

The Harvard Law School Record

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NEW TERM ENTRANCE LIST SET

Four Hundred Men To Enter; Eighty Percent Rejected

Although approximately 400 men have been accepted for admission to Harvard Law School for the October term, it was still necessary to reject at least four out of every five applications received, it was announced this week by Professor E. Merrick Dodd, Chairman of the Admissions Committee.

Those entering in October will bring the total number of students accepted since V-J day to more than 1,500, and veterans will comprise more than 90 per cent of the student body, Professor Dodd said. The geographical distribution of these men is about the same as it was in pre-war days, but there has been a slight increase in the percentage of students from colleges located south or west of Pennsylvania.

The first post-war class, which entered in October, 1945, included 306 students. The largest group admitted was last February, when 464 students entered, after the faculty voted to increase the size of the first year class from two sections to three. It was not practicable to admit another entering class of three sections last June, and the number dropped to 377.

There will be another entering class in February, 1947, which will include some of the men rejected for this October. The February class will be the last group which will enter at an unusual time of the year and which will be given an accelerated course. The next class after February will enter in September, 1947, and will follow the usual pre-war schedule, including summer vacations. Thus, the summer term will be discontinued after the summer of 1948, when the class which entered last June will be finishing.

In pointing out the problems faced by his committee in selecting those to be admitted from the large number of applicants desiring admission, Professor Dodd outlined the policies which have been followed by the Admissions Committee since V-J day, and compared them with pre-war years.

For many years before the war, the policy was to admit any student who had a bachelor of arts degree or its equivalent from an approved college. About ten years ago this requirement was raised by requiring college grades substantially higher than the minimum necessary for graduation from college, and in the case of applicants from colleges with which the Law School had little or no experience, a special examination was given to test the applicant's ability to do graduate work.

(Continued on page three)

Active Roles In All Municipal Affairs Urged For Lawyers

"Should Young Lawyers Be Citizens?" is the question Murray Seasongood, LL.B. '03, Cincinnati lawyer and member of the Association Council (biography in Sept. 5, 1946, RECORD), poses and answers in this article written especially for the RECORD.

"The government of the cities" (to which might have been added, the counties), said Lord Bryce more than fifty years ago, "is the one conspicuous failure of the American democracy." That statement, in many urban sections of our country, is still true and unheeded. The Tweed ring of the 70's in New York City; the Cox, Vane and Schmitz gangs in Cincinnati, Philadelphia and San Francisco; the Yerkes, "Bathhouse John" and "Hinkey-dink" regime before and after the turn of the century in Chicago are perhaps known by name to the political science student of today, as are some of the present day bosses such as Crump in Memphis; Pendergast in Kansas City; Curley in Boston, and Hague in Jersey City. But the subversive, waste and depravity that accompany boss rule are not generally comprehended and even where they are, there exists little desire to remedy conditions which truly menace the proper functioning of the Republic. Winchell's column recently contained this,

"Some years ago a Philadelphia Mayor was indicted for failing to suppress gambling and vice. He was accused of being on the payroll of underworlders. . . . Despite the exposure the Mayor's regime continued to remain in power. The whole sordid affair caused one local editorialist to label Philly as the 'city of brotherly loot'."

In Cincinnati, some forty years ago, two judges of an appellate court admitted, in a legislative hearing, they had been summoned by Cox to his office and requested by him to reverse a large judgment the city has obtained against a construction company. They did reverse the judgment and yet, after so testifying, were given re-nomination and reelection. The third judge, who declared he had said to Cox that as judge he would decide the case on the facts and the law, and who did vote to affirm, was denied re-nomination.

The fortunately circumstanced young men and women of promise do not have attention attracted to such matters in school, college or graduate courses, nor to what has been done or can be done to repair such breaches in the structure of government. And so their interests, and, in some of them, idealism is left for other less important fields of activity. Lord Bryce also said, "The practice of local self-government is the best school of democracy and the best guarantee of its success." But as former governor of New Jersey, Charles Edison, observed in a recent issue of the *National Municipal Review*:

"Citizens will die for democracy, pay taxes for it and give their blood for its soldiers. But vote? Work at democ-

racy? It takes a revolution or a miracle to arouse them. They are convinced that democracy is better than despotism, and they will send their sons to fight dictators on any continent and on



MURRAY SEASONGOOD, LL.B. '03

every sea; but in their own states and cities they will allow domestic dictators to fatten themselves upon our institutions and to enrich themselves at public expense. . . .

"To join societies for world organization and to listen to learned lecturers on the populations of the Balkans are all right; but it is no substitute for knowing about the problems of one's own city, county and state. There is not much that you and I can do about the Ruthenians or the Koreans. . . . but we can pull our weight in our own boat here at home. We can throw our influence toward the nomination and election of honest and forward-looking men right here. We can see that democracy works in America. Effective citizenship is active citizenship."

The term "local government" is, in some aspects, a misnomer; since its effects are not merely local, but national. There is no higher peace time duty than to help with one's local government. Citizens do not get a different kind of government in the national domain merely by using names such as "Congress." Those sent to Washington have almost always had their training and acquired their habits of thought and action from the local field. Again quoting Winchell.

"The influence of corrupt political bosses on national affairs cannot be overestimated. Many lawmakers are merely errand boys for local ward heelers. A reporter recently snapped, 'This is truly a mechanical age. Even public officials are frequently machine made'."

But the reader may say, "I am studying

(Continued on page four)

ELI BENCH INCLUDES GRISWOLD

Frankfurter Sits As Chief Justice For Yale Finals

Acting as an associate justice with Mr. Justice Frankfurter presiding, Dean Griswold will be a member of the bench in the Yale Moot Court argument finals this Friday evening.

The case of *May v. Burgess*, 147 (2d) 869, cert. denied 325 U.S. 868 will be argued. This case involves the validity of a covenant against Negro ownership or occupancy which was upheld by the District Court as a valid subject of an injunction at equity and as not against public policy and was affirmed by the Circuit Court of Appeals of the District of Columbia.

At Yale, the organization of the moot court arguments is somewhat different from the Ames Competition at Harvard according to information received from William Calfee, the student director of the Moot Court at Yale.

At Yale all second term students are required to take Moot Court, a one unit course entirely run by second and third year students. Each student argues before visiting judges and lawyers an appellate case selected by the directors from decisions handed down during the year in the various federal and state courts. At the beginning of the term the students are given the records previously obtained from the attorneys in the actual case, and then they prepare a brief in advance of the oral argument. At the end of each term of Moot Court the six students who, in the opinion of the Moot Court directors, had the best oral arguments are given a case to argue before a bench of three visiting judges.

Each counsel for the petitioner is allowed twenty minutes and each counsel for the respondent twenty minutes. Two of the six are only alternates.

Having a Supreme Court justice sit as presiding judge carries on a tradition started the last term before Moot Court was given up because of the war.

QUARTER FINALISTS MEET FOR PAIRINGS

Eight Clubs Discuss Details At Smoker; Reply Briefs Declined

At a smoker held last week the eight clubs participating in the quarter final round of the Ames competition decided for themselves that they should be paired off against each other in the manner which has heretofore been prescribed for them, that is, the highest scoring club against the fifth highest scoring club, the second highest scoring club against the sixth highest, and so forth through the eight clubs.

The eight participants also decided that they preferred the usual simultaneous exchange of briefs rather than the somewhat more realistic reply brief method of exchange.

In the upper bracket of the quarter final round the Casner Club will argue against the Grotius Club, and the Langdell Club against the Fuller-Hughes Club. In the lower bracket of the competition the Wilson Club will meet the Tancy Club, and the Root Club will oppose the Scott-Pow-Wow Club. The arguments will take place between December 12 and the Christmas vacation.

Permitting the clubs themselves to decide on matters of pairings and brief exchanges marks a departure from the Board of Student Advisors former policy of arbitrarily matching the clubs. The decision of the clubs to follow the usual Board procedure indicates a vote of confidence in the Board decision. According to retiring Chairman of the Board, Albert E. Goldman, under whom the decision was made to let the clubs decide for themselves, it was expected that the clubs might decide on the reply brief method. The reply brief method differs from the other in that the moving party submits its brief to the opponent and a week later the winning party below replies with its brief.

