

The Harvard Law School Record

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Pantzer Speech to Elucidate Legal Draftsmen's Problems

"The Principles of Draftsmanship" will be the subject of a guest lecture by F. Pantzer, LL.B. '17, S.J.D. '20, member of the Indiana Bar, a leading authority on drafting, who will speak under the sponsorship of the Harvard School Faculty Committee on Drafting. The Committee has invited all students to attend this session which will be held tomorrow afternoon in the room of Langdell Hall, from 3 to 5 p. m.

Dean Griswold will welcome Mr. Pantzer on behalf of the Law School. Professor Robert Braucher will introduce him with a few preliminary remarks.



KURT F. PANTZER

Mr. Pantzer will develop several topics including the role of drafting in legal education and the general rules of draftsmanship. Techniques of drafting contracts, corporate documents, and pleadings will also be explained. The interrelationship of drafting and advocacy will be strongly emphasized, and the value of drafting in legal negotiations will also be presented. Mr. Pantzer will discuss the value of form-books in drafting as well as their limitations.

(Continued on page four)

Young Republicans Announce Projects

Next Wednesday at 8 p. m. the Harvard Young Republican Club will sponsor a debate on "Who Should Be The Republican Nominee For President In '52" to be held in the first floor lounge of Phillips Brooks House.

Speakers are Charles Gibbons, Republican Minority Leader of the Massachusetts General Court, and State Senator Christopher Phillips, author of a recent anti-injunction law and former political adviser to General Eisenhower.

Three major research projects undertaken by the Harvard Young Republican Club are occupying much of the energies of the Law School Committee of the Club. It is planned that the research will be utilized by the national Republican Party in the 1952 election campaign.

The first project centers around the subject of excess profits, and the economic significance and meaning of this term. An examination of foreign policy positions of various elements of the Republican Party is the subject of the second research activity. The club is attempting to find the nature and extent of agreement on this question that would encompass the entire Party.

Platform Suggestions

The club is preparing a list of suggestions to bring up to date the platform adopted by the convention of Young Republicans held in Boston last year.

Preparations are proceeding for the mock Convention of the Republican Party at Harvard scheduled for the spring. All Harvard Young Republicans will be delegates. It is planned that most of the members will be delegates from their home states. The public will be invited to observe the functioning of the mock political convention.

Crider Says Foreign Policy Most Critical

Offering his answer to the question: "Which is the greatest danger: the domestic or the foreign situation?" Mr. John Crider spoke at the Coffee Hour on Tuesday. The former editor-in-chief of the *Boston Herald* commented that: "We can surely ruin ourselves by internal errors, but we can ruin ourselves more quickly by blunders in the foreign field."

Convinced that communism is a religion, he believes that it can't be fought with guns and bullets. Therefore, Mr. Crider suggested that the support of democratic nationalism where ever it appears and the dissemination of our own propaganda are the best weapons to fight communism.

Our greatest foreign policy mistake was our failure to capitalize on the Chinese people's yearning for freedom from feudal landlords and their awakening spirit of nationalism. By not recognizing these aspirations of the Chinese we have pushed them into the hands of "Uncle Joe." This failure has also been repeated in other areas of the globe where the United States has been faced with similar situations.

Mr. Crider believes that the most serious problem of the domestic scene is the "cult of orthodoxy" which is developing. Only a certain line of thought is becoming acceptable and any deviations from it are frowned upon. The one-time Pulitzer Prize winner observed that the United States was forgetting its heritage and history, that it was once a revolutionary nation.

Opportunity Limited, Work Is Routine For Women Entering Practice Of Law

This is the second and concluding installment of the article, "Women in the Law," written by Barbara L. Armstrong for the Survey of the Legal Profession. The first installment appeared in the *RECORD*, Vol. 13, No. 10. Mrs. Armstrong's report has been cut slightly, and footnotes omitted. It is available in its entirety in the *Treasure Room*.

Actually data does not exist as to what women lawyers do, their specialties, their earnings, their non-legal activities. Perhaps they have carried their protective coloration too far when not even their own national Bar association is well-informed and the Survey's *Lawyer Count* has been tabulated as men, in the absence of clear indication in Martindale's listing to the contrary. One fairly safe speculation is that the general figures showing 85% of all lawyers practicing independently or in firms, are far from true of women lawyers.

This is not necessarily an index of failure but in part at least it reflects the values to which women adhere and the talents which they have cultivated. Many women are more concerned—and sincerely so—with social and human problems than with large financial returns. Many, who, in the earlier years had sufficient education to be interested in or eligible for the study of law, held graduate degrees or were teachers and turned to scholarship or economic and sociological research projects as against the more active stresses of practice. And many women seek the outlet offered by legal aid work or the security, impersonality, scope, of municipal, state and federal posts.

Marshall, J. Smith To Meet In Finals

Victors in last week's Semi-Final Ames arguments, the J. Smith and Marshall clubs will meet in the Final argument some time before Spring recess.

