woefully little is done in the way of constructive and creative efforts in this field by the student under direct faculty supervision.

To be sure, some practice is given to the first year students through the medium of the Group Work Program. The third year students are occasionally required to do some drafting in conjunction with their seminars. The addition of the drafting competition, for the second year student, under the auspices of the Board of Student Advisers completed the cycle, on the surface at least. But it is not enough.

Legal planning in advance of litigation has become an extremely important part of the modern lawyer's chores. Thus, the greater need for drafting skill on the part of our graduates has become more and more pronounced. Of the 94 members of the Association of American Law Schools more than thirty now offer separate courses in drafting. Harvard certainly should join that list.

Our present opportunities in this field are both multiple and varied. We surely have the resources at our command since most of our faculty members are well versed and experienced in this art. It is wasteful, to say the least, not to put these facilities to greater and more practical use than at present.

Though a student will not, in all probability, become an expert draftsman as the result of a single course of instruction, yet he will learn much more if compelled to do this type of work with the knowledge that his efforts will be criticized and graded as part of a regular course. This instruction should be given preferably in the third year when presumably, the student's legal maturity is at its height. Work in one of these proposed courses might well be offered in lieu of the present third year written requirement.

Hats Off

It seems that the Coffee Hours which follow Second Year Ames Arguments will be continued next year if the enthusiastic response of both students and their guests is heeded by the Board of Student Advisers. We congratulate the Board for introducing this idea and carrying it out so successfully.

LETTERS to the EDITOR

To the Editor of the RECORD:

Re: RECORD, Nov. 21, 1951, page 1, column 1: "Throwing out ideas like a machine gun. Morris Ernst recommended last Friday night at the Law School Forum. . . ."

It is evident that Harvard Law's reputation has been ill-gotten. Those of us who subscribe to the doctrine of the Christian State believe that machine guns never dispense ideas.

May the RECORD dangle by its thumbs 'til Judgment Day beside that unfortunate simile.

Very truly yours,
BERNARD SICHERMAN

Gallery

RUSSELL HASTINGS PECK
Assistant Dean



"This is Russell Peck, another Assistant Dean. Whenever something is too difficult for me, I turn it over to him." With those words Dean Griswold introduces Mr. Peck to the incoming first year class. It is their first and perhaps their only contact with him here at Law School, for the friendly young man who rises and acknowledges the Dean's introduction spends most of his time buried in the dark recesses of the basement of Langdell. Though his personal contact with the student body is infrequent, his labors contribute in no small measure to the smooth functioning of the administration of the Law School.

Varied Duties

In addition to his duties as assistant to Dean Griswold, Mr. Peck also assists Vice Dean Hall and Associate Dean Cavers. He is responsible for all the official publications of the Law School except the Law School Bulletin, which is handled by Mr. Harrison Dimmit. These official publications include the First Year Handbook, the regular green Catalogue, and the Graduate Bulletin.

Teacher placement is also the responsibility of Mr. Peck. He helps Dean Griswold to see to it that Harvard Law School graduates are placed in the best teaching positions available, and kept informed of new opportunities as they

arise. His other duties have ranged from investigating the chronic and perennial parking problem to staging the Holmes Lectures and the Institute on the Legal Problems of Mobilization. He also has the task of approving the requests of students who wish to take courses in other departments of the University. A recent addition to his duties was his appointment as Law School member of the Harvard University Advisory Committee on Civil Defense.

Russell Peck was born in 1920, the son of the present vicar of the Old North Church. He graduated from Phillips Exeter Academy and from Harvard College, where he majored in sociology and graduated with honors in '47. Sandwiched in between were four years spent in the Army Ordnance Corps as a specialist in small arms and a machinist.

Love of Cars

He feels that his years in the army taught him a great deal about human nature. They also gave him a great deal of practical experience helpful to him now in his principal hobby, automobiles. Mr. Peck likes to "own, drive, work on, read about, or just talk" automobiles. Although currently he favors small, economical European cars, when he arrived at Law School he was driving an immense old Rolls Royce. This museum on wheels not only took him to class but also served as a meeting place for his whole first year Law Club court until he discovered that it was getting only five miles to a gallon of gas. Little did he think, in those days, as he left for school half an hour early in order to find a place to park, that one day soon he would be on the other end of the parking problem, attempting to find a solution for it.

