

The Harvard Law School Record

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LEGAL AID WARNED OF PROBLEMS

Reginald Heber Smith Fears Profession May Become Socialized

Bar associations and law schools must provide law offices for the persons of moderate means in the near future or else the legal profession can expect socialization similar to that now impending for the medical profession, said Reginald Heber Smith, LL.B. '14, in the address of the evening Thursday at the first Legal Aid Banquet held at the Faculty Club since before the war and which commemorated Legal Aid's revival.

Dean Leon Francis Julliot de la Morandiere of the University of Paris Law School, the guest of honor, accepted an honorary membership in the Bureau as proffered by Prof. John M. Maguire, toastmaster, and addressed the Bureau in French. After welcoming Dean de la Morandiere in French, Dean Griswold said, "It is a great satisfaction to me that the Legal Aid Bureau has been able to resume operations so rapidly and so well."

"Most of the legal education in Cambridge is self-education," the Dean said. "The School provides the locale, the facilities and the stimulus." The two major jobs of the Bureau, according to Griswold, are to handle particular concrete cases and to make our social organization work better by aiding in the adjustment of seemingly petty disputes.

In his address Mr. Smith made it clear that he was proposing no change in the character of the Legal Aid Bureau. He believes the members' experience enabled them to understand the nature and the urgency of the problem of providing for the great intermediate class of people who are not poor enough to qualify for Legal Aid and not wealthy enough to pay the usual fees.

"The words on the facade of the United States Supreme Court Building are: 'Equal Justice Under Law,' a principle which is given effect through legal aid work for more than 300,000 applicants every year," said Mr. Smith whom Prof. Maguire had earlier termed the "spiritual father" of Harvard Legal Aid.

Law faces the same situation Medicine faced ten years ago, Smith pointed out, with the rich and poor relatively well-served but with an intermediate group of at least ten times as many clients per year unprovided for. Couple this pressing need with the fact that the law school graduate is not fit to practice law upon graduation and the nature of the solution may be indicated, Smith suggested. Professional supervision from the bar associations and educational supervision from the law schools of an apprenticeship program, however, are essential, he said.

"In about three years this problem will be at a crisis and if the Bar doesn't solve (Continued on page three)

Next Record to Appear October 23

With this the tenth issue, the RECORD suspends operations until the Fall term. In the future, there will be 12 issues published each term. Applications for staff positions may be made at the RECORD office at once by any student, even those now in the First Term, but no action will be taken by the Board until this term's grades have been released.

REGISTRATION DATES TOLD

Incoming Class Represents 102 Different Universities

A new first term class registers for the speeded-up program on the 16th, 17th, and 18th of October.

The class represents one hundred and two different colleges, and is probably the broadest cross section of the nation's universities yet brought to the Law School. The registrants include men from Canadian and Chinese universities, and also West Point and Annapolis graduates.

There are 93 Harvard men entering Law School, constituting less than one-quarter of the total. Yale, Dartmouth, and Princeton furnish a score of the entrants, but the remainder come to Harvard from widely scattered sources.

These aspirants for an LL.B. have two things in common: ninety per-cent of them are veterans, and all of them have good scholastic records.

For students now in school, registration for the fall term will take place in Austin Hall, instead of Langdell Library, which has formerly been the scene of registration. Those students who plan to attend the next term must register between 9:00 A.M. and 5:00 P.M., September 23, 24, or 26.

Second and fourth termers may elect to remain out of school for one term, as has previously been the custom, provided they notify the Secretary's office of their intent.

GRADUATE DINING SOON AT VANSERGER

Harvard Union Turned Over To Freshmen This Coming Monday

On Monday the new graduate dining hall will open in Vanserger Building (formerly the annex of the Radio Research Laboratories). The entrance is from 10 Divinity Avenue or by walking across the parking place from Oxford Street at Everett Street behind Conant Hall, to Divinity Place. The price of board (on a weekly basis) is \$11.50, and coupon books and individual meal tickets are available, the rates being the same as at the Harvard Union and the other University dining halls.