NOTICE

This is the last of four issues being sent free to all members of the Harvard Law School Association. For your convenience we have provided a subscription blank at the bottom of page three. Fill it out and send it in now if you wish to continue to receive the RECORD. We hope that you will respond favorably, because the purposes of the paper depend for their attainment on support of the Alumni as well as the student body. Any comments or criticisms which you care to make will be welcome.

Alumni Opinions Requested

The Committee on Legal Education urges all interested alumni to request a copy of the questionnaire designed to investigate the methods and results of legal training. The value of the survey will depend on the breadth of sampling obtained, and a plea is made for co-operation from alumni willing to express their views. Requests for the questionnaire should be directed to the Committee on Legal Education at Harvard.

FRENCH DEAN TO BE FETED

Head Of Paris Law School To Arrive On Thursday

Dean Leon Francis Julliot de la Morandiere of the University of Paris Law School will be the guest of honor at the first post war Legal Aid Society banquet which will be held this Thursday evening, at 6:30 p.m. at the Faculty Club.

Guest speakers at the dinner will be Dean Griswold, who will address a few remarks of welcome and make some general comments to the group, and Mr. Reginald Heber Smith, LL.B. '14, a former member of the Society, who will discuss the relationship of the lawyer to the large portion of the community which, although of moderate means does not readily utilize the legal facilities available to them.

Dean de la Morandiere will arrive at the law school this Thursday afternoon, accompanied by Madame de la Morandiere. They will be conducted on a tour of the law school and will later be entertained at a tea, which will be attended by members of the faculty and their wives at Kendall House. In the evening, while the Deans are attending the banquet, Mrs. Griswold will entertain Madame de la Morandiere.

A veteran of the first World War, the Dean is a Chevalier of the French Legion of Honor, and received the Medal of Resistance, in May 1946 for his activities during the occupation. His appointment as Dean of the Faculty took effect on January 1, 1945.

He has recently been elected to the Academie des Sciences Morales.

The Dean, a specialist in the Civil Code, has been invited by the French Government, and has accepted a commission to undertake a revision of the Code.

Because of his Norman background the Dean seems a lot closer to Anglo-Saxon ways of thinking than most French legalists.

The University of Paris, according to tradition, was founded in the Eighth Century, when Charlemagne, called the famous Alcuin to Paris and established a school for him at Notre Dame.

In the Twelfth Century the Faculty of Law was founded, and the law school there dates from 1160.

Council Members Distinguish Selves In Legal Activities

This concludes a series of articles presenting brief sketches of the activities of members of the Harvard Law School Association Council.

Raymond S. Wilkins, LL.B. '15, was born May 24, 1891, at Salem, Massachusetts. His college preparation was at Harvard where he obtained an A.B. in 1912. Following his graduation from the Law School in 1915 he was admitted to the Massachusetts bar and began the practice of law with the firm of Storey, Thorndike, Palmer & Dodge, later known as Palmer, Dodge, Wilkins & Davis. During the first World War he served as an officer with the 301st Field Artillery, A.E.F. After resuming the practice of law in Boston, Winchester became his home and he served as a Selectman in that town from 1935 to 1937, and as Moderator from 1940 to 1943. During the period 1941-1943 he was a member of the Massachusetts Governor's Council. In 1944 he was appointed by the Governor to be an Associate Justice of the Supreme Judicial Court of Massachusetts. Justice Wilkins is a member of the American Bar Association, the Middlesex and Essex Bar Association, Veterans of Foreign Wars, American Legion, Phi Beta Kappa and the Union Club.

Chauncy H. Hand, LL.B. '17, was born at Elizabeth, N. J., on July 22, 1893. His preparation for Harvard Law School was at the University of Cincinnati, where he secured an A.B. in 1914. Yale University awarded him an honorary A.M. in 1938. During the first World War he was assistant director, and later director, of the Bureau of Enemy Trade of the War Trade Board, and also a member of the Inter-Allied Licensing Conference. At the end of the war the Treasury Department se-

SURVEY OF GRADUATES COMPLETED

Men In Last Term Hold Out For Job In Chosen City

Of the 76 candidates for LL.B. degrees from Harvard Law School in October, approximately 26 per cent have accepted positions commencing after graduation, it was revealed this week through a survey conducted by the RECORD in cooperation with H. S. Dimmitt, Secretary of the Law School, who is in charge of the placement of graduates.

The greater part of the remaining 74 per cent who will get degrees have offers for positions which they are considering, the survey showed, but are postponing a decision partly in the hope that they will be able to locate in the geographical area of their choice.

That the student's selection of the area in which he would like to practice is an important factor influencing his choice of a position is indicated by the fact that practically all of the graduates have indicated a definite preference of location.

An analysis of the results of the survey show that 36 of the graduates would like to locate in the East, five in the South, nine in the Midwest, and 14 in the West. Eight indicated an alternate choice of area, and only one stated that he had no preference. Two students plan to do graduate work.

In response to requests from Alumni and students alike, the RECORD this week contains the names of students graduating in October, their home addresses, colleges, whether or not they have accepted a position, and their preferences as to location. (See chart on page 4).

The information listed is based on interviews with the prospective graduates by Mr. Dimmitt, which has been brought up to date by the RECORD through correspondence with the individual students. Persons desiring to correspond with the graduates may do so by writing them directly at the home addresses given, or through the secretary of the law school.

One of the reasons for publishing this information is the often-expressed complaint that graduates of the law school are too-frequently channeled into Eastern law firms, with the result that the influence of the school is being restricted to the East.

Comments from Alumni as to the usefulness of this information, whether it should be repeated for the classes that follow, and suggestions or additions that might be made are requested.

H.L.S.A. Membership Dues Contribute Faculty Portraits, Books, Scholarships, Placement Bureau

The author of this article is a prominent Boston lawyer and is presently serving as Treasurer of the Harvard Law School Association.

The Harvard Law School Association is what is known to the law as a "voluntary association." It is peculiarly voluntary in the sense that graduates in the past have become members of the Association by a voluntary act—the signifying on their part that they wish to become members; to pay annual dues; and to support the program of the Association. Dues are collected on bills sent out in September of each year and the income from dues and from investments is expended by the council of the Association, in consultation with the faculty of the School, for such projects as the income warrants.

Through the years the Association has provided a large number of scholarships; has defrayed the expense of painting the excellent series of portraits of the faculty now on display at the Law School; has printed and presented to its members Professor Edward H. Warren's "Excerpts from Spartan Education"; has made important contributions to the library; has aided in furnishing the Elihu Root Room; and has for a period paid the salary of an Assistant Secretary of the Law School who served as a placement bureau for graduates of the School.

In addition, the Association has at intervals of five years helped defray the expense of printing the Quinquennial Directory of the Harvard Law School, which is the standard legal directory for Harvard Law School graduates for use in forwarding business from one part of the country

to another, and has distributed it free to members.

Through the annual reports of the Treasurer, sent to all members, the Association has kept graduates in touch with the Law School and has from time to time distributed special material to graduates, of which *Excerpts from Spartan Education* is the most outstanding example. There is no limit to what the Association could do for the School and for the graduates as well except for the limit imposed by its income.

Roughly, only one third of the graduates of the School have seen fit to join the Association, although dues are but \$2.00 per year and a life membership can be had on payment of \$25.00. The fault lies not so much in the graduates themselves as it does in the difficulty of reaching them with a sufficiently cogent appeal to procure the necessary response. For some years prior to World War II the graduating class was invited to join the Association by one of its officers just prior to their graduation and the percentage of those joining was very high. But there remained a large number of graduates in the earlier years who never joined the Association.

The need for scholarships, to mention only one need which the Association helps to meet, will presumably increase after the G. I. education program ends. The Association is about to embark on soliciting and providing funds for building a Treasury Room at the School, to house and make more available some of the more priceless rare books now in the Harvard Law School Library, but less ac-

cessible than they should be because of the lack of adequate facilities both to protect them and to make them useful.