At this time his chief interests were in the area of labor relations, and he entered Law School intending to specialize in labor law. He worked summers in a factory to get practical experience in this field. Reminiscing about his law school days, he recalls that his third child was born right in the middle of the second round of his Ames Competition, which is probably the only one on record where everyone smoked cigars.

Upon receiving his degree in '50 he "never got around to cutting the academic umbilical cord," and remained here at school as Assistant Dean. Though he regrets that he has so little contact with the student body, Dean Peck finds his work stimulating and constructive, and enjoys playing a part in helping to make the academic wheels go 'round. D.C.

Off the Record

"Off the Record" welcomes contributions from students, faculty and alumni. Short poems, comments on legal subjects, professorial sayings, cartoons, in fact humor of any type, are the kinds of items desired. Contributions may be deposited in the RECORD box in Austin Hall or brought in to or mailed to the RECORD office. The editors are very broadminded but there are postal laws. Items will be printed as space permits.

SAUCE FOR THE GANDER?

Lawyer Karl Meindl lost a slander suit when the court ruled that his client had not been slandered by being called "super-idiot."

So Meindl wrote court:

"Does the Herr Judge hold it to be meaningless if I, on the basis of his decision call him a super-idiot?"

Answer: Three months in jail and 300 marks fine for "contempt of court."

Meindl said that he would appeal the sentence.

YOU TRY IT

Explaining in Trusts that the term "bastard" was, in the old days, grounds for slander when you called someone such, Professor Scott maintains that today it is merely a "friendly expression" which you direct at some pal.

DISCONTENTED COW

In Hamilton, Montana, recently, John Tufts was fined \$50 in Justice Court for killing a cow-moose, which is illegal in Montana. The defendant pleaded self-defense. Obviously, defendant's honor was at stake.

JUDGMENT WITHHELD

And then there is the story (a very old one) of a Massachusetts man who had been prosecuted on a charge of having procured an abortion for a lady friend. The man's attorney (diligent inquiry fails to reveal whether he was a Harvard graduate) took the case to the Supreme Judicial Court on the denial of his plea of the Statute of Frauds, which provides that "No man shall be liable for another's debts, defaults or miscarriages."

Sub Judice

ABIDE WITH ME

In December Charlie was served with a delivered by registered mail, in a divorce proceeding brought by his wife, Patricia. Charlie's curiosity was aroused and he asked his attorney about this letter. Her response was that it all a mistake on the part of her attorney, that Charlie could ignore it.

Charlie let the incident pass unheeded, when in March of 1948 Pat told him that had been granted a decree, which in fact had been, he did not believe her. Upon questioning by Charlie on several occasions whether she had in fact obtained a divorce, Pat's response was to back down on her that she had.

During the period from the beginning of proceedings until August of 1948 the parties continued to cohabit, and a fourth child conceived during this time. When late in August of 1948 she showed him a copy of the decree, the news stunned him. They separated and Pat remarried shortly thereafter.

Held: Action of Common Pleas Court in granting the divorce affirmed.

Middleton, J. "On October 5, 1948, she married Jack Helbig. He had been a principal actor in this almost unbelievable drama from the time he was usher at the wedding of the late Mrs. Helbig in 1942. His principal appearances on the scene occurred during the frequent absences of husband on business during the latter years of the married life of the Helms.

"The sordid details of the drama need not be related. It is however significant in connection with the questions now before the court to the fact that . . . she did not reveal to the trial judge the fact that she had been living with her husband continuously since the institution of the divorce action; that a fourth child had been conceived during that period; and that she had no intention of ceasing to cohabit with the defendant's band. . . ."

The court in holding that the decree of divorce could be vacated here, overruled an early precedent that decrees of divorce could be vacated only by the same term which had rendered them. *Jelms v. Jelms*, 98 N.E. 2d 401 Ohio 1951.

DRY TOWN

Bishop brought an action against MacArthur the Sheriff Ex-Officio of the City of Denver for denying him a liquor license. Bishop contended that the "requirements of the neighborhood necessitate that the license be issued to Plaintiff already was the possessor of a beer wine license, but a petition submitted by two hundred of his neighbors was, he contended, proof of the need for him to be the possessor of a liquor license. Held; Petition denied.