Students' wives can eat at Vanserger Building by purchasing coupon books. Students can sign up at the weekly rate, or buy coupon books at the cafeteria. On and after September 23rd, the Harvard Union will be used exclusively as a Freshman dining hall. Students living at the Business School who are taking breakfast and supper at Cowie Hall, can take lunch at Vanserger Building, just as they have been doing at the Harvard Union.

POUND DUE BACK SOON FROM CHINA

Powell, Hudson Also Returning to Teach Courses Next Term

Changes and additions to the roster of faculty members of the Law School are anticipated for the opening of the fall term on October 21, administration sources reported today. Roscoe Pound, former Law School Dean and presently University Professor, is expected to return from China in time to begin his courses in Harvard College and in the Fletcher School of Law and Diplomacy at Tufts College; these classes commence the last week of September. He will also conduct the Law School course in Jurisprudence.

Thomas Reed Powell, Story Professor of Law, who has been absent during the summer term, will return to conduct the courses in Constitutional Law. Manley O. Hudson, Bemis Professor of Law, is likewise returning to his courses in International Law. He has been in Switzerland during the past summer conferring with United Nations officials regarding problems of the future codification of International Law.

Returning to the Law School faculty after a four year absence during which time he was in practice with Goodwin, Procter & Hoar in Boston, Professor George K. Gardner will present the course in Insurance. Professor Henry M. Hart, Jr. will conduct a course in Legislation. He was a member of the Law School faculty before the war and has recently returned from Washington where he held the position of General Counsel in the office of Economic Stabilization. Professor James A. McLaughlin who has been conducting the courses in Mortgages and Suretyship will not be teaching during the fall term. Professor Merton L. Ferson has been Visiting Professor of Law during the summer term only.

New members of the faculty include Ernest J. Brown, LL.B. '31, and Robert Amory, Jr., LL.B. '38. Brown comes to Harvard as Visiting Professor of Law from the Law School of the University of Buffalo. Amory practiced in New York before the war and rose from Private to Colonel during his five year tour in the Army. His appointment is also as Visiting Professor of Law. Property I will be the course to be taught by both of these professors. Robert R. Bowie, LL.B. '34, who joined the faculty this summer as Professor of Law will conduct the course in Business Associations I commencing with the fall term. Arthur T. von Mehren, who received his degree from the Law School in 1945 and who was President of the Law Review for Volume 58, has been named as Assistant Professor of Law. He will study in Europe under the auspices of the Law School.

RECORD BOARD SELECTS NEXT TERM'S MEMBERS



RECORD Board members on the steps of Austin Hall, left to right, front row: Thomas J. O'Toole, Charles G. Sweet, Charles O. Porter, Paul F. Hellmuth, Alan Neil Schneider; second row: Seymour S. Epstein, David M. Olds, Herbert Berman, Rinaldo A. Capone; third row: Robert W. Culbert, Robert C. Trump, Charles W. Davis, Nathan C. Fitts, Samuel C. Waller, Harvey Karlin. George N. Leighton and C. Duane Aldrich, also Board members, are not included in the picture.

Leach's Future Interests Evoked Langdell Lyrics

A present leader of the New York bar once remarked, when a student, that poetry was the only proper outside reading for a law student. He must surely have been thinking of *Langdell Lyrics*, an anthology of verse "perpetrated" at the Harvard Law School, edited by Professor W. Barton Leach and available in the Root Room. These poems were deposited on the urbane professor's desk by students, often unknown, for reasons which will appear later, during the school year 1937-38. They deal chiefly with cases covered in Mr. Leach's course on Future Interests.

Present students appear to be more reluctant to express lyrically their views on cases, perhaps because of the limited audience for their productions. Mr. Leach's desk is bare of poetic contributions.