J. Smith, represented in oral argument by Philip C. Potter, Jr. (Harvard '49) of New York City, and Joseph R. Cortese (Ohio '49) of Youngstown, Ohio, prevailed over the E. Warren Club, whose oralists were Brock Adams (Washington '49) of Seattle, and Saul Z. Cohen (Rochester '49) of Rochester, N. Y., in *Daniels v. Handler et al.*, argued Tuesday night, which was a suit for triple damages under the anti-trust laws brought by a ballplayer against organized baseball.

This will be J. Smith's third time in the finals, but it is seeking its first victory, having come out second in 1927 and 1948. E. Warren won in the finals in 1929, 1930, and 1940, and lost in 1931.

Thursday night, Marshall Club, represented by William A. Carroll (California '49) of Corcoran, Calif., and Richard A. Myren (Wisconsin '48) of Madison, arguing for the Commissioner in *Sturges v. Commissioner*, took a decision over the Scott-Powell Club and its oralists, Philip O'Brien (Yale '48) of Holyoke, and W. Tarver Rountree, Jr. (Alabama '49) of Solma, Ala.

In *Sturges v. Commissioner*, taxpayer-petitioner was appealing a deficiency determination resulting from a switch in accounting methods.

The deficiency was determined as a result of Marshall, claiming an ancestry running back to 1825, won the finals in 1925, under the name of the Langdell-Marshall Club, while the Scott-Powell has a record of participating, either as the Scott or the Powell club, in thirteen of the final arguments since 1923, and winning seven of them.

The winners of the final not only gain immortality by having their names inscribed on a plaque in Langdell library, but share a prize of \$300 provided by the Law School, while the losers will get a prize of \$200.

Tax Lawyer's Responsibility Is Subject Of Darrell's Talk

Norris Darrell partner in the firm of Sullivan and Cromwell, will speak on "Responsibilities of a Lawyer in Tax Practice" this afternoon at 4:30 in Langdell South Middle. His talk is the first in the five-lecture series on "Lawyers' Problems of Conscience" sponsored by the Student Bar Association. Dean Erwin N. Griswold will introduce the speaker.

Mr. Darrell organized the tax department of Sullivan and Cromwell, was an adviser to the Treasury Department during the war, and has served on many New York State tax committees at the request of Governor Dewey. He served

Academic Freedom 'Undemocratic': Zoll

"I consider academic freedom undemocratic," declared Allen A. Zoll, executive vice-president of the National Council for American Education, speaking at the fourth and final fall meeting of the Harvard Law School Forum last Friday evening in the Courtroom.

Appearing with Carey McWilliams, Associate Editor of *The Nation*, and McGeorge Bundy, Assistant Professor of Government at Harvard, Mr. Zoll listed among his reasons for opposition to academic freedom that "it is not a God-given right in any sense; . . . it is not part of American tradition; . . . it is anathema to every Church school . . . and against the law of every non-Church institution which has in its charter some specification of purpose to be served."

Freedom to Teach

Distinguishing between freedom of research, which Mr. Zoll said he would not restrict, and the freedom to teach, he characterized the freedom professors want as "the right to teach what one's employers do not want taught and the maintenance of salary, tenure, and retirement pensions."

Classifying teachers as "hirelings" and "subordinates," Mr. Zoll stated classrooms do not belong to the teachers but to those who support the institutions. As to student freedom he said, "(they are) entitled to learn to live happy, profitable, useful lives, and any professor who makes a socialist or agnostic of a student is doing him a tremendous disservice."

Loyalty Oaths

He gave as his reason for dissatisfaction with loyalty oaths that Communists will lie, but said the "lodestone" was "to see the people who do not sign."

Mr. McWilliams announced that he favored unrestrained freedom in the classroom and "wholly opposed" test oaths. He declared, "The political views

(Continued on page three)

Charity Drive To Draw To A Close This Week

As the 1951 Law School Combined Charities Drive enters into its last week, Sondra Markowitz, 2L (Wellesley '50), of New York City, is making a final appeal for contributions. The drive will officially end on Saturday, December 15.

Miss Markowitz, chairman of the Committee, reports that the unofficial total collected to date is approximately \$2,400. This is still five hundred short of last year's total. Checks made out to the Harvard Law School Combined Charities Drive will be accepted at PBII. In keeping with this year's policy, donors will be permitted to allocate their contributions as they desire to any charity or charities they wish to receive their funds.

Among those who are making solicitations in the Law School dormitories are the following: Ames, Robert H. Kauffman, (U. of Pittsburgh '50); Chancery, Raymond R. Reid, 3L (Washington and Lee '49); Dane, Russell Pearson, 3L (Harvard '47) and Walter I. Teitz, 1L (N.Y.U. '51); Hastings, Stanley Rothenberg, 2L (N.Y.U. '50); Holmes, Alvin Arnold, 3L (Cornell '49) and William J. Smulowitz, 2L (U. of Penn. '50); Lincoln's Inn, Jonathan F. Whetzel, 3L (Princeton '48); Perkins, Howard E. Goldfarb, 2L (Washington and Jefferson '50); Shaw, George Rummel, 1L (Mich. '51) and Story, Harvey Krieger, 2L (U.C.L.A. '50).