The court was of the opinion that the Sheriff had properly exercised his power to deny a license application in view of the fact that there were ninety-three active holders of liquor licenses within six city blocks of the petitioner's establishment. *MacArthur v. Bishop*, 230 P.2d 589 (Colorado 1951).

MOUSE TRAP

Lehr threw a nickel to one of his fellow employees to be used to buy Lehr a Coca Cola from the vending machine. When he returned from the washroom about three minutes later he found the bottle standing open on a table. The first mouthful of the "Pause that Refreshes" indicated that it was not up to standard, and a glimpse into the bottle revealed a mouse, upset stomach and two weeks of nausea was result.

Held: For plaintiff

The jury was supported by the evidence finding that the mouse had entered the bottle in the course of the bottling process. The court also found that "even a normal person in seeing a disgusting looking object in a bottle of which he has just drunk may and often will suffer intense nausea. . . . Also one may recover for injury resulting from mental shock in such cases." The court found further, that the damages were not excessive. *Mass v. Coca Cola Bottling Co.*, 229 Pac. 2d 802 (Calif 1951).



LEGAL LANGUAGE

REVIEW —(Continued)

an article entitled "The Legisla-
Relation to Judicial Rule-Making:
Appraisal of *Winberry v. Salisbury*,"
Professor Benjamin Kaplan and Mr.
Greene consider the modern
tendency to entrust to the highest state
at the greater part of rule-making
over litigatory procedure. En-
gaged by the evident success of the
Federal Rules of Procedure many states
have adopted this pattern, and many
are likely to do so.

One of the more recent of such moves
occurred in New Jersey when that
state's new Constitution of 1947 com-
pletely reorganized the state's court
system. The constitution granted a
making power over practice and
procedure to the new supreme court,
"subject to law." The full extent of
this power was put in issue by the case
Winberry v. Salisbury in which the
new "law" was construed as "substan-
tial law." The court in the *Winberry*
declared the New Jersey legislature
without power to override court
rules confined to procedure. The authors
analyze this case and discuss the gen-
eral implications of the court decision.

New Material Prepared

Professor Kaplan is currently engaged
by Professor Field in the preparation
of new material now used in their sec-
tions in the first year civil procedure
courses. Mr. Greene, who was for two
years a member of the *Review* and a
fellow at the Law School after
1950 graduation, is now practicing
in New Jersey.

The third article in the current issue
devoted to a proposal to rewrite Sec-
tion 115 (g) of the Internal Revenue
Code to inject a greater degree of cer-

tainty into stock distributions which are
essentially equivalent to a dividend. The
present section provides that where can-
cellations or redemptions have an effect
on the stockholder similar to that of a
dividend declaration, taxation as a
dividend will follow. The vagueness
of this terminology has led to numerous
suits to determine dividend equivalence
with the ensuing result of many incon-
sistent judicial opinions.

Eliminate Abuses

In the proposed change the author
would retain the requirement that the
proportionate interest of the stock not
be substantially changed. However, the
new section would be so constituted as
to eliminate the serious abuses practiced
presently and be more in keeping with
the underlying congressional policy.

The author of this article is Mr. John
L. Nolan, a former member of the Board
of Student Advisers at the Law School.
Since graduation last June, Mr. Nolan
has been specializing in taxation with the
Washington firm of Miller and Chevalier.
A large portion of his article was first
prepared as a thesis for a seminar con-
ducted by Professor Ernest Brown.

Notes in this issue deal with
questions of particular current interest.
One is concerned with the constitutional
and practical problems confronting the
enforcement authorities in their attempt
to collect excise taxes on cigarettes and
liquor purchased outside the state for
use within Massachusetts.

The Witness Stand

The RECORD hopes that this column
will serve to present a cross-section of
student opinion on current topics.

Should a course in Legal Research and Writing be instituted in the Law School Program to replace the Ames Competition?

Raymond Cross, 3L (Brown '49) of
Milford Mass.

"No—Ames combines the value of legal
research on your own and the advan-
tages of participating in oral arguments.
Self-reliance is typical of the Harvard
Law School method."