In the book on Future Interests is the case of *Colburn v. Burlingame* in which one Leslie, a native of Illinois, left his estate to his wife, Leora, for life but with power in her to use as much of it as she wished "for her own individual benefit and support." Soon Leora remarried and moved with her husband and other appurtenances to California to live happily ever after on the testator's hard earned money. The California court held such use of the principal was within the terms of Leslie's will, and, putting in a plug for California and the benefits which a husband can bestow, said: "Having ample means, the not unnatural desire arises in her to remove to California, or at least to live there during a part of the year. Should she leave her husband moiling and toiling in Chicago? Presumably she concluded that it would be for her benefit that he

should accompany her west. We can readily perceive that it might be much to her advantage that he should do so."

Thereupon, one "Man Saturday" burst into song and emitted the following:

Nobody Loves a Remainderman
Breathes there a wife with soul so dead
Who to her husband has not said,
"Come, my love, and stop this toiling.
Cease this so plebeian moiling.
Leslie's dead. O Gee! O Joy!
Let's not rot in Illinois.
Leslie's dead, and with his shekels.
We'll spend winters raising freckles.
So, remaindermen, we warn ya
We are off to California."

Other such pieces were brought forth from time to time. At the class after Christmas vacation a piece signed by "Friday Poet" was deposited on Mr. Leach's desk and by him recited to the delighted class.

A New Year's Carol
'Twas the night before New Year's and all through the house
Not a creature was stirring, not even a mouse;
The students were tucked in their favorite saloons,
Or listening to maniacs playing hot tunes
In the nation's most glittering castles of swing—
With the faculty doing the very same thing.
But back in Langdell, as the dust settled down,
And the portrait of Story looked on with a frown,
The ghosts professorial stirred in their sleep,
Came forth from their crannies to shiver and creep:

followed by stanzas descriptive of various members of the faculty.
Thereafter, a series of poems of lesser (Continued on page four)

Sweet, O'Toole Take Executive Positions; Circulation Booming

Under the direction of a 15 man Board, half of whom were elected by the original Board last week, the RECORD is making ready for its second term as the nation's only law school newspaper. A booming alumni and student circulation, substantial advertising support and its friendly reception indicate a bright future.

Charles G. Sweet (Penn State '39) who is now Editorial Manager, succeeds Charles O. Porter (Harvard 7 Yr Plan) as President. Thomas J. O'Toole (Harvard '42) was elected Editorial Manager. Paul F. Hellmuth (Notre Dame '40) continues as Business Manager. Porter, Sweet and Hellmuth founded the RECORD last spring.

Sweet, vice-president of the Chancery Club and supervisor of the Pitney Club, left five years of active duty in the Marines last Fall to return to the School. He was

Attention: Student Subscribers
Young ladies representing the RECORD will be on hand at registration next week to handle renewals as well as new subscriptions. Student subscribers who turn in their present subscription cards (on which they are still entitled to two more copies of the RECORD) and pay 85 cents will be given a new subscription card good for all twelve of the issues of the coming term. New subscribers will be charged one dollar for the same card.

retired in the rank of major. O'Toole, formerly President of the Harvard *Guardian*, and Hellmuth, former editor-in-chief of the Notre Dame Yearbook, served in the Army for four years, attaining the ranks of major and lieutenant-colonel respectively.

Charles W. Davis (Harvard '41) now Advertising Manager, succeeds George N. Leighton (Howard '40) as Current Case Editor. C. Duane Aldrich (Harvard '40) replaces O'Toole as Articles Editor. Nathan C. Fitts (Amherst '39) becomes Alumni Editor in place of David M. Olds (Swarthmore '39). Harvey Karlin (Pitt '39) succeeds Alan Neil Schneider (DePauw '38) as Feature Editor. Walter H. Gardner, Jr. (Rutgers '45) succeeds Davis as Advertising Manager.

Previously unfilled Board positions were voted as follows: Secretary, Torbert H. MacDonald (Harvard '40); Calendar Editor, Robert W. Culbert (Drexel '41); Publicity Manager, Samuel C. Waller (Princeton '40).

Board positions unaffected by the election were: News editor, Herbert Berman (N.Y.U. '44); Opinion Editor, Seymour Epstein (Penn State '39); Circulation Manager, Rinaldo A. Capone (Harvard '40); Treasurer, Robert C. Trump (U. of Cinn. '44).