ERICH HARTMANN
NORRIS DARRELL

as Mr. Justice Butler's first law clerk, staying with him for two terms from 1923 to 1925.

He has been with the firm's Berlin and Paris offices and did extensive work in municipal financing throughout Poland, Finland, and Germany during the early 1930's.

According to Philip C. Jessup, Jr., 3L (Yale '49) of Washington, D. C., President of the SBA, the current series on legal ethics is intended to bring home

(Continued on page three)

Scott Club Leads All Ames Winners

Scott Club, with the only 4-0 record and 143.5 average leads the way into the Ames Competition Quarter-finals following the end last week of the qualifying round.

Second through eighth places were gained by the J. Smith Law Club, Kaplan Club, Cardozo Club, Root Equity, Casner Law, Casner Equity and Williston Clubs, each with a 3-1 record. These clubs will participate in the arguments next spring.

Awards for the best brief and the best oral argument will not be announced by the Board of Student Advisers until next week, but on the record, Scott Club is assured of the prize for the best club.

A chance to participate in the Spring Drafting Competition, and go on to the newly-instituted third-year final in that field, was gained by the clubs ranking ninth through sixteenth in the qualifying round. These were led by Watts, with a 3-1 record, and included the E. Warren, Marshall, Story-Powell, Frankfurter, Webster, Pow Wow and Seavey Clubs, each with a 2-2 record in arguments. These eight clubs will be split into two divisions, each of which will complete in drafting a document, with the winner in each division going on to the third-year finals.

Members of the top-ranking Scott second-year court are: Richard Ottinger, (Cornell '50) of New York City; Paul C. Lambert (Yale '50) of Middletown, N. J.; Milton Boesel, Jr. (Yale '50) of Toledo, Ohio; Charles G. Wright, Jr. (Northwestern '49) of Woodstock, Ill.; Thomas Howarth (Princeton '50) of South River, N. J.; Evan G. Galbraith (Yale '50) of Toledo; Donn W. Carlsmith (Stanford '50) of Hilo, Hawaii, and James S. Gratton (Yale '47) of Pittsfield.

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Minks and Morals

It is strangely fitting that the present malodorous proceedings in Washington concerning the collection of federal revenue should coincide with the first lecture of the Student Bar Association's series on "Lawyers' Problems of Conscience." It is fitting because it is a problem with which the law student is particularly concerned—a problem which he will have to face and, in a large part, control in the years to come.

There was a time when the lawyer was thought of, by the laymen, as just one shade worse than a horse-thief. In recent years, this attitude has been disappearing. The Public looks to the lawyer to run its government. To him has fallen the tasks of molding public thought and judging his fellow man. His job is a most important one, and his duties cannot be taken lightly.

However, the recent epidemic of scandals in public office—of charges, counter-charges, graft, deep freezers, mink coats and television sets, has surely not helped to raise the lawyer any higher in the public esteem. In part, this may be considered a "public fault," since officials cannot be really successful at graft without public tolerance, condonation and even encouragement. Yet, essentially this is the lawyer's own fault, and there is no virtue in trying to shift the blame. It is clear that a steady progression towards moral bankruptcy of this sort will lead to a serious undermining of our entire political and economic system.

Lawyers, themselves, will have to solve this problem by working collectively at it. They may be able to accomplish something via the American Bar Association's Canons of Ethics. (See HLS Handbook for Entering Students.) But surely there is a need for more definitions and sanctions than are embodied therein. They must "police" themselves through a more militant use of section 29 of the Canons, or eventually, and far less desirable from a professional standpoint, they will be "policed" from without.

The Canons, adopted some 40 years ago, are in many ways inadequate to cover the situations in which present day attorneys find themselves. The Canons are preoccupied with the conduct of the lawyer before judicial tribunals. Only Canon 26, in a very general way, applies to conduct before other bodies. But how about an attorney who works for the government? Should he ever accept gifts from anyone? If so, from whom, and under what circumstances? How does Canon 38 relating to "Compensation, Commissions and Rebates" fit into this picture? These are but some of the many questions which remain to be answered.

It is apparently no longer sufficient to rely on the individual's code of morality, as has been done in the past. Much more in the way of discussion and formulation of ideas is needed.

Perhaps Senator Paul Douglas, in the S. B. A.'s second lecture in January will discuss the question of whether a government sponsored code of ethics is needed.

As embryo lawyers we should all be doing some serious thinking as to what is wrong and what can be done about protecting ourselves from scorn and the public from malfeasance in government office. "Lawyers' Problems of Conscience" is a welcome opportunity to stimulate such thought. We sincerely hope that the Law School will make the most of the opportunity.

Gallery

DR. RICHARD FORD
Professor of Medicine



"All of the bones have been turned over to Dr. Richard Ford, Medical Examiner of Suffolk County." To students at Harvard Law School, radio bulletins such as this convey the assurance that a painstaking medico-legal investigation is to follow, for the dynamic young doctor who heads Harvard's renowned Department of Legal Medicine will conduct the investigation.