If the income of the Association can be increased, the area within which it can be of service both to the School and to its graduates can be greatly enlarged. And its income can be increased only by augmenting its membership. The council of the Association has decided to make a radical change in the provisions as to membership and to adopt the practice which is common in other schools. This decision involves making each graduate of the School automatically a member upon his graduation. It does not involve, however, sending him a bill for dues during his first year or even his second year after entering practice. While each graduate will become a member on receiving his diploma and will thereafter receive the Treasurer's annual report and any of the material put out by the Association, including the Quinquennial Directory, he will not receive a bill for dues until the arrival of the third September after his graduation. He will then automatically receive a bill for \$2.00 and be reminded that if he desires to become a life member, he can do so upon the payment of \$25.00.

It is believed that this new policy will result in a greatly strengthened Association, a much larger contribution to the School and to the student body than the Association has succeeded in achieving in the past and a much greater contribution by the Association to its graduates.

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Editorials

ALUMNI AND THE RECORD

This is the last of four issues the Harvard Law School Association arranged to have delivered to its 4,300 members. The response so far has been gratifying. Naturally, we hope that alumni subscriptions and letters will continue to come into our offices, for we believe we can be of real service as an organ of news and opinion linking the alumni with the School.

The information about the graduating class printed in this issue is presented as an experiment. We think it interesting in itself but make no predictions about its utility for the men named. Perhaps it is too late now for the negotiation required.

Washington, D. C., and New York City usually attract a large proportion because the School and the men find contacts already established, although unquestionably a good many would prefer other locales, as the present tabulation shows. Anyone who wishes to consider employing a man directly after his graduation can, of course, write Secretary Dimmitt to procure interviews or letters from students who evince an interest in the proposition. The RECORD's place, if any, in placement is not clear. The Dean's office is taking steps to prepare for the placing of the large graduating classes of the near future and we shall take our cues from there. Articles and news stories by and about alumni are much in demand by the RECORD. Murray Seasongood's article in this issue is the kind of contribution we believe of interest and value to students, faculty and alumni alike. We want more like it. Occasionally, when it seems to be worthwhile, we shall print articles by men who never attended the School. As a rule, however, we want news items and articles related to the School and its members, past and present.

We take this opportunity to thank our new alumni subscribers for the faith they demonstrate in writing the six dollar checks they send us for a year's subscription, and also to thank them for the kind words of praise and good wishes for success many of them include.—C.O.P.

Letters to the Editor

To the Editor of the RECORD:

Congratulations and best wishes on your new venture. The *Law Review* has gone a bit over our heads, as ordinary practitioners, except when we are engaged in research and find a note on our particular problem. Your venture breaks the ice.

In recent years, the Editors of the *Review* became so "national" in their point of view, that they seemed to be editors of the *Restatements* or of A.L.R., writing a national common law, forgetting that we are 48 states, and never anticipating *Tompkins v. Eric R.R.* etc.

For some time I have advocated here in Boston a weekly newspaper for the profession, similar to those which exist in other states and cities. I find that while there is pride in being first, it breeds a conservative attitude. You see, the *Massachusetts Law Quarterly* was the first bar review, and there matters stopped.

Best of luck, and success.

GEORGE T. BLACK,
Attorney at Law.

To the Editor of the RECORD:

There are some anti-social characters in this school who consistently and unflaggingly glare at those of us who enjoy our talk in the Langdell Reading Room. There's much to be said during the hours between classes, and it reassures our consciences when, throughout our discussions, legal or otherwise, we have note-books, case-books, law reviews, or State Reports spread learnedly before us. So, the library's the place for our friendly chats, whether on some legal point that the professor failed to put across properly, or as to our week-end plans. Being awfully social and enjoying the happiness of our fellow-men, we wonder if some provision can't be made for those cheerless birds who glare and occasionally make rudely unkind remarks to some of us insinuating that we ought to go some place else—to talk.

Possibly part (north, east, south or west) of the reading room might be set aside for those who fail to enjoy a chat between the lines. Then, providing our compass leads us to the proper portion, we can whisper undisturbed by the unhappiness of the law school drones, knowing that if in error we veer off to the wrong table, an ever polite library proctor will nudge us firmly into the proper section, and we shall be barred from disturbing the earnest young men at the study tables.

Some heretics have nastily suggested that we be kept out of the library entirely—but that's absurd: a tremendous, comfortable library for reading only, pff!

The separation plan ought to do it—and if enforced with rubber-soled vigilance will please everyone, possibly see the silent man getting more work done, and the rest of us happy in the wisdom garnered from each other and from osmotic processes in that splendid atmosphere of learning.

MRS. PALSGRAF

To the Editor of the RECORD:

The manner in which you handled the South Carolina beating story encouraging to those of us who have faith in the power of public opinion and the ultimate force of the educa-

tive process. Only by shamelessly exposing the atavistic tendencies of the uncivilized sections of our country can we hope to solve some of our social problems.

I am reminded that in April, 1921, Governor Hugh M. Dorsey of Georgia called a conference in Atlanta to consider the problem of 135 atrocities committed against Negroes in the preceding two years. After outlining the purpose of the conference the Governor said:

"... As Governor of Georgia, I have asked you, as citizens having the best interests of the State at heart, to meet here today to confer with me as to the best course to be taken. To me, it seems that we stand indicted as a people before the world. If conditions indicated by these charges should continue, both God and man would justly condemn Georgia more severely than man and God have condemned Belgium and Leopold for the Congo atrocities. ... To end these conditions I would suggest (1) Publicity, namely, the careful gathering and investigations by Georgians and not by outsiders, of facts ... and the publication of these facts to the people of Georgia. ..."

See: Hugh M. Dorsey, *A Statement as to the Negro in Georgia*, Pamphlet: Committee on Race Relations in Georgia (1921).

Apparently the lapse of a quarter of a century has not served to impress on the citizens of the South the merits of this suggestion. None of the 135 cases presented to the conference quite attained the degree of cold-blooded murder that is now being committed in the southern sections of our country. It remains, therefore, to the citizens of other parts of the country to condemn this mass criminality that has now reached the proportion of a national disgrace.

GEORGE N. LEIGHTON, '46.

To the Editor of the RECORD:

As a New York State life resident, the writer would save the Southern members of the student body, whose views you purport to represent, from the embarrassment of a futile protest as a minority here which has a right to a voice but is hampered by being a minority. Neither the writer nor any southerner in our midst would attempt to justify the violence you recount in the August 14th issue, but the southerner could claim rightfully that your tone of scornful intemperance does him an injustice in implying throughout that this is the ordinary run of affairs in the South.

If the RECORD means to campaign against mob violence, and government-supported racial intolerance, the writer supports that purpose as worthy of a student body, part of whose business will be government and politics. But if you, as the writer, disagree with southern intolerance, why not state this disagreement in terms which recognize the difficulties of the problem and present a workable remedy. Such a remedy lies not in an immediate abolition of the southern status quo alone, nor does it lie in the expression of northern scorn. It will take years to effect a workable solution. Our military experience, plus the presence of fine groups of southerners and Negroes among us will shorten that period. Scornful and destructive remarks will lengthen it. And while we are at it why not cast some scorn at the violence and bad government in our more enlightened North?

August 28, 1946

Sir:

Perhaps through this medium my question can be answered. What is the exact definition of the "Law School Policy," that is consistently referred to in conversation? Is there any definite "Policy" or is it the same as our own Foreign Policy, the "little man who isn't there?" I often hear it said, "There will probably be a change of policy with a new Dean." What Policy, please?

Off the Record

We read in the paper that "recording machines will be used to supplement the curriculum of the Yale University Law School." By this device, it is hoped to merge "traditional scholastic methods with modern mechanical aids." When we first read it, our impulse was that it was a fine opportunity to be funny at the expense of the school down the line. But with the exams staring us in the face, and reflections sobering us, we've decided that it was a mighty fine idea. If we could just listen again to Professor Morgan casting out those pearls of wisdom about declarations against interest, or to Professor Freund when he remembered the distinction between two cases long enough to state it once. Yes ... it's an excellent idea. Beats benzadrine tablets all to pieces, too.

When Clarence Darrow was participating in the Scopes trial and the judge took half a day to write an opinion on the admission of testimony, he was particularly vocal. "I hope you do not mean to reflect upon the court," Judge John T. Raulston is reported to have remarked. Darrow, after a moment of glaring at the judge, finally said bitterly, "Your honor has the right to hope." We understand that he was held in contempt and then pardoned.