Bob Goldston, 3L (Bucknell '49) of
Brooklyn, N. Y.

"No—I do not believe that a course
in legal research would be as 'pointed'
as the present method. The major idea
of the lawyer's job is to work towards
a definite conclusion. That is what Ames
teaches, plus showing how to use
methods of persuasion."

W. Louis Coppersmith, 2L (Penn. '50)
of Johnstown, Pa.

"Yes—Too much time is wasted in
finding proper source material for Ames.
There is a span of time when nothing is
accomplished. The best solution would
be to combine Ames with a course as
mentioned."

Herbert Ruskin, 3L (Michigan '49) of
Detroit, Mich.

"No—The working towards a goal on
your own enables you to achieve more.
There is a certain rebellious spirit about
classroom work, especially when the
topic is of this type."

Kennard Hirsch, 2L (Penn. '50) of
Brooklyn, N. Y.

"Yes—Despite the competency of
Board members, I feel that a professor
could give a more uniform and com-
prehensive course in the use of library
facilities and the approach to legal prob-
lems presented in cases which the at-
torney will meet in his practice."

Jay Rabinowitz, 3L (Syracuse '49) of
New York City.

"Yes—I believe that Ames fails in its
purpose to teach the proper use of re-
search material, correct brief writing,
etc. Faculty guidance in those things,
plus drafting would accomplish more."

Jos Smukler, 3L (Kenyon '49) of Phil-
adelphia, Pa.

"No—Ames is much more practical.
Legal research would be more in the
abstract. Ames gives you work on cases.
The big advantage in Ames is the oral
work."

Russell Pearson, 3L (Harvard '47) of
St. Paul, Minn.

"No—I think Ames could be bettered,
but putting in a new course isn't the
solution. We should have better in-
struction in Ames."

NEWS IN BRIEF

TEACHING FELLOWSHIPS

Applications for teaching fellowships
for the first year group work for 1952-
53 may now be submitted to Associate
Dean David F. Cavers, who supervises
the conduct of the program. Third year
and graduate students who wish to be
considered are requested to secure,
from Mr. Caver's office, a statement out-
lining the information which should ac-
company an application.

Application at this time is regarded
as an expression of serious interest in
a teaching fellowship but not a commit-
ment to accept appointment if offered.
Mr. Cavers explained. Grades are only
one of many factors considered by the
faculty committee which passes on ap-
plicants, but thus far appointments have
gone only to students with an average of
B or better. Teaching Fellows have
faculty status and are compensated at
approximately the salary scale prevail-
ing in law offices in the larger cities.

SBA LECTURES

Registration cards for the Student
Bar Association's talks on "Lawyers'
Problems of Conscience" will go on sale
next Monday in Austin and Langdell
Halls. The admission charge for the
entire five lecture series is one dollar.

The first lecture will be next Thurs-
day afternoon at 4:30, when Norris Dar-
rell, of Sullivan & Cromwell, will speak
on "Responsibilities of the Lawyer in
Tax Practice."

LEGAL ESSAYS

The *Banking Law Journal* has an-
nounced that it will consider for pub-
lication any student essays or papers deal-
ing with the law of banks or negotiable
instruments. The address is 465 Main
Street, Cambridge.

LEGAL MEDICINE LECTURE

"Respiratory Injury" is the topic to be
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Alumni Notes

LL.B. '11—John H. Rey, vice-presi-
dent of the American Telephone and
Telegraph Co., and its general counsel
from 1942 to 1951, has retired from the
company and entered the private prac-
tice of law with the firm of Skadden,
Arps and Slate of New York City.

LL.B. '19—Oscar O. Efird, of Winston-
Salem, N. C., has announced his can-
didacy for associate justice of the North
Carolina Supreme Court in the Dem-
ocratic primary which will take place
next May. From 1927 to 1941 he was
judge of the Forsyth County Court.

LL.B. '35—Stanley L. Kaufman has
organized the law firm of Kaufman,
Imberman and Taylor in New York City.

LL.B. '37—1st Lieutenant William B.
Park has been assigned as Signal Center
Officer at the Signal Division Head-
quarters, European Command Com-
munication Zone. That zone operates a
supply line from French coastal ports
to U. S. Armed Forces in Germany. Its
headquarters are in Orleans, France.
When recalled to active duty, Park was
practicing law with the New York firm
of Campbell, Brumbaugh, Free and
Graves.