Dr. Ford is also a member of the faculty of the Harvard Law School. The popular series of lectures he delivers at the Law School each Fall is an important part of a large program being conducted by the Department of Legal Medicine. This program is designed to coordinate the skills of the medical and legal professions and bring them to focus on the complex problems involving both fields. It is Dr. Ford's hope that in the near future he will be able to teach a seminar course for credit, allowing students with a particular interest in this field to explore some of its problems more fully.

Liberal Arts Schooling

Dr. Ford's interest in medicine and the law is a rather strange outgrowth of his family background and earlier training. His father, Professor J. D. M. Ford, is Smith Professor emeritus of the French and Spanish Languages and former Chairman of the Department of Romance Languages of Harvard University. After attending Cambridge High and Latin School, and Phillips Exeter Academy for one year, Dr. Ford matriculated at Harvard College and quite naturally majored in Romance Languages. He graduated in 1936 magna cum laude. "Whether it was because of or in spite of the Chairman, I still don't know," he declares.

Dr. Ford then attended Harvard Medical School, graduating in 1940. A year of internship in pathology at Peter Bent Brigham Hospital and another year of internship in surgery at the Boston City Hospital followed. He then was called to active duty with the Army, serving at first with the 105th General Hospital. The next three and a half years were spent in the Pacific with the 4th Portable Surgical Hospital in New Guinea, in combat with the 32nd Division at Buna, and later with the 5th Air Force at an airborne hospital. He commanded the hospital for the final eighteen months of World War II and was commissioned a Major before returning home in 1945.

LETTERS to the EDITOR

To the Editor of the RECORD:

I should like to voice a complaint, through the medium of this column, concerning the manner in which the school administration schedules make-up classes for instructors who, for good cause, must miss a regularly scheduled class. The practices seem to discriminate against many third year students.

There are those of us in the third year who were given the option, last year, of taking Taxation or Labor Law in lieu of Commercial Law during our second year. We were then required, quite naturally, to take the course in Commercial Law during our third year. However, it seems that, in certain respects, third year men in Commercial Law are treated as if they were non-existent for the purpose of scheduling make-up classes.

For example, when Professor Baker was unable to attend one of his Corporations II classes, the make-up class therefor was scheduled at the same time as Professor Braucher's Friday section of Commercial Law. On Friday, December 14, Professor Braucher will be unable to meet with his Commercial Law class, so the make-up class has been scheduled for Tuesday, December 18, when many third year students in his section are taking Evidence.

At that time the Department of Legal Medicine offered Dr. Ford a Research Fellowship, an appointment which he held until 1949 when he became an Assistant Professor of Legal Medicine and acting head of the Department. In 1946 he was appointed an Associate Medical Examiner of Boston and in 1950 he became Medical Examiner of Boston for the southern district. Without formal legal training Dr. Ford gained a truly amazing grasp of the law by diligent research and almost daily contact with courts and legal problems.

Medicine in Law

A very high proportion of appellate cases involve medical evidence, which is the primary concern of Dr. Ford and the Department of Legal Medicine. A thoroughly qualified medical witness may be and frequently is opposed by unqualified testimony submitted by someone with no experience in the case at hand. Courts in general will accept any physician as qualified to testify on any medical matter. Concerning this Dr. Ford says, "If you are sick with a rare and complex disease you don't go to a general practitioner. You go to a specialist. It is the aim of the Department of Legal Medicine to train the specialist to discover, evaluate, and properly convey medical evidence to courts and juries." The importance of medical evidence has long been recognized by Dean Griswold, and the presence of Dr. Ford on the Law School faculty is the result.

The highly specialized nature of his subject requires the awesome total of perhaps 13 years of training above the high school level. After four years of college and four years of medical school, members of the Dept. of Legal Medicine take a minimum of two years of internship, one general and one in pathology before spending up to three years of study in the Department of Legal Medicine. Harvard has the only medico-legal department of its kind in the country with a permanent staff, a research group and apprentice training in medico-legal pathology instead of a mere lecture department. This in all probability accounts for its success and nationwide reputation. A large percentage of men trained by the Department become the medical examiners of large cities all over the nation. These men in turn are becoming the nuclei of new groups to accelerate the program. State police detectives from all over the United States and Canada attend seminars conducted by the Department. Teaching assistance is also given to undergraduate medical students at Tufts and Yale.

Objectives of Legal Medicine

In summing up his activities, Dr. Ford says, "We try to reach lawyers, physicians, the general public, and the police." In addition to improving the quality of medical evidence via research and training programs, he hopes to link official investigating positions in state and local governments to the medical schools. In this regard Dr. Ford has drafted "A Model State Medico-Legal Investigative System" which has the approval of the American Bar Association and the American Medical Association. His basic desire is not to supplant any existing system but rather to improve all present systems. The objectives are fourfold: an adequate law, properly trained personnel, regional physician investigators of violent and unexpected death, backed up by a regional central laboratory.

With objectives of this scope to be achieved, the Department of Legal Medicine is fortunate to have at its helm a man with the vision and ability of Dr. Richard Ford.

D. C.

Off the Record

MUMS THE WORD

Professor Scott: "What happens when, if offered a trust, the would-be trustee does not accept or disclaim, but says 'I ain't saying?'"
Student: "I ain't saying."