Our letter last week from our friend who is a horse prompted a cow to write us ... a complete stranger though. She had a lot of things on her mind too, and leading the list was the fact that she objected to being called a "Chattel." She doesn't particularly mind the residents of The Legal World, and in fact she often enjoys Replevin time, except for those occasions when, it seems, people won't milk her. But what she wrote us about was her own particular problem. Creditors, claiming butter, have been pressing her, and in the meantime she has been making advancements to relatives, but whether these were gifts or loans, she doesn't remember. We have referred her to the Department of Internal Revenue.



See Graduate Survey (Page 1)

Gallery



Harvard, had introduced himself in a startling manner. Philosopher of the law, and jurisprudence, he had come to Harvard to teach the class of the great Williston, who retiring, had left behind him a casebook of accepted orthodoxy and magnificent reputation. Fuller, with the basic originality and independence of thought now recognized as characteristic, was not even retaining Williston's casebook.

Professor Fuller now experimentally uses a book of his own, described by the sophisticated in the field as unique in approach. This too could have been expected by succeeding classes had they been aware of his habits of mind and lifetime practice of reaching conclusions via an analysis back to first principles and subsequent deductions therefrom.

Those unfamiliar with the Fuller philosophy of legal thinking and his dissent from some tenaciously held views of the nature of law, can get a taste of his theory in the Root Room, in his essay in the symposium *My Philosophy of Law*. If that is not on the shelf, there is *Reason and Fiat in Caselaw* in 59 LLR 376. Both are provocative and challenge a number of assumptions widely employed.

He writes as he teaches with a sort of casual earnestness. Not flashy in style, either in the classroom or in print, Fuller has probably left unimpressed a few, who were also unconscious of the implications of his views. The discerning carry away the impression that they have met a profound and seminal thinker.

"I may be forgiven if I begin this sketch," he says in *My Philosophy of Law*, "by recording my dissent from certain accepted conceptions of law and legal study." It would be an inaccurate oversimplification to call him a "Natural Law man" but he willingly says "I want to combat the excess of the reaction against natural law" and "to oppose an over-emphasis of relativism and absolutism." As with certain French novels, his ideas are best read in the original.

Fuller was born in Texas in 1902 and graduated from Stanford College and Law School. There was no Law Review at the California institution for him to edit but he was graduated first in the class with a straight "A" average and became a member of the Order of the COIF. Upon graduation he went to University of Oregon Law School where he commenced teaching the next fall after receiving his J.D. Many of his first class were older than he. His first Contracts class at Harvard disturbed him much less than that first Equity class at Oregon he says now. This first year of teaching brought him the discovery among others that the "professor can be more dogmatic under the case system than when simply lecturing. To fortify his position in (class) discussion, and to enhance his own advantages in the combat, the teacher instinctively tends to narrow the area of the legally relevant; his most effective answer to troublesome arguments will be to say 'What you are saying is very interesting and no doubt true, but it has nothing to do with law.' By thus restricting the discussion the teacher places himself in a position to profit from his own superior mastery of a closed system of ideas."

After two years at Oregon he went to University of Illinois Law School, and after 3 years there to Duke, where he remained until called here. At one time or another he has taught Personal Property, Equity, Bankruptcy, Title to Land, Real Property, Willis, Mortgages, Suretyship, Equity II, Jurisprudence, Insurance, Contracts, Quasi Contracts, Domestic Relations, Agency, Damages, and Comparative Law.

Law School Annals

In 1869, after considerable debate, the Overseers of Harvard elected Charles W. Eliot, a 35 year old professor of chemistry, to the presidency of the University. One of the President's first official efforts was to raise the standards of the Law School. It was natural that this man of science should be influenced in his choice of a new professor to consider a man who held the view, revolutionary for the time, that the law too is a science. This man was Christopher Columbus Langdell, a graduate of the Law School in 1854. At the time of his appointment to the Dane Professorship, Langdell was a relatively unknown lawyer in New York City, whose courtroom appearances had long since ceased and whose genius and scholarship were known to few. The appointment created some dismay within and without the school, since always in the past, only men who had already attained nation-wide renown were chosen to the faculty. President Eliot went further and created the office of Dean and instituted formal faculty meetings at the first of which Emory Washburn and Nathaniel Holmes elected their new colleague to the Deanship. Though apparently designed only as a clerkship, Langdell turned the office into the position of leadership and distinction it has ever since been.

Langdell's first class in Contracts has now become quite a legend. (See: F. W. Grinnell in *Record*, Vol. I, No. 8). Word got around that the new professor had a novelty up his sleeve, so that the classroom was crowded for his first lecture. What those attending heard was a complete reversal of the known methods of law

teaching. The law did not flow from a treatise thru the teacher's lips and thence into students' notes, but was extracted by a painful process of reasoning and the criticism of the reasoning of others as found in the cases. This innovation was too much for the majority of the students and Langdell soon found only seven men attending his lectures. It was also too much for many of the members of the local bar and teaching profession. The result was the founding of the Boston University Law School in 1872 to carry on the pedagogical methods rejected by Langdell. The faculty of the new school was nurtured by several discontented Harvard instructors and the student body also had a distinct Harvard tinge.

For his first three years, Langdell was alone with his case system. The first help came with the appointment of one of the original faithful seven, James Barr Ames who was appointed Assistant Professor in 1873 at the age of 27. Ames proved not only a thorough convert to Langdell's beliefs, but became responsible, to a large extent, for the development of the case system as we know it today. The other professors, Washburn, Holmes and Thayer, stuck to treatises as did the visiting lecturers including John Chipman Gray. After Washburn's resignation in 1876 the transition was rapid and the table of courses offered by the School in 1880 listed only one treatise in use, *Austin on Jurisprudence*.

For several years after the appearance of Langdell's *Cases on Contracts*, a controversy over the merits of the case system raged throughout the profession, in legal periodicals, bar associations and schools. Strangely the originator of the system never wrote a word in defense of his ideas other than the brief preface to the above-

Sub Judice

PIE A LA NAIL****Mince pie with a nail in it is not nauseating.

The Supreme Court of New York recently made some acute observations concerning mince-meat, nails and cockroaches. *Copeland v. F. W. Woolworth Co.*, 62 N. Y. S. 2d 661.

The plaintiff claimed that she ate two spoonfuls of mince pie furnished to her by the defendant. At the end of the second spoonful she noticed that the pie did not look or taste good and had a bad odor. Then she came upon a 1 1/4 inch wire nail imbedded in the mince meat. This, she said, revealed a repulsive condition in the pie that nauseated her and made her ill. The trial judge awarded the plaintiff \$50.

Without batting an eyelash the Supreme Court reversed the judgment and gave costs to the defendant. The plaintiff could not rely on the cases cited by her. This was true of *Carroll v. New York Pie Baking Co.*, 215 App. Div. 240 where the foreign substance consisted of "several cockroaches ... imbedded in the bottom crust of the pie. They were crushed to such an extent that they ... resembled butterflies ...". The court said that while there was an obvious similarity between the plaintiff's experience and the facts in the Carroll case, the inference that a nail in pie is a repulsive condition similar to crushed cockroaches is unwarranted. Metal nails, the court said, cannot be regarded in the same category as dead cockroaches which are subject to putrefaction.

SECRETS OF THE TRADE****Employee cannot exploit ideas acquired during employment.

Although an employee may later use the skill or general knowledge acquired during the course of his employment, he cannot adopt and exploit for his own use or others the special ideas acquired during his employment when such use will harm the interest of his former employer. *Junker v. Plummer*, 67 N.E.2d 667.

In an opinion by Mr. Justice Spalding the Supreme Court of Massachusetts held that an employer was entitled to a permanent injunction against his former employees who, after termination of the employment, attempt to exploit special ideas which he had used in his trade. The plaintiff alleged in his suit that he had perfected a machine for combining or laminating shoe uppers. He employed defendants who before such employment did not possess any knowledge concerning the process used by the plaintiff. After defendants left his employ they built a duplicate of the machine.

The court held that the ideas used in his trade by the plaintiff, though not protected by a patent, would be protected from exploitation by former employees who abuse the confidence imposed on them by the employer. But, the court pointed out, an idea that is part of a trade secret is not protected from the use by other persons who acquire it by honest means.