All position changes, except for Porter who has been granted a leave of absence (Continued on page three)

Maritime Strike Reveals Need For Consistent Labor Policy; Freeing Of Prices Forces Wage Revisions

In 1942 the author attended the Merchant Marine Academy and in 1945 he served as a wage-rate analyst with the War Labor Board, previously studying prejudice attitudes among merchant seamen.

This article represents the personal opinions of the author and not necessarily those of the RECORD.

About a year ago six CIO unions and one independent union (later joined as the Committee for Maritime Unity, [CMU]) led by Joe Curran of the Eastern and Gulf coast sailors, and Harry Bridges of the West Coast Longshoremen began negotiating with the National Federation of American shipping representing the American Merchant Marine Institute, Waterfront Employers Association of the Pacific Coast and the Pacific American Shipowners Association, for changes in the hours of work and the rates of pay. At that time the average work week of the American seaman ranged from 56 to 63 hours of work per week at approximately 65c per hour. The seagoing unions demanded a 30 percent increase in pay and a work week of forty hours to be accomplished by adding five men to the 40 man crew (that is, for a Liberty ship about ten thousand tons) and using four watches instead of three.

For months the negotiations proceeded without success, finally forcing the unions to set June 15 as the strike date. The CIO group had received the assurance of the

AFL seafaring unions that the latter would respect CIO picket lines in the event of a strike. Joe Ryan's East Coast Longshoremen officially withheld support but there is evidence that the rank and file would have supported the CIO. In the face of the impending tie-up, Mr. Schwelmbach, Secretary of Labor, on May 29 summoned the parties to Washington to sit down with a representative of Government to reach an agreement and avert a strike.

Both parties were tough, tension in the industry was growing, the reconversion program had already been severely jolted by strikes in other industries (the auto strike which lasted three months had been settled only a short while before) the public was apprehensive, and the Hearst press was screaming "Communist unions to scuttle American Merchant Marine." To this explosive situation was added Mr. Truman's infamous strike-breaking speech of May 31. The Marine Corps and Navy were alerted. An eleventh hour agreement was reached on the 14th day of June which provided in essence for a \$17.50 "across the board" increase per month and a reduction in hours to 48 per week. The agreement was approved by the War Shipping Administration, then by the Wage Stabilization Board, which had sent the case to John Steelman, chief economic stabilizer, for final approval of the new industry standard.

The CMU now claims that the June 14th

agreement reached with the government and management carried with it an understanding that the wage increases granted the CIO group would represent a pattern of uniformity throughout the industry. The importance of this alleged understanding will be brought out shortly.

The ink had hardly dried on the new CMU contracts before the AFL sat down with the ship owners and by an orderly process of collective bargaining quickly reached an agreement for an increase of five to ten dollars in excess of those received by the CMU. The principals in this performance were Harry Lundeborg of the SUP (Sailors Union of the Pacific) and John Hawk of the SUP sister organization, the International Seafarers Union (east coast sailors), both AFL organizations. J. F. Bryan of the American Ship Owners Association represented management. The War Shipping Administration approved the increases and passed them on to WSB for final approval. They were rejected as inflationary and cut back to the scale set in the CIO agreements. The AFL groups led by Lundeborg and Hawks "hit the bricks." Joe Ryan's longshoremen followed.

The six CMU unions, while not officially on strike, decided to honor AFL picket lines. What started as a protest by Mr. Lundeborg against a specific WSB ruling resulted in a complete stand-

(Continued on page four)

LAW WIVES TO VOTE ON NEW LEADERSHIP

Balloting Held By Mail During This Week To Elect New Slate

Election of officers for the Harvard Law Wives is being held this week by mailed ballot. Ten new officers will be chosen to direct the activities of the club for the Fall and Spring Terms of the Law School.

Added to the previously announced list of candidates is the name of Mrs. Robert Bingham, who has been put up for the office of president by petition.

All active members of the club will receive ballots. These must be returned to the nominating chairman, Mrs. Harold Olsen, 30 Linnaean St., Cambridge 38, by Saturday, September 21.