MAY IT PLEASE THE COURT

Justice Jackson relates a story of a British barrister to whom the judge said, "I have been listening to you now for four hours and I am bound to say I am none the wiser." The barrister replied, "Oh, I know that, my Lord, but I had hoped you would be better informed."

STRANGER THAN FICTION

There is a story circulating around Cambridge that a peeping-tom has been frightening women in second-floor bedrooms. He was recently seen pulling himself up by the boot-strap.

If the theory of make-up classes is to give us a certain number of hours of classroom instruction for our tuition, why should it conflict with the theory of giving an option to take certain courses in the second year, so that advanced courses may be taken in the third year?

STANLEY L. GOLDEN, 3L

Sub Judice

LOVE, AT A PRICE

Sid and Blanche were a companionable couple and when Sid suggested that he buy Blanche's second husband, she readily accepted feeling that he would be an improvement on the mate from whom she had recently divorced. As the course of events developed it became obvious that Sid did not measure up to Blanche's marital standards.

After the wedding in Philadelphia, the couple retired to a resort area in New Jersey. Upon inquiring as to the rates at a per day, Sid decided that this was beyond means. Blanche was stunned, and in the lobby at the time she greeted his decision with cries of "Gambler! Cheapskate!"

Upon their return from the honeymoon Blanche discovered, through her appraisal, her engagement ring was off-color, and promptly told her "cheapskate" husband that had known he was unable to buy a more valuable ring, "she would not have married him." This was not "something that she could be proud of." When an apartment became available in the home of Sid's parents, Blanche told him that under no conditions would she under the same roof with them, so the couple continued to reside with her family.

Blanche in fact stated disdainfully that would have nothing to do with Sid's parents. Sid at the suggestion of Blanche's father, dated his small business and went to work for his father-in-law for \$75 a week. Blanche told him that he should not have married her if he was not making at least the \$200 a week necessary to support her. As time passed her epithets included many, more colorful, but printable ones than "cheapskate."

In the course of Sid's employment by his father-in-law, as rent collector, he noted certain of the boarding houses from which collected rents, were being used as houses ill repute. Upon calling these matters to father-in-law's attention in the family home, was met by his wife who, coming to father's defense by the best means at her disposal, cursed Sid vehemently, and accused him falsely of carrying on a relationship with one of the tenants. Sid brought this action for divorce. Held: Divorce granted.

Sid had suffered indignities to his person, the view of the jury whose decision revealed their acceptance of his evidence as credible. Blanche's evidence was typified by the phrase "I just can't recall."

Gunther, J.: "Our independent examination of the record discloses appellee to be a cold, heartless, and spoiled child of well-to-do parents that she was reared extravagantly and enjoyed all the luxuries appears from the record. Her conduct can be accounted for only by her disappointment in realizing that the present financial position of her husband forbids her enjoyment of the luxuries and sumptuous life she had previously enjoyed." *Lupowitz v. Lupowitz*, 83 A.2d 612 (Pa. 1951).

THE LONG ROAD HOME

"The appellant had been indicted and convicted of conducting and maintaining premises known as the home of 'The Commerce League' . . . to which persons resorted for the purpose of gambling, contrary to the statute." The evidence indicated that the recreational activities of the members of the League were pursued in the basement underneath a store. Entrance to the cellar was gained through a side door equipped with a sliding metal appliance which provided a peephole.

"On the night of November 23, 1950, premises were unexpectedly visited by the assistant prosecutor and accompanying officers. Of the 17 or more men in the chamber, ten more were abruptly interrupted in their game of cards. The present appellant frankly acknowledged that he was conducting the resort for gain. . . ."

Appellant appealed his conviction on the ground of prejudicial error. This error in the view of the defendant was made by the judge in admitting over the defendant's objection the way in which defendant's offense was first called to the attention of the police.

Held: Conviction Affirmed.

The upper court held that there had been error in permitting the state to tell how the local police had received their "lead" on the neighborhood gambling. It appeared that matrons had begun to complain to the police that their providers had not been "bringing home the bacon" on Friday nights. However, the court held that the admission of this evidence was not prejudicial error. *State v. Morriggi*, 83 A.2d 612 (N. J. 1951).

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ETHICS—(Continued)

students the importance of ethical considerations in practice and the frequency with which such problems face practicing attorney.

To effectuate this aim, the SBA has five areas of legal activity and a speaker to talk on each. Following Mr. Darrell's talk there will be a series of five talks by Reginald Smith, LL.B. '14, of Hale & Dorr on the responsibilities of the lawyer as a public citizen; Senator Paul Douglas (Illinois) on the lawyer in politics; Daniel J. Lyne, LL.B. '12, of Lyne, Ewart and Everts, on trial tactics; Robert F. Bradford, LL.B. '26, of Dodge, Gardner, Bickford & Ford on the ethics of criminal law.

In sponsoring this series, the SBA is associated with the American Students Association, which is endorsed by the American Bar Association. It is carrying out an announced policy of the ABA to familiarize law students with the problems of law practice before they are forced to meet and solve them.