This opinion shades nicely through the difficulties presented by the facts and rests firmly on the doctrinal foundations of the *fidei laesi* of equity jurisdiction. Where the parties assume a relationship requiring the exercise of good faith and performance of assumed obligations, equity will give relief to the party who is injured by the abuse of the confidence imposed. Thus, the plaintiff here was given both injunctive relief and damages.

Despite his reputation in the field of Jurisprudence, his favorite subject for teaching purposes is Contracts.

In 1942, after teaching these various subjects for 16 years, he took the bar examinations. He passed and was for the first time, a lawyer.

This new privilege he put to use during the war and became associated with the prominent Boston firm of Ropes, Gray, Best, Coolidge, and Rugg. For that firm he handled negotiation of labor contracts, and spent the entire war period in the field of labor law. This experience he found particularly interesting because the lawyer's role in the labor field "is still in the process of formation."

Professor Fuller notes rather wryly that some employers expect their lawyers to be tough, so they can then make big-hearted concessions. He found, after he became well acquainted with the personalities involved, that "the lawyer's most valuable contribution in this field, and perhaps generally, lies in his skill in finding ways of reconciling opposing points of view." This is typical of Fuller's approach to legal problems. His keen analysis and clear reasoning generally but irresistibly compel his students to conclusions which are free from the excesses of any dogma. C.G.S.

mentioned casebook. On the other hand the *American Law Review*, the *American Law Register*, the *Southern Law Review*, the various school reviews and the American Bar Association debated the subject at great length. Columbia, for example, would have none of it. Though the system had strong opponents, it had more ardent supporters and, as universities throughout the country opened or reorganized their law schools, they called upon men educated under Langdell's methods to set up the curriculum. Eugene Wambaugh carried the system to Western Reserve, John Wigmore to Northwestern, Joseph H. Beale to the University of Chicago. Though not a Harvard man William Howard Taft introduced it to the University of Cincinnati, and, after William A. Keener left Harvard to teach at Columbia, where case study was looked on with disapproval, he took less than five years to convert the stronghold. The growth of the case system even extended to Cambridge and Oxford in England after Albert V. Dicey and Sir Frederick Pollock returned to their country with glowing reports. One index to the rapid growth of the case system may be found in the advertisements in the *Harvard Law Review* which, in June 1908, printed adds for 83 case books only 27 of which were the work of Harvard Professors, the rest originating from Columbia, Cornell, Michigan, Boston University, Indiana, Missouri, Minnesota, Pennsylvania, Chicago, George Washington, Northwestern, Nebraska, the University and the City College of New York.

Today the case system is universally accepted and Harvard can look with great pride to Dean Langdell who quietly and modestly took the first and farthest step. C. S. L.

The Witness Stand

The Question: Do you think Northern "interference" materially contributed to the re-election of Talmadge, Bilbo and Rankin?

1. Edward C. Crouch, Florence, S.C.
4th Term

To the extent that the candidates could use quotations and misquotations from the Northern press I think there was an influence on the Southern voter. I do not think the Northern press directly influenced the Southern voters. If Eleanor Roosevelt is considered Northern influence then she did materially affect the Southern voter to continue the Bilbo-Rankin clique. The fact that Negroes could vote in Georgia induced many Southern Whites in the back countries to vote who had never voted before, too.

2. Francis T. S. Lavery, Erie, Pa.
4th Term

I don't think the Northern Press directly influenced the Southern voters. I can't picture a back country Georgia farmer reading P.M. or the New York Times. The Northern radio commentators might have had some negative influence but probably the greatest use made of Northern attacks were by the candidates themselves and to that extent I think it can be said they contributed to the re-elections.

3. Charles Radow, Columbus, Ohio
2nd Term

Yes, I do. I think, psychologically, the reaction to outside pressure produces opposition. Quotations in the Southern press of Northern commentators, etc. I think aided the Talmadge, Bilbo, Rankin cause. In fact anything the North attempted probably had some material influence.

4. William R. Swope, Lexington, Ky.
4th Term

Yes. The tendency of Southerners is to resist other sections of the country interfering with the way they run their business. When the Northern press and radio called their attention to many things a mental block developed. Eleanor Roosevelt was another contributing influence materially affecting the re-election of the named candidates.

5. Martin Horowitz, New York City

Those Southerners who have the strength of character to overcome the unreasoned prejudices which a Bilbo, a Rankin, or a Talmadge stand for, will not be adversely influenced by Northern support. It takes courageous and honest thinking on the part of a Southerner to overcome what he has been trained to accept. Those who could vanquish the prejudice of the kind which these three stand for, have also the vision and perspective to brush aside any emotional reaction against assistance from "outsiders."

6. Eugene Branch, Decatur, Georgia
3rd Term

I believe that the outside interference, as is generally the case, was to some extent detrimental to the side it backed. I do not believe it was a determinative factor in the only one of the elections of which I have any appreciable information—that of Talmadge. I do believe that interference by such persons as Pearson and Winchell has a more detrimental effect than that which comes from more responsible sources.

7. Harry Martin, Blowing Rock, N. C.
3rd Term

Yes. While such effect is hard to evaluate as to its materiality I feel that some Southerners may object to having outsiders tell them how to run their elections. But it is not confined to damyankees alone.

Alumni Notes

Alumni are especially invited to forward contributions to this column to the Record office, Austin Hall, Cambridge (38), Mass.

LANDIS, BROWNELL SEEK AIR RIGHTS

U. S. Asks Brazil and India For Commercial Flying Pacts

The lack of air agreements between the United States and South American nations and parts of the British Empire has been the impetus which has sent James M. Landis, LL.B. '24, S.J.D. '25, and George A. Brownell, LL.B. '22 off to Brazil and India respectively, where they are trying to negotiate bilateral air transport agreements. Landis, ex-Dean of the Harvard Law School, is the current Chairman of the Civil Aeronautics Board. Brownell, a New York attorney, served as an assistant in the office of the Secretary of War during World War II and is now traveling under the auspices of the State Department.

Leaving recently, the task of each of the two negotiators is essentially the same, namely, to sell the idea that the United States has the planes, personnel and operating know-how to begin world-wide commercial service without delay. The United States has been hampered in its dealings with Latin American countries inasmuch as we have no formal air agreement in that era except with Colombia, and the current attitude of nations in South America appears to be patterned after that of Great Britain, which is tending to reverse its stand in favor of freedom of the air, and is seeking an even division of traffic for the aircraft-operating companies of each country by requiring equal schedules and capacities for each nation.

LL.B. '93—The death of Charles F. Stearns, former Chief Justice of the Supreme Court of Rhode Island, on September 3, 1946 brought to an end a long and distinguished judicial career. Mr. Stearns, a descendant of pioneer settlers, was born in Rhode Island, and was graduated from Amherst College before coming to the Harvard Law School. Within two years after graduation from Law School he entered public life as a member of the Rhode Island General Assembly, and was thereafter successively Assistant Attorney General, and Attorney General of the state, and a Justice of the Superior and the Supreme Courts. He became Chief Justice of the Supreme Court in 1929, having served 13 years as an Associate Justice. He retired from the bench in 1935.

LL.B. '98—Howard Whitmore died September 1 in Boston. He was graduated from Harvard College in 1895 and from the Law School three years later. For many years a resident of Newton, Mass.,

he practiced in Boston, first for himself and later associated with the firm of Ropes, Gray, Best, Coolidge & Rugg. He had retired from active practice prior to his death.

LL.B. '13—James P. Kem, Kansas City, Mo. lawyer, is the Republican nominee for one of the Missouri seats in the U. S. Senate. He will be opposed in the fall election by the Democratic incumbent, Senator Frank P. Briggs, who was appointed to fill the vacancy caused by the elevation of Senator Truman to the Presidency.

LL.B. '17—Wilson E. Griffiths announced in May that he had resumed the general practice of law. His address is 1305 Keystone Bldg., 324 4th Avenue, Pittsburgh 22, Pa.

LL.B. '28—Mortimer L. Rabson, Commander, U.S.N.R., has returned from active duty and has resumed the practice of law at 22 W. 48th St., New York 19, N. Y.

LL.B. '29—Osmer C. Fitts, formerly Lieut. Col. in the Judge Advocate General's Department, A.U.S., has resumed practice at 139 Main St., Brattleboro, Vermont.