Candidates for Harvard Law Wives offices are as follows:

President: Mrs. Jarvis Kellogg, Mrs. Joseph Logan, Mrs. Robert Bingham (by petition); First Vice-President (Kendall House Chairman): Mrs. John Siegesmund, Mrs. Horace Kalik; Second Vice-President (Program Chairman): Mrs. Richard Wolford, Mrs. Robert Cahall; Third Vice-President (Hospitality Chairman): Mrs. Walter Morey, Mrs. Howard Abbott; Corresponding Secretary: Mrs. Frank Jose, Mrs. Richard Bush; Recording Secretary: Mrs. William Wyse, Mrs. George Gillette; Treasurer: Mrs. Ralph Pryor, Mrs. Robert Yeomans; Assistant Treasurer: Mrs. Charles Barrett, Mrs. Schuyler Hollingsworth; Directors: Mrs. Roger Taylor, Mrs. Robert Weary, Mrs. John Pemberton and Mrs. William Craig.

Army Institutes Vigorous Measures To Improve Education Program

The writer of this article is the Chief of the War Department's Division of Information and Education.

The Secretary of War has been kind enough to bring to my attention the open letter addressed to him in the August 14th issue of the HARVARD LAW SCHOOL RECORD. It is a gratifying experience to find you interested in the very real human-relations problems that confronts our Army and, in particular, the Information and Education Division.

Before all else, let me state categorically that I agree with your indictment. Indeed, my own diagnosis of the shortcomings of the information program of the Army in the past and in the present is perhaps more severe than yours. It seems apparent to me that the root of our trouble then and now is bedded in a lack of understanding and, therefore, a lack of support on the part of the officer corps. In the pressure of war, it was a flat impossibility to educate some 850,000 officers in the philosophy underlying the information-education operation. Without an intellectual and emotional acceptance of the idea, it was doomed to failure at the worst and a sorry lip-service at the best. The War Department cannot legislate understanding any more than it can legislate good will.

We have recognized this underlying deficiency in our information program and

have taken vigorous steps to correct it. Specifically, the following plans have been made for the indoctrination of our officer corps and are now in process of implementation:

(1) Instruction in the philosophy, policies, and techniques of the information-education operation have been introduced throughout the entire Army educational system. This includes the basic schools for company-grade officers, the advance schools for field-grade officers, and the topmost schools that move almost exclusively in the field of policy.

(2) Comparable instruction is being introduced into the ROTC courses in our colleges and universities. In January the United States Military Academy begins a leadership course which will embrace the I-E concept.

(3) Similar instruction has been adopted and is being introduced into the training programs of the National Guard and the Organized Reserves.

(4) Appropriate correspondence courses in the I-E operation are being prepared and will be used on an Army-wide basis.

(5) The information-education school formerly located at Lexington, Virginia, has been closed out and the school transferred to Carlisle Barracks, Pennsylvania. The course has been expanded from four weeks to three months. The current I-E quota is 100 officers.

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Editorials

AND NOW FORWARD

With this issue the *RECORD* completes its first term and will greet the class of four hundred new students. Started purely as an experiment, your school paper looks back with satisfaction over the achievements of the last few months. Circulation among the student body has exceeded our optimistic pre-publication estimate, and through the help of the Harvard Law School Association we have attracted the interest of alumni throughout the country. The cooperation of the School administration and of the faculty has given us an opportunity to substitute reliable news items for the traditional grapevine. Articles suitable for publication have been submitted in such volume that a considerable backlog of material has accumulated. Such indications as these make it safe to say that the *RECORD* has become a permanent institution.

To the men registering at the Law School for the first time we offer our services. In this century the students' relations with the School have always been rather impersonal, and the present swollen enrollment will tend to make this more true than ever. This paper attempts to afford a bridge between the administration and the students. Each week you will find in our columns news about changes in official policy, features about what the faculty are doing, and items about the activities of student organizations which will give you an insight into what goes on within the shadow of Langdell Hall. In our long articles student and alumni writers discuss questions of general interest to persons trained in the law. This issue is typical of what your subscription will bring you throughout the next term.