Registration cards for the entire series will be sold at the door this afternoon for one dollar. All registration cardholders are eligible for membership in the Student Bar Association.

FORUM—(Continued)

the politics of teachers are wholly relevant, and oaths tend to rob the teaching profession of its autonomy." to the danger of loyalty oaths he said, "Heresy is always the other side of the other person's orthodoxy."

Finding in restraint on academic freedom a danger to civil rights, Mr. Williams asserted, "All such measures rest oaths lead to an obsession with duty, which spreads from point to point until the whole society is transfixed with anxiety."

Introduced by Professor Robert Braucher, the moderator, as the man to take the middle line, McGeorge Bundy distinguished between freedom to teach whatever one believed from the professorial chair and academic freedom to express one's beliefs as opinion.

"The freedom of discussion on subjects within the professorial capacity should be absolutely free," he said. "The feeling many of us have is 'If we can't be trusted, then the job (of teaching) can't begin.'"

NEWS IN BRIEF

PBH LIBRARY

Phillips Brooks House has issued 186 casebooks to 62 students from its lending library this year. James B. Johnson, 3L (Montana '49) of Billings, Montana, announced this week. Johnson is Chairman of the Library Committee of the Law School Committee of PBH, which just released its annual report.

The committee uses as a basis for its loans of casebooks the financial need of students applying. It charges \$2.25 per semester for its books. The proceeds go to defray the expenses of the committee.

Publication of new editions of many casebooks necessitated the purchase of a large number of new books this year. \$313.42 has been spent on 40 new books this semester.

Mr. Johnson declared that the committee is planning to have a sale at greatly reduced prices, of casebooks that are no longer used at the Law School. An announcement will be made later of the time and place.

HARVARD v. YALE

The Harvard Law School All-Stars tangle with the All-Star quintet from Yale Law School in the first basketball game of a best-of-three series tomorrow at 8 p.m. in Hemenway Gym.

Led by Dick Joyce, former Yale star, and Irv Monash, an intramural competitor at N.Y.U., the Yale Law squad is expected to provide sharp competition for the Harvard five. The game will be played in 10-minute quarters.

The contest was arranged in response to a challenge from the Yale sub-bar-risters. The Harvard Law quintet has been practicing on fast breaks and teamwork the past two weeks.

It has been announced that the second game will be played in New Haven. The site for the final game, if necessary, has not yet been decided upon. Students and their dates are invited to attend.

Demos To Present Talk On Taft Book

Arthur M. Schlesinger, Jr., Professor of History in Harvard College, will discuss Senator Robert A. Taft's recent book, *A Foreign Policy for Americans*, at an open meeting of the Law School Democratic Club next Tuesday at 2:30 p.m. in the Wheeler Room in Holmes Hall.

Professor Schlesinger won a Pulitzer Prize in 1946 for his history of the era of Andrew Jackson, *The Age of Jackson*. He is presently at work on a history of the presidency of Franklin D. Roosevelt.

Professor Schlesinger is co-author of the recently-published book, *The President and the General*, an analysis of the Truman-MacArthur controversy.

The Club will also hold a short business meeting at the same time.

Chas. Evans Hughes' Fabulous Career Recounted In Excellent New Biography

Charles Evans Hughes, by Merlo J. Pusey. (MacMillan Co., 1951), 2 Vols. \$15.00.

If Merlo Pusey does not win the Pulitzer Prize for 1951, it will not be because he has not written one of the best biographies of this or any other season. In a sense, he could not write a lesser work; for Charles Evans Hughes lived a life so fabulous, so incredible, that even a mere recital of dry facts would make absorbing reading.

In another sense, this book is practically an autobiography. Most of Mr. Pusey's sparing footnotes refer to Hughes' own biographical notes which in his methodical way, he prepared before his death. These are supplemented with personal interviews the author had with Hughes and other prominent figures who knew and worked with Hughes.

No one reading this work can fail to appreciate what many already know; that Hughes was, without question, one of the giants of our times. He was a brilliant student, who seldom received a less than perfect grade. (60 years after he took the New York Bar Examination in 1884, he learned that his mark, in that exam, had been 99½.) At the bar, he soon earned a reputation for extraordinary ability, and was drafted as counsel for the N. Y. Legislature's Gas Inquiry of 1905, and the great Insurance Investigation which followed. Now in the limelight, Hughes was prevailed upon to run for Governor on the Republican ticket which he did, winning a smashing victory, and ruining the Presidential aspirations of his opponent, William Randolph Hearst.

Reform Governor

As an independent Governor, Hughes fought his own party and Teddy Roosevelt for the right to choose capable men for important posts, instead of political supplicants. He took his fight to the people—a device Harry Truman was later to imitate—and forced the politicians to go along with his own reform measures. One Senator reported that voters buttonholed him and said: "... why aren't you standing with the Governor? Are you tired of political life? You go back to Albany and line up with Hughes, or never dare to ask again for votes in this district."