LL.B. '31—Archibald S. Alexander, who returned from military service in April, has resumed practice as a member of the firm of Carter, Ledyard & Milburn, 2 Wall St., New York 5, N. Y.

LL.B. '31—Josiah Marvel has been released from active duty in the military service and has been appointed Envoy Extraordinary and Minister Plenipotentiary to the Kingdom of Denmark.

LL.B. '32—The marriage in Lima, Peru, on August 15, 1946, of Senorita Elena Ferrer y Gaffron to Henry L. de Givie, Jr., was recently announced. Mr. de Givie, a partner in the New York City firm of Reed, Truslow, Crane and de Givie, was graduated from Princeton in 1929. He is the son of Mr. and Mrs. Henry L. de Givie of Atlanta, Ga., and Cocoa, Fla.

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ADMISSIONS—Continued

The first modification of these policies to fit the needs of the returning veteran was a decision made shortly after Pearl Harbor to permit men who had served a year or more in the Armed Forces to enter the Law School after their discharge if they had completed three years of college with good academic records. This policy was later modified so as to give the Admissions Committee power to admit men who had completed two academic years of college work provided they had served at least two years in the Armed Forces.

The number of men affected by this relaxation of the college requirements has not been large, Professor Dodd said. Many men who had not completed their college work prior to induction into the Armed Forces have preferred to return to college and get their college degrees before applying for admission to the Law School. Many others have been advised that their pre-war college records were not high enough and that their only chance for admission would be to return to college and improve their previous grades. As the press of numbers has increased, the Admissions Committee has been more sparing in the use of its power to admit men who have not completed or nearly completed the requirements of a college degree.

Despite the fact that college degrees were no longer insisted on in all cases, the admission requirements for the first post-war class in October 1945 did not differ much from the pre-war requirements. A few veterans with high college records were admitted without college degrees, but on the other hand, most of the applicants accepted had records which met the normal requirements.

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term, the demobilization of the Armed Forces had proceeded so rapidly that the committee was obliged to reject many men whose college records complied with the normal standards. This was in spite of the fact that three sections were formed instead of two. The number admitted was slightly less than intended, the deficiency being due to the fact that some of those who had been accepted were not discharged as soon as they had expected, and this was not learned soon enough to make it possible to admit others in their places.

In June, 1946 the number of applicants was greater than ever. Partly because many of the June applicants have reapplied for October, the press of numbers this fall has been even greater than it was last June.

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Calendar

LEGAL WORLD

Torts Review

Professor Seavey will conduct a review in Torts in LS, this afternoon at 2:30.

Old Exams

Printed booklets containing examinations given in the Law School from October, 1944, through June, 1946, will be available some time this month. A notice will be published soon, indicating when they can be procured.

Bar Notices

Information concerning the requirements for admission to legal practice has been obtained from each state's Board of Bar Examiners. Those interested in current rules for admission to a State Bar may consult the Receptionist in Langdell Hall. First year men are urged to make certain they have complied with any requirements of the state in which they intend to practice, in regard to registering with the State Bar upon beginning the study of law.

N. Y. and Pa. Bar

Men graduating next month who plan to take the New York Bar Examination, which will be given in October, and the Pennsylvania Bar examination, which will be given in November, are requested to notify Mr. Dimmitt.

Law Wives

Miss Erna K. Sporer of the Sporer Studio will speak tonight at 8 p.m. on "Exercise for Health, Figure and Relaxation," at Kendall House.

A current world problem will be discussed by Fiora Mariotti Houghbelling, former instructor at Wellesley, now a law wife, at the meeting Tuesday afternoon, Sept. 17, at 2 p.m. at Kendall House.

Class Change

Prof. Cavers Property I first term class scheduled to meet on Sept. 20 and 21 will meet on Sept. 16 and 17. The classes scheduled to meet September 27 and 28 will meet September 23 and 24. The first section will meet in Langdell North at 9:00 and the second section will meet in Langdell North at 10:00.

NOTICE TO ALL LAW STUDENTS

Authorizations for books and supplies will not be issued on September 30 and October 1 as previously announced, but will be given out in the Book Order Department, Weld Hall, after October 4. This change has been made because law books will not be available in the book stores before October 4.

THE OUTER WORLD

Baseball

Braves vs. Pittsburgh, Sept. 12, 13, 14; vs. Cincinnati, Sept. 15, 16, 17; vs. St. Louis, Sept. 18, 19.

THE UNIVERSITY WORLD

The summer term at Harvard College and the Harvard Graduate School of Arts and Sciences ended on Sept. 7. Registration for all new students in Harvard College and those returning after leaves of absence will be on Sept. 19 and 20. Registration for other Harvard College students and Graduate students will take place on September 23.

NEW CHANCERY CLUB OFFICERS ELECTED

Eugene Cavin, Former Treasurer, Elevated To Club Presidency

Eugene H. Cavin, '47 of Galveston, Texas, was elected President of the Chancery Club to succeed Frederick M. Adams, '46, at the voting held Thursday noon at the Hotel Continental. Cavin has served as Treasurer of the organization since its reactivation in February, and his election was a tribute by the membership to his excellent handling of the finances during the crucial period of reorganization.

Wesley Bevins, '48 of Salem, Massachusetts, a graduate of Bowdoin College was selected as Treasurer to fill the vacancy created by Cavin's elevation to the chair.

The other officers, remaining in their present positions are: Vice President: Charles G. Sweet, '47 of Washington, Pennsylvania; Secretary: John R. Carr, '47 of Elkhart, Indiana; and James J. Doherty, '47 of Chicago, Illinois; Wilber I. Newstetter, '48, of Pittsburgh, Pennsylvania and Kennedy Smith, '48 of Pittsburgh, Pennsylvania members of the Board of Governors.

The Chancery Club holds its weekly luncheon meeting at the Hotel Continental, and operates a general social program for its members. Like the Lincoln's Inn Society, it is a social organization, unconnected with the Ames Competition.

COUNCIL — Continued

decided to remain in Massachusetts for the practice of law. He is now a senior partner in the firm of Rowe & Carr in Boston. Local and national politics have been among his major interests. He has several times been a candidate for the Republican nomination for Congress from the 9th Congressional District, and is currently a member of the Massachusetts Senate, where he played a leading role in the passage of anti-discrimination legislation.

He is a member of the Boston, Middlesex and Cambridge Bar Associations, having been Director of the latter, and on Delta Sigma Rho.

ACTIVE ROLES — Continued

law. I aim to fit myself for a career at the bar and perhaps on the bench. The Harvard Law School traditionally trains for such careers. How will it affect my chances for these if, at the outset I mix in an honorable way in the dirty business of politics? Ought I not wait, in any event, until I have made a name for myself and am firmly established?" The answer to that query is one no doubt still heard frequently in the School, "That depends."

It depends on whether the traditional Harvard Law School training for the practice of law is to be modified so that training for law shall include training for citizenship; and, if there is to be no change from convention, the extent to which one is willing to substitute for probable personal advantage, plodding the rocky road of courage, ideals and public service.

It must be granted that, in general, the best way to succeed in the practice of law is still by industry and the reputation that comes from undivided attention to legal business well done. True, there are many who get ahead with moderate attainments by the political path. But for solid self-satisfaction, independence and ability to sleep at night, success because people want you as a lawyer is the most gratifying and durable. It cannot be denied there are potential clients who, if they think you are interested in politics may not employ you; or because they suppose you will have made enemies who may prevent your getting results which a neutral or "political attorney", as they understand the term, i.e., a fixer, could achieve.

The trouble with the political route is it minimizes the importance of scholarship and industry, and may lead to complacency, slovenly thinking and even loss of probity. Advancement often is guaranteed at the expense of legal study by political work, vote-getting strength and loyalty to the boss, the real appointing authority. To accept political decisions or suggestions which would not commend themselves to independent thought or high standards becomes increasingly easy. The political organizations debase the bar and give favors for "being right."

Thus, a probate judge may appoint an appraiser for each of thousands of estates in a year, parceling these out on the recommendation of the patronage committee of the local organization. Similarly, the judges may assign attorneys for the defense of indigent prisoners, and there are other appointments such as masters, receiver and legal counsel for some of them. With a political bench, recruited from a political bar, these appointments are regarded, contrary to the canons of judicial ethics, as political prerequisites.