Of our old subscribers among the student body we make a request for services. Early in the new term we shall send out a call for candidates who would like to work on the *RECORD* staff, and we ask you to consider answering that appeal. Having read this paper for several weeks you can appreciate the amount of work involved in its publication. The spare time of a law student is so limited that this task must be spared among a considerable number of men. A ceiling of six hours weekly is put on the contribution expected of junior members of the staff. After passing the examinations and ascertaining your margin of leisure scan our columns and consider whether you would like to join our staff.

But don't expect your compensation to be in money.
T. J. O.

AFTER-CLASS QUESTION PERIODS

If all the professors adopted the late Professor "Bull" Warren's technique of disposing of questions—as Mr. Braun proposes in a letter printed in this issue—there would indeed be cause for regret. Professors are teachers and the direct question is the best way for a student to use them. The traditional Harvard Law School method, which Seavey exemplifies (see *Gallery*) so masterfully in his teaching, rests on the intellectual as flashing between the students and the professor in class and among the students outside of class.

Were it true that the "after-hour individual instruction," quoting Mr. Braun's letter, so burdened the professors that their capacities were overtaxed, then—in these days when good professors are hard to replace—of course we must arrange to ease their load. As it is, however, let the eager-beavers and cautious grinds who feel they must listen in, assail the professor after class. Some of those men honestly believe that their questions don't warrant taking up class time. Others may be shy or even dubious about their questions' validity but nonetheless anxious to hear what the professor has to say in reply.

A few may be driven by habit to attempt apple-polishing the instructor or perhaps their egos dilate in some ecstasy in response to the precious proximity. This spectacle may turn the stomach of Mr. Braun, as it does ours, but the professors are qualified to discourage this minority without wholly abstaining from a personal participation in an educational process of an educational institution where impersonality is the rule.

C. O. P.

Letters to the Editor

(The signature on the letter in last week's *RECORD*, from a "New York life resident," was unintentionally omitted. The writer was Lee Hurley Bloom, fourth term.)

To the Editor of the *RECORD*:

The late Professor Edward H. "Bull" Warren strictly enforced many rules of conduct in his classes, the most meritorious of which forbade a student from plying the desk with questions at the end of the classroom hour. Instead, written questions could be submitted, of which the most important to the class as a whole were answered by Professor Warren at regular intervals.

This worthwhile requirement recognized that the abuse of the privilege to ask questions carried with it not only an imposition upon the faculty, but a distinct advantage to a few members of the class at the expense of the entire group. That such a regulation might well be adopted as uniform procedure by the entire faculty is becoming increasingly more obvious, lest this abuse achieve the status of a permanent institution.

Faculty and students alike are aware of the undesirability of the situation. One member of the faculty remarked recently, as he explained an especially difficult conception of law, that he was prepared to "remain his usual hour" after class—a comment rife with more insinuations than amusement. He added that this particular section, benefiting as it did from a later meeting-hour, would probably have to be given a different examination than the other section, because of all the extra instruction it has received.

Not infrequently is a student heard to refer to an after-hour answer, *ex cathedra*, as the source of his wisdom on a particular question that had been bothering him. The abuse is carried to the extreme by those students, who impressed by such a display, invariably make their way to the desk after the hour—just to listen.

Questions of genuine doubt about significant points of law are generally shared by the majority of the class, and if detailed explanations are to be given, they should be for the benefit of the entire group. What sound argument can there be for after-hour individual instruction on the one hand, or against a system that would operate for the good of all, on the other?

The official institution of a policy similar to that of Professor Warren's would be acknowledged by everyone as achieving the greatest good for the greatest number.

M. B. Braun, First Term

To the Editor of the *RECORD*:

Permit me to say that I have enjoyed reading Volume One, Number 6 which arrived at my office yesterday. I believe that here in Los Angeles members of the Harvard Law School Association should hold regular meetings devoted to subjects of professional interest, and the publication of the *RECORD* may be a step in that direction. It should be a valuable medium for the publication of articles by members of the Law School Association engaged in the active practice who are too busy to prepare material "labored enough in scope or topic for *Law Review* use," but who nevertheless have value contributions to make.