In 1910, during his second term as Governor, Hughes was appointed to the Supreme Court as an Associate Justice, a post he held with distinction until he resigned to run against Woodrow Wilson for the Presidency in 1916. Again, it was not at his insistence, but at the GOP's, that he entered the race. Hughes "never sought an office; he never ad-

ministered an office with a view to keeping it longer, or with a view to getting another," said Elihu Root; and without a doubt, he spoke the truth.

Hughes lost the election, but was later called on to be Harding's Secretary of State. In this post, he took his place with other international minded men who viewed collective security as America's proper foreign policy. He was instrumental in advancing the cause of peace treaties, disarmament plans, the World Court, and so on. In 1925 Hughes resigned and returned to private life.

Of course, he was fabulously successful, and soon was earning as much as \$400,000 a year. He was so persuasive an advocate, that Judge Cardozo, then of the N. Y. Court of Appeals, "followed a self-imposed rule of waiting 24 hours" before deciding any case argued by Hughes "so as to avoid being overwhelmed by the power of Hughes' intellect and personality."

Within a few short years, however, Hughes was recalled to public life by being nominated to succeed J. B. Moore in the Permanent Court of International Justice. At first he was reluctant to accept, but he yielded to the persuasions of George Wickersham and Prof. Manley O. Hudson, of Harvard Law School.

Appointed Chief Justice

Hughes was quickly elected a judge but he served only a brief time, since President Hoover shortly nominated him to succeed Taft as Chief Justice of the United States. After a bitter, partisan fight, the nomination was approved by the Senate; "... not since the appointment of Chief Justice Marshall," wrote Samuel Untermyer, "has a man of such outstanding ability, experience and judicial temperament been called to that exalted office."

On Feb. 24, 1930, Hughes took office, and began years of distinguished, unexcelled leadership of the Supreme Court. Mr. Pusey amply details his service, most of which has vital interest to those members of the bar who care to know how the Court should ideally

(Continued on page four)

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SURVEY—(Continued)

most of them view the risk—in years, reputation, and capital—of independent practice as insuperable and in an office rarely aspire to the firm. Instead, the vast number work diligently to achieve some lesser status, perhaps within a department, based on their technical proficiency, executive ability or exhaustive knowledge of some lengthy office case.

As things stand now, women have their best chance with the government, where there is no client contact except at arm's length with worried citizens, where there is a tradition of civil service as opposed to the somewhat authoritarian structure of the law office, where real recognition is given for intellectual achievement and where there is not too much call through the mass of the government pyramid for imagination or daring. Not that women lack those qualities, but in normal practice they are rarely encouraged to show them. Right now there are nearly half a million women in government service making up nearly a quarter of the total of federal employees. Generalizing from the high percentage of lawyers in the government and politics, many of this vast number of women, as well as the many who, in the last thirty years, have held government positions of responsibility and distinction, are probably lawyers.

Placement Service Nil

With the general employment picture so rigid, with still so much prejudice against women, finding women jobs at all, to say nothing of better jobs, new opportunities—calls for a highly energetic and imaginative placement program on the part of the law schools and the Bar associations. Actually, there is hardly a leaf stirring. Only in the last ten years have the law schools assumed any degree of responsibility in the matter, while most Bar associations have remained totally apathetic.

The intangibles which men have found important in placement (family background appearing to come first) have less weight, if any, in the case of women. Successful women practitioners reporting on the factors which gave them their start, emphasize personal and family contacts, financial independence and pure accident. However, these con-

tacts have less value by way of "background" when applying for jobs, than in stimulating their own ambitions and introducing them to new lines of activity. Nor has their financial independence impressed prospective employers with their client-getting potential, but rather it has provided the women themselves with a sense of security and stability through slim and discouraging years.

A well-dressed, well acquainted, well-endowed woman applicant arouses immediate suspicion in the law offices, although all this is just what they pray for in a man. These offices have not yet realized that a woman with this variety of more conventional choices open to her, may be neither frivolous nor abnormal in choosing to practice the law. Finally, the accidents which work in women's favor mostly happen at the expense of men—war, illness of a partner half-way through a case, etc.—although sometimes political activity, counselling from a family friend, early European travels or work on a research project have a profound influence. Certainly women in some fashion are still obliged to give a preliminary practical demonstration of their worth, while men are hired on faith.

The Negative Angles

The placement problem is nourished on a rich brew of men's criticism and comment to justify their traditional prejudices and attitudes about women lawyers. In combination, these objections result in either the exclusion of women lawyers from law offices or the failure to give them work of real responsibility and to advance them. First it is maintained that the education of the average woman is in no way comparable to that of men. Although this is no longer true, the unavowed belief still lingers that no woman, short of a suffragette-reformer type, would have gone to law school except for social reasons or to get married.

Aside from this, it is claimed that any woman hired will give up the whole thing after a few years' training, or get married or have to follow her husband in some shift of his business locale. Even assuming, on the basis of slim statistics, that only 25% of women law graduates are still in active practice ten years later, this does not necessarily reflect on their temperaments or character

or prove that their duties as wives or mothers are inconsistent with professional work. Actually, it may only show that the type of work open to women has not been sufficiently rewarding to make it worth carrying a double responsibility—professional and domestic.