It makes a difference to a young lawyer whose rent will be due when fees are not, if he may count on profitable favors to tide him over the waiting years. And there are many additional legal positions in city solicitors and assistants in civil and criminal departments (far more than are needed to do the work), which pay above what a mediocre young practitioner might get at first in ordinary practice. Then, too, there is the chance to serve in the State Legislature. After all, the political heads do not hesitate to make "suggestions." If these are heeded, there is always the bait of judicial position, "after one's name has become known to the electors."

The philosophy of local machines and the best interests of the legal profession are antagonistic. At this time of administrative supremacy, lawyers, if they wish to persist as such, should be especially vigilant in recognizing weaknesses in the practice of the law as commonly conducted. They should seek to minimize delay, expense and uncertainty, and to restore the lawyer to that place in public esteem which De Tocqueville recounted a hundred years ago. Also, the judges should be compelled by the bar to avoid the appearance through campaigning or speaking at political rallies or making appointment on a political basis, of political partiality. Such conduct is not only wrong, but causes distrust in the public and a tendency to avoid litigation by any means.

In this modern age, there ought to be: judges of recognized ability and character, service of process by mail, use of the photostat for recording and for certified copies of wills, deeds and other public records, microfilming, use of pre-trial procedure (by which more than fifty percent of the cases in Wayne County, Detroit are disposed of without trial), public defenders, abolition of the grand jury, simplicity and cheapness of appeals.

The merit system, properly administered, should be used for recruitment of lawyers in public positions and for clerks, sheriffs, bailiffs, official stenographers, and their assistants. But, there is a fundamental conflict between these requirements of preserving litigated practice for lawyers and the necessities of political organizations. The merit system, properly conducted, goes far to prevent political appointments, political activity and forced campaign contributions. The judges, too, are adverse to curtailing their patronage. In many places there are too many judges for the work to be done and the judges, realizing this, sabotage pre-trial procedure which would make apparent how their

number exceeds the public needs.

Despite this rather gloomy picture, the scales are not all weighted on the side of the young lawyer attending solely to his ordinary legal practice and eschewing duties of the citizen and civic patriot. Where legal business originates is often unascertainable. It does come from wider acquaintance. And there is a delight in the contacts and friendships with others actuated by high motives. Also, while the political machines will fight, unfairly, if need be, and discriminate against one who opposes them, secretly they respect him and very often will try to win him over. There are many persons who may become clients because they wish to employ the services of lawyers afraid of no one, not open to influence and who will present a case well against powerful and important defendants. Judges seldom take it out on one who does not hesitate to criticize them with justice adversely. Indeed, they sometimes treat him better than they do others. It is a source of wonder why young lawyers do not more frequently file taxpayers suits and protect civil service employees. Reputation for legal acumen and fearlessness is enhanced by successful prosecution of causes having a public interest.

So far, there has been considered the young lawyer's participation in local public affairs solely on the basis of his self-interest, as if there were no Balams to defy Balak. However, there is plenty of idealism and unselfishness in youth, today, as always, whether lawyer or layman. Youth is the time for such sentiments. Courage and nobility of thought showed themselves unstintingly in the great struggle. Is all that high thinking to be lost in the humdrum of peace and grind of a prosaic practice of law? If it is conceded that participation in local political affairs must be accompanied by loss of opportunities in the practice, what of it? Where public duty is involved, let us forget expediency in peace as we did in war. To quote Browning (at the risk of being conclusively marked old-fashioned) "A man's reach should exceed his grasp, Else what's a heaven for?"

Perhaps the greatest deterrent of independent participation in local affairs is lack of knowledge of how to get in and to stay in. Unfortunately, it does not appear possible in this country for a high-standing man in the university or in law, as in England, either to have a political or dignified civil service career beckon. He can work into the local political machine according to his national party affiliation, but "reform from within" is a phrase apt to mean little achievement and much compromise and wrongful acquiescence.

There are positions for which a young lawyer may strive, such as city manager, planning engineer, governmental researcher, civic or municipal league secretary. But a lawyer's degree, while of some value, is no special aid to landing in any of these, except perhaps the last. City managers, especially in the smaller places, have been recruited, often as an economy, from the engineering profession, so that the appointee may continue to do engineering work. But there is no need for the city manager to be an engineer: a knowledge of law and government should be of at least equal value, and there should be, appointed by him, a competent Director of Service Engineer to rely on, just as there should be a trained Director of Safety for police, fire, etc.

If the lawyer does not wish to devote his whole time to public affairs as a career, he should be willing to give at least some time. He should be willing to expose the folly of voting in local campaigns on the basis of national party affiliations, should study forms of local government, the legal problems of home rule for cities and counties and seek to have adopted the short ballot, the Massachusetts ballot, or proportional representation ballot, to do away with emblem voting that permits the ignorant and illiterate, without an act of cerebration, to determine who shall administer government in the community. He should at least be willing to serve as witness and challenger at the polls to prevent the vile election frauds so prevalent that in many communities citizens know it is idle to seek to vote at all.

If the practitioner waits until he is established, before plunging into political waters, he will perhaps not go in at all. He will have more responsibility, more to risk, more disinclination to try something new, and will persuade himself that he is too busy to undertake everyone's business instead of his own.

Little can be accomplished alone. So, the best approach is to join some good government agency existing, or if none is present or working well, to organize one's own. Public discussion of local problems and mere knowledge that here is an informed, alert and intelligent group watching will of themselves, accomplish some amelioration of conditions. Politicians are sensitive to public opinion, although they sometimes appear to flaunt it. "They are slaves who dare not be, in the right with two or three," said James Russell Lowell. The two or three will become many if you convince them you are trying to do something worthwhile and have a good chance of success. It is curious how many people like Mr. Pickwick, in his famous conversation with Mr. Snodgrass, "wish to do what the mob does," or, "if there are two mobs, shout with the loudest." Steven-