Congratulations upon your foresight in establishing the publication.

Reuel L. Olson

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Off the Record

More information has been received concerning the Yale Law School plan to use phonograph records to teach law. It is understood that each phonograph will be attended by a Chief Phonograph Engineer with the rank and salary of a full Professor. He will have an assistant (platter-turner) with the rank and salary of an Assistant Professor. Utility men, we have been informed, will be granted Sterling Fellowships. This is all very fine, but a very ominous note has been sounded. . . . Our undercover man has just told us that the American Federation of Musicians has decided that these men belong to them, and the American Federation of Teachers is preparing for an all-out jurisdictional fight. We don't want to sound smug, but we could have warned them this would happen.

Our traveling correspondent writes in to tell us he has unearthed some very interesting information on the little green bags that all law students carry here. The first record of the little green bag is found in Ristio's *Rocadale Romana* which states that similar bags were carried by students, green being the color of fields and freedom. Nothing more appears for 600 years until a monk, Siginari, was expelled for teaching heresies. He founded a law school and as his students were continually accosted by villagers, it was the custom to fill small green bags with rocks to be used as weapons. In Schneider's *Klingenden Schreibung*, a bloody fight is mentioned as taking place between the students and citizens of Heidelberg in 1668, and it seems that here again, small green bags were used by the students for defense. From that time on, there are increasing references to green bags being used exclusively by law students with red being used by medical students, and gray by liberal arts undergraduates. As a final note, there is a very interesting collection of early American green bags in the Abraham Lincoln Museum in Athens, Georgia.

It has been drawn to our attention that Professor Morgan's class in Evidence is a perfect example of the adversary system in action. Personally, it seems to us more like trial by combat. We have long wondered how such a pleasant-mannered and courteous gentleman such as he is could become so ferocious on the lecture platform or behind a desk full of exam booklets. Just the other day he is reported as holding a door open for a student entering Langdell and insisting that the student enter first, "Remember that I'm the host here . . . you're just a guest."

GENERAL ORDERS NUMBER 1

1. Effective this date, personnel of this institution will no longer wear summer uniform consisting of seersucker jacket, M-1: khaki pants and shirt, tie, cotton socks, saddle shoes.
2. The uniform of the day will be winter uniform, Class A, consisting of, Herringbone, tweed jacket (J. Squeeze), pink trousers, khaki or white shirt, khaki socks, low-quarter shoes. Ties will either be four-in-hand or bow.
3. This order will be specifically enforced.



Gallery

WARREN ABNER SEAVEY



It is by preference that Warren A. Seavey, Bussey Professor of Law, teaches first year classes at Harvard Law School. It is during this period that the students' development is most rapid and the instructor can see the marked progress in his classes, a source of excitement to the man who, like Mr. Seavey, loves to teach.

But, first year students do not always care for Mr. Seavey's teaching methods. The first case taken by the class is *I. De S. & Wife*

v. W. De S. and in the second week the class is still working on the same case. Men leave the room in a bewildered state, their notebooks empty.

"I don't know what it's all about" they cry. "I can't get any notes. Why don't they get someone to teach us torts?" And they go out of Langdell Hall arguing about the cases discussed that day.

Mr. Seavey seeks to teach law that can't simply be put into notebooks and regurgitated into blue-books at the examination. An instructor should speak far less than fifteen percent of the time, he thinks. Once, suffering from laryngitis, he was able to conduct his class merely by nodding or shaking his head, looking shocked or pleased and whispering a word or two. In class he listens to a student state a proposition, then utters a piercing "Oh, is that right? Is that right?" and waves at another student whose hand is up. Soon the discussion is being tossed back and forth between half a dozen students. Mr. Seavey sits back in his chair smiling genially and putting in a word or two occasionally.