To look at the other side of the coin, a number of women lawyers believe that the fact that they are women gives them a definite advantage. Soia Mentchikoff says that women can often resolve situations that a man would find difficult, maintaining that men do not behave as badly in front of women.

Character and Purpose

Women should above all remain feminine, should rely on any such personal assets as elegance, adroitness, acquaintance, etc., and should develop their general characteristics of temperament and thought as women. No need to accept the man's eye view of what constitutes "the practice of law"—what is the best training, which are the leading firms, which fields of practice are the "big time," what objectives are worthwhile or what work is "ideally suited to a woman"—actually the law is a technique as useful as algebra and capable of many applications. Women must define their own values and decide where they can make their own best contribution. They have no need to stick with work that is distasteful to them, take less pay than men for similar work, do typing and shorthand on the side or carry the laboring oar on all committees, for fear of not getting work or recognition on more self respecting or pleasant terms.

A number of large offices are quite willing to hire competent women on an equal footing with men for the first few years. At the point of diminishing returns there is no reason for embarrassment at leaving, bearing in mind the ruthless pruning the firms themselves do on "non-partnership material." A start in government legal work also provides excellent technical training with more equal treatment, although the government is so mammoth and protective that it tends to induce inertia and loss of flexibility. As to starting in independent practice, the risks are great, the capital required is substantial (probably a minimum of \$1500) and the almost essential guidance of older lawyers is lacking. However, women's Bar groups might help in this and develop the scheme by which the Chicago Bar Association after the war gave space to veterans for telephoning, interviews and a limited amount of office work. While independent practice may be shy in technical training, it is long on the development of point of view, maturity of judgment and inner self confidence.

Finally, there are whole new and unexplored areas of activity open to women of resourcefulness and ambition: public relations between management and its employees, consumers and stockholders; problems of international trade, since the end of the war is a development comparable to the law merchant; research, sociological, and government projects; international relations—not necessarily labelled U.N.—but through international broadcasting, with religious cultural or labor groups, in journalism or the Intelligence. Many positions are only created by the person hired so that women, particularly, must persuade an employer that he has a job urgently in need of doing and that they uniquely can do it.

Basically women must help each

other. They should welcome each other's support, companionship and opinion. They should include each other in their success. Specifically, the women's Bar groups should devote themselves wholeheartedly to the placement problem. The suggestions outlined for men's placement bureaus in terms of alumni committees, surveys of job possibilities, advice on employment procedures and the realities of practice, would be only a beginning; likewise maintaining a library of directories and literature on economic developments and new areas of opportunity.

At the least, liaison should be established or committees set up of women who have succeeded in such diversified fields as labor, fashion, merchandising, real estate, art, foreign affairs and "idea interviews" should be arranged with them. This placement help is not only vital for women but if done effectively enough might be developed into a tangible women's Bar project ultimately including all young lawyers of both sexes.

Underlying the need for a legal placement effort is the need and opportunity to make a contribution toward women in general by helping them obtain the best in education, develop fuller interests and more actively participate in business, politics or foreign affairs. Not unlike the women of the 20's after universal suffrage was won, the woman lawyer today has her chance to bring a new point of view, new cultural and ethical values, not only to a great profession but to other women and to society as a whole.

HUGHES—(Continued)

he run. (See also, 63 Harv. L. Rev. 1). In the words of Justice Frankfurter: "He did not rely on his position, he fulfilled it."

One of the great services Mr. Pusey has rendered Hughes' memory, is the inclusion in the book of several pictures of the great man laughing. Most of us think of Hughes as a cold, intellectual, thinking-machine, which Mr. Pusey, and Hughes' friends and associates, assure us he was not. If this

book fails to really "humanize" Hughes it is only because it is impossible to humanize a man of such incredible capabilities; no amount of rather anecdotal anecdotes can offset such remarks. ("The Presidency) has no attraction for me. My one desire is to be left alone in my profession." Is this the statement of a man susceptible to ordinary human ambitions?

This biography is not likely to be "definitive" work on Hughes, for many reasons: it is too soon to write one thing, and it will require more than two volumes and probably a great scholar-lawyer-historian than Mr. Pusey to do it. It is, as we have said, one of the best biographies extant. It warms the heart of any lawyer who found it under his Christmas tree. D. V.

PANTZER—(Continued)

His deep concern with the need for good draftsmanship has sent Pantzer throughout the country, speaking on the all-embracing importance of drafting in every aspect of the law, stressing the need and desirability of training in draftsmanship. Mr. Pantzer's views coincide with the emphasis of the Faculty Committee on Drafting places on legal writing.

In connection with the lecture, special mimeographed materials on drafting will be distributed. Contributed by Pantzer, this material, of approximately 150 pages, will be in the form of a drafting manual. The materials will include models of common legal instruments.

Mr. Pantzer has had a long and experienced career in the fields of law and education. Since 1940 he has been with the law firm of Hickam, Pantzer & Boyd of Indianapolis. He is a member of the American Law Institute, its Editorial Board for the Uniform Commercial Code, and its Committee on Continuing Legal Education.

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