Roster Of Candidates For LL.B. Degree In October

NAME	HOME ADDRESS	COLLEGE	HAVE ACCEPTED POSITION	LOCATION OR DESIRED LOCATION
CANDIDATES FOR DEGREE OF LL.B. AS OF 1946				
Flood, Richard R.	89 Parkview Ave., Lowell, Mass.	Harvard	No	Uncertain
Prensky, Lester H.	35 E. 84th St., N. Y. 28, N. Y.	Univ. of Penn.	No	N. Y. C. or Wash., D. C.
Rogers, Frederick V. D.	1914 La Salle Ave., Minneapolis	Harvard	No	N. Y. C. or Honolulu
Rome, Bernard P.	303-C Holden Green, Cambridge	Univ. of Maine	No	Boston
Wade, Oakley	Los Animos, Colorado	Univ. of Colorado	Yes	Republican candidate for State Legislature
CANDIDATES FOR DEGREE OF LL.B. AS OF 1944				
Coleman, William T., Jr.	232 W. Earlham Ter., Philadelphia, Penn.	Univ. of Penn.	Yes	Graduate Work
Corker, Charles E.	708 Thatcher St., Boise, Idaho	Stanford	Yes	Acting Asst. Prof. of law at Stanford
Drayton, Clarence I., Jr.	1059 Union St., Manchester, N. H.	Dartmouth	No	New England or West Coast
Gilbert, Alfred J.	N. Y. C.	Harvard	Yes	N. Y. C.
CANDIDATES FOR DEGREE OF LL.B. AS OF 1943				
Adams, Frederick M.	596 West Ave., Sewaren, N. J.	Rutgers	No	N. Y. C. or N. J.
Berman, Bennett I.	5654 N. Spaulding Ave., Chicago, Ill.	Univ. of Ill.	No	Calif. or Chicago
Cardamone, Joseph J.	Jordan Rd., New Hartford, N. Y.	Hamilton	Yes	Utica, N. Y.
Cobb, Charles W., Jr.	22 Appian Way, Cambridge, Mass.	Amherst	No	Boston
Cravens, Thomas C., Jr.	1010 E. Harrison St., Martinsville, Ind.	Indiana Univ.	Yes	7th CCA-Chicago
Daubenspeck, James C.	567 Elm St., Winnetka, Ill.	Princeton	No	Chicago
Dillon, John C.	458 N. Chestnut St., Butler, Pa.	Notre Dame	No	Pa.
Doppel, Fred	50 E. 191 St., Bronx, N. Y.	NYU	No	N. Y. C.
Dowd, Hector G.	1088 Park Ave., N. Y. C.	Columbia	No	N. Y. C.
Ferguson, Arthur B.	1850 Gough St., San Francisco, Calif.	Stanford	No	San Francisco
Finn, Chester E.	1200 Amherst Place, Dayton, Ohio	Yale	Yes	Dayton
Flynn, Edmund J.	Elmhurst, N. Y.	Ind. Univ.	No	Labor relations anywhere
Fraser, George H.	Monticello, Iowa	Univ. of Wisc.	No	Portland, Oregon
Fulton, Thomas W.	638 Heights Blvd., Houston, Texas	Rice Inst.	No	Houston
Goldman, Albert L.	100 Hancock St., Everett, Mass.	Tufts	Yes	Grad. Work
Greenfield, Arnold M.	2315 N. Meridian Ave., Miami Beach, Fla.	Univ. of Fla.	No	Miami
Harris, Philip H.	Los Angeles, Calif.	Stanford	No	Los Angeles
Hurt, William C.	RD No. 5, Box 416, Pittsburgh, Pa.	Harvard	No	Milwaukee, St. Paul, or Minneapolis
Hussey, Ward M.	5821 Dorchester Ave., Chicago, 37, Ill.	Harvard	No	Wash., D. C. or N. Y. C.
Jacobs, Joshua	201 W. 77th St., New York 24, N. Y.	Univ. of Chicago	No	N. Y. C. or Chicago
Klonsky, Robert	723 E. 27th St., Brooklyn 10	Brooklyn College	No	N. Y. C.
Leighton, George N.	91 W. Springfield St., Boston, Mass.	Howard	No	Chicago
Lorimer, Walter L. M.	Crystal Lake, Ill.	N. Ill. State Teachers College	No	West Coast
Lowenfield, Irwin A.	Forest Hills, N. Y.	N. Y. U.	No	N. Y. C., or Wash., D. C.
Marble, John C., Jr.	Dixfield, Me.	Bowdoin	No	Portland or Boston
Meyer, August R.	121 Clifton St., Belmont, Mass.	Harvard	Yes	Boston
Mohl, Marvin	5403 Wyndale Ave., Philadelphia, Pa.	Univ. of Penn.	No	Seattle
Morse, Peter K.	18063 Wildemere Ave., Detroit, Mich.	Univ. of Mich.	No	N. Y. C., Wash., D. C., or Chicago
Neely, Harold E.	213 Temple St., Hinton, West Va.	W. Va. Univ.	No	Wash., D. C., N. Y. C., or W. Va.
Palfrey, John G.	340 Adams St., Milton, Mass.	Harvard	No	Wash., D. C.
Rackler, Walter J.	162 N. State St., Chicago, Ill.	Univ. of Chicago	No	Wash., D. C., N. Y. C.
Rykoff, Richard L.	632 S. Sycamore Ave., Los Angeles, Calif.	U. C. L. A.	No	Los Angeles, or San Francisco
Samp, Edward J.	2229 Eton Ridge, Madison, Wis.	Univ. of Wis.	No	N. Y. C.
Simonds, John L.	323 Minot Ave., Auburn, Maine	Yale	No	Patent Law, Boston
Skorupski, Edmund J.	54 Mechanic St., Hooisick Falls, N. Y.	Fordham	Yes	Hooisick Falls, N. Y.
Sullivan, Dudley R.	232 East Walton Place, Chicago 11, Ill.	Brown Univ.	Yes	Chicago
Susman, Allen E.	327 St. Paul St., Brookline, Mass.	Harvard	No	California
Thelune, Harry E.	140 South Wayne St., Martinsville, Ind.	Yale	No	Connecticut or Indiana
Thelun, Max, Jr.	136 Alvarado Rd., Berkeley, Calif.	U. of Calif.	Yes	San Francisco
Turner, Lambert, Jr.	110 Columbia Heights, Brooklyn, N. Y.	Princeton	No	N. Y. C., or Florida
Voorhees, Donald S.	820 Spruce St., Leavenworth, Kan.	U. of Kansas	Yes	Tulsa, Oklahoma
Walker, Grissim H.	Lebanon, Tenn.	Cumberland Univ.	No	South or Midwest
Weber, Gordon M.	124 Pepper Ave., Burlingame, Calif.	Stanford	No	San Francisco or Los Angeles
Zeisig, Edmond F.	720 W. Greenfield Ave., Milwaukee, Wisconsin	U. of Wisconsin	No	Milwaukee
CANDIDATES FOR DEGREE OF LL.B. AS OF 1942				
Agnew, David E.	612 Lander Lane, Pasadena, Calif.	Harvard	No	Calif.
Amsden, James A.	538 E. Oakwood Dr., E. Lansing, Mich.	Mich. State	Yes	Lansing, Mich.
Bate, David S.	Essex Falls, N. J.	Hamilton	Yes	Newark
Brewer, Edward C., Jr.	Box 306, Clarksdale, Mississippi	Davidson Col.	Yes	Clarksdale, Miss.
Chatfield, Henry H.	3rd and Plum Streets, Cincinnati, Ohio	Harvard	No	Cincinnati
Delong, Charles E.	4623 Chestnut St., Philadelphia 39, Penn.	U. of Penn.	No	Philadelphia
Fleeson, Richard	314 East Main St., Sterling, Kansas	U. of Kansas	No	Portland or Seattle
Glock, Carl E., Jr.	1450 Wightman St., Pittsburgh, Pa.	Williams	No	Pittsburgh or N. Y. C.
Godshalk, Ernest L., Jr.	99-B Sans Souci St., Charleston, S. C.	Col. of Charleston	Yes	N. Y. C.
Killefer, Tom	Hermosa Beach, Calif.	Stanford	No	Southern Calif
Kramer, Charles	80 Station Rd., Great Neck, Long Island, N. Y.	Brown	No	N. Y. C.
Kramer, Daniel A.	180 E. 79th St., N. Y. 21, N. Y.	Yale	Yes	N. Y. C.
Leeds, Philip R.	134 Elliot Pl., Bronx, N. Y.	C. C. N. Y.	No	N. Y. C.
Mullen, Stephen F.	365 Lloyd Ave., Providence, R. I.	Holy Cross	No	Providence
Olds, David M.	222 Gladstone Rd., Pittsburgh, Pa.	Swarthmore	Yes	Philadelphia
Pariser, Daniel F.	99 Murray Ave., Uniontown, Pa.	Princeton	No	Pittsburgh or N. Y. C.
Prouty, Donald B.	Foster St., Littleton, Mass.	Harvard	No	Boston or New England
Schneider, Alan N.	Willow Terrace Apts., Louisville, Ky.	De Pauw Univ.	Yes	Louisville, Ky.
Schuster, Eugene	2100 Bronx Park East, N. Y. C.	NYU	No	N. Y. C.
Shulman, Robert	c/o Marcus Klepper, 299 Riverside Drive, N. Y. C.	Univ. of Wisc.	No	N. Y. C.
Skidmore, Lemuel, Jr.	13 Edgewood Drive, Summit, N. J.	Princeton	Yes	Newark
Sweet, Charles G.	RD No. 2, Washington, Penn.	Penn. State	No	Wash., D.C., Phila., N.Y.C.
Zimmerman, Stanley E.	125 St. Paul St., Brookline 46, Mass.	Yale	No	N. Y. C.

son's view is better, "Our business in life is not to succeed, but to continue to fail in good humor." Or, to use Bishop Trench's opening couplet in the sonnet quoted in the life of that great lawyer and great citizen, Sir Edward Clarke, "Not all who seem to fail, have failed indeed. Not all who fail have, therefore, worked in vain."

In this stirring era, all governments, businesses and professions, must be adaptable and receptive to new ideas. Let the lawyer of the future refuse to be "sicklied o'er with the pale cast of thought"; and, for the honor of his profession and for American democracy, to preserve which so much has been lavished in goods and lives, resolve that, at whatever cost, he will not wait to have a part, an active, honorable and useful part, in local public affairs.

MURRAY SEASONGOOD.

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