LL.B. '38—W. Langdon Powers has
been appointed lecturer in Judicial
Remedies in the Evening Division of
the School of Law, Northeastern Uni-
versity, Boston. Powers practices law
with the Boston firm of Sherburne,
Powers and Needham.

LL.B. '41—Victor Cohen has been ap-
pointed instructor in Basic Federal
Taxes in the Evening School of Busi-
ness, Northeastern University, Boston.
He is a tax accountant with the firm of
Lybrand, Ross Bros. and Montgomery.

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FORUM—(Continued)

cussion among the public after the debate. The issues to be discussed are the screening of college professors by means of loyalty oaths and other techniques, prohibitions on guest speakers with alleged "alien" affiliations, revision of curricula to eliminate alleged un-American bias, and the question whether



ALLEN A. ZOLL

er professors should be allowed to teach as they believe.

Leading off the forum will be Allen A. Zoll, currently the executive vice-president for the National Council for American Education. Mr. Zoll is a former National Commander of the American Patriots, Inc. The Education Council he heads recently provoked heated argument when it published "Reducators," a list of educators allegedly pro-Communist in their sympathies.

Law Professors Named

A number of Harvard Law School professors were named in the Reducators list published three years ago. Included were Professors Chafee, MacLachlan, Dodd, Glueck, and former Dean Roscoe Pound. Quipped an anonymous "high University official" last year when asked about the list, "If Professor MacLachlan is a Red, I'm the Queen of Sheba." Professor Chafee commented last year, "Better be damned than not mentioned at all."

The second speaker is Carey McWilliams, staff writer for *The Nation* and the author of such books as *Ill Fares the Land*, *Brothers Under the Skin*, *A Mask for Privilege*, *Prejudice*, and *North From Mexico*. He is recipient of two Guggenheim Fellowships for creative writing. *The Nation* recently devoted

an entire issue to a discussion of the current status of academic freedom.

McGeorge Bundy, Associate Professor of Government at Harvard, will be the third speaker. Among his other activities, he was recently in the news for his review attacking William Buckley's book, *God and Man at Yale*. With the late Henry L. Stimson, he was co-author of Stimson's memoirs. During the war Mr. Bundy was a writer for the Office of Facts and Figures. He was also an analyst for E.C.A. and is now a political analyst for the Council on Foreign Relations.

SURVEY—(Continued)

the most flattering is Portia and are so quick to generalize about how women "just can't seem to buck it downtown," "just haven't got the legal temperament," etc.

This whole notion of the law being thoroughly a man's field is finally coming in for an airing. It has been suggested that the best male lawyers have an intuition and sensitivity of mind generally considered feminine. Judge Jerome Frank's feeling that the entire field is feminine rather than masculine has been in large measure proved right by recent tests conducted by the Stephens Institute in Hoboken indicating that women conceivably excel in the principal qualities needed to be a good lawyer. However, whether the law is a masculine or a feminine field, it is a field peculiarly well suited to women's temperaments and talents of mind requiring, as it does, qualities of analysis, intuition, the ability to negotiate and a feeling for human relationships that women are universally credited with having in high degree.

Permission to Work

Naturally women would prefer to prove all this in actual practice rather than continue using it as an argument for a warmer and fuller welcome to the profession. Perhaps the date they started trying and set their sights, goes back as far as the first Seneca Falls women's meeting in 1848. The Civil War soon after, with its man-power shortage, gave women their first real employment in the government, although the daring step of hiring women copyists in the United States Patent Office in 1864, led to a Congressional investigation. Only in 1870 was a statute passed permitting

the employment of women in the federal government service. As to the law, not until 1869 in Iowa was the first woman lawyer admitted to the Bar, although just a few years later Illinois, faced with the same problem, denied such admission and the Supreme Court refused to intervene.

Exposure to Higher Education

Meantime the universities were chilly, if not hostile, making it virtually impossible for women to secure an adequate legal education. Although most of the leading law schools had opened their doors by the turn of the century—Michigan in 1870, Yale in 1886, Cornell in 1887, New York University in 1891 and Stanford in 1895—Columbia held out until 1929 while Harvard remained bemused until 1950 by Dr. Eliot's doleful estimate of the impact of higher education on women. Although the criteria for admission of women to all these schools has been the same as for men, placement problems and absence of professional opportunity has kept the number of women applicants small and those who do apply have rarely had less than distinguished undergraduate records. It is therefore quite doubtful that the Survey's finding that far more American lawyers have been to law school than to college is true in the case of women.

Women still constitute a very small percentage of the law school's classes: at Cornell, Stanford, Southern California and Michigan between 3% and 4%, at New York University and Yale about 6%, at Columbia 7%. Nor did women swarm over Harvard when finally admitted. Last year there were only thirteen candidates for the LL.B degree and two graduate students, while this year there will be approximately thirty-five women in the Law School in all. Harvard says these first thirteen turned in "a very creditable performance" and all of the other Law Schools reporting state that the aptitude and general record of the women students is at least as good as that of the men—Michigan adding that this is the case if women "are serious about obtaining a professional education as distinguished from expanding their social opportunities."

Since their admission at Cornell, three women have either led their classes or been Editors-in-Chief of the Cornell Law Quarterly; of the fifty-four women who graduated from Stanford, twelve have received the J. D. degree; at Columbia 24% of their women graduates maintained an "A" average and women have consistently served on the Board of Editors of the Law Review. New York University also speaks of the high caliber of their women students, attributing it in part to the Judge Florence Allen scholarships established there ten years ago for women of superior ability. They add that it is almost traditional for one or more women to be officers of their student government association.

Cool Greetings From The Bar

Somewhat sharper and even more prolonged than winning the right to a legal education, has been women's struggle for admission to Bar associations, with all that membership in them implies by way of library facilities, professional acquaintance and opportunities for work on special legislative, political or civic projects. The Ameri-

can Bar Association only made membership available to women in 1918 and not until 1937 did the Bar Association of the City of New York stop making excuses (which hinged around powder rooms) and finally opened its doors. The New York County Lawyers Association, however, has accepted women members since its incorporation in 1908, likewise the recently organized National Lawyers Guild.

But like the law schools, while the principal Bar groups and associations of the country are now open to women lawyers, the welcome accorded them is something less than cordial and the opportunity to serve on committees is highly limited. The American Bar Association has at present 1,028 women members out of a total membership of 44,262, or roughly 2%. Admittedly, few of the women members serve on their numerous committees and the association has no knowledge of which of them are in active practice or of what their specialties may be. The Association of the Bar of the City of New York reports only 110 women members at the present time (all in active practice), only 10 of whom figure in their vast network of committees. Women who have wished to join such groups in the study of areas of interest to them report prejudice and delay. In the New York County Lawyers Association where 252 women members constitute 3% of the over-all membership, the picture is somewhat brighter with 47 women members now serving on committees and two on the Board of Directors, one of whom has been their Treasurer for sixteen years. In the National Lawyers Guild, women at present constitute 3 1/3% of the total membership and the Executive Secretary states that they have served on committees with competence; further,

that all those personally known to are engaged in active practice.

Separate Women's Bar

By way of offset, women have organized their own Bar groups. It was that only through an organized group could women advance their particular objectives—(e.g., the suffrage, property acts, admission to women's public office and counselling—own younger members. Only then an organized Bar could women effectively to take part in the variety of professional and civic projects of interest to them. Accordingly as 1899 they organized the National Association of Women Lawyers now has 1,075 members (only 32 whom, significantly enough, are members of the American Bar Association and many local women's Bar groups have sprung up during the last two five years as a result of the same desire of membership or limitation of opportunity in the equivalent men's Bar associations. Such organizations have the most part only one hundred members, the majority of whom are in active practice.

Their over-all contribution is a substantial one in terms of local legal and voluntary defense of those accused of crime. Their general programs oriented around the fields of primary interests and activity: probate, taxation, administrative law, domestic relations and juvenile delinquency. In fact, however, remains that if we were given adequate opportunity for recognition by men's Bar groups, need for a separate women's Bar with the inevitable duplication of committee work, community service and recreational activity involved would in large measure be eliminated.

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