Sometimes, the Professor is backed into a corner by a student, but he almost never answers a question. Sitting behind the desk, slight figure far back in the chair, peering owlishly through his glasses, he listens politely to the sometimes heated question, smiles and says: "What do you think?" or "It's all a matter of degree, is it not?" Or he may go off into a hypothetical case such as "Now suppose I lead a tiger through Harvard Square on a string at six o'clock on a Saturday evening, am I liable if . . ." leading the student down the garden path.

Seavey infrequently answers a question, summarizing what law there is on the point, but usually the frustrated student is forced to think the problem through himself and find his own answer. The end of the hour often finds the men gathering in small groups trying to thrash out the problems, which is exactly what he wants them to do.

Mr. Seavey was born in Charlestown, Mass., in 1880, was graduated from Harvard College in 1902 and received his LL.B. from the Law School in 1904. After two years of practice in Boston he accepted an invitation to organize a law school at the Imperial Pei Yang University at Tientsin, China. The school taught Common law, Roman law, Japanese law and Chinese law to students who took a five year course. He sent for four other Harvard graduates to assist him. Teaching was done in English, which all the students understood, but the chief difficulty was the lack of books. For the moment this was solved by a few Harvard casebooks and a large store of hypothetical cases, although later an effective library was built up.

Seavey returned to the U. S. in 1911 to teach for a year at Harvard, then at Oklahoma State from 1912 to 1914, Tulane from 1914 to 1916 and Indiana from 1916 to 1917. In 1917 he went on active duty as an Infantry officer. He was a Captain and had just been transferred to the front lines when the war ended. At about that time the A.E.F. University was being organized at Beaune, France.

"No one had considered a law school," he says. "I went to Beaune, and, after explaining how simple it would be to have one, I was permitted to recruit seven lawyers as instructors and one hundred seventy students. We wangled two buildings used by medics for barracks. The students remade them into classrooms and managed to 'borrow' without discovery enough material to furnish the school. We then had a complete law school except for books; the mimeograph and hypothetical cases took up most of the slack."

In 1920 Seavey became Dean of the University of Nebraska Law School, resigning in 1926 to become Professor of Law at the University of Pennsylvania. In 1927 he came to Harvard.

As a student Professor Seavey learned teaching from two great men who were able to inspire their students. From Joseph Beale he learned the case system in which students are forced to examine all possibilities by themselves. James Barr Ames taught him the fundamental unity of the law; to teach in conjunction with other instructors so that students will have not merely a series of compartmentalized courses, but a body of interrelated learning.

The real education to be obtained at Harvard Law School, he thinks, is in discussion with fellow students.

"Without questioning the caliber of the faculty, the true distinction of the school lies in the mob that throngs the corridors of Langdell Hall between classes," he said. "We have the best student body of any comparable institution in the world, and students make the school."

While there are some weaknesses in present law school training, the large size of the classes is not one of them.

"The ideal number of students in a class should be over one hundred. Otherwise the discussion drags, the instructor is likely to talk too much," he explained. "It is true that many men are too shy to speak in a large class, but they are able to get a great deal by following the discussion."

Professor Seavey is compiler of the casebooks on Torts and Agency used in the school and has been Reporter on the American Law Institute's Restatements of Agency, Restitution, Torts and Judgments. He has also published a great many law review articles but has done little writing during the last two years; his full time outside of his classes in Torts and Agency has been taken up by his works as Faculty Advisor to Servicemen. He hopes eventually to complete treatises on the law of Agency and of Frauds.

Mr. Seavey was married in 1914 to a graduate of Syracuse University and has three children. Gordon and Robert are both engineers, graduates of Massachusetts Institute of Tech-

Sub Judice

UNDERAGE MARRIAGE*****Marriage without consent by one underage is not cause for annulment.*

In Louisiana the marriage of a minor without the consent of her parents is not cause for annulment. *State v. Golden*, 26 So. 2d 837.

Gloria Zulma Golden, a minor, fifteen years of age contracted a marriage without consent of her parents. The parents filed a petition in the Juvenile Court alleging that their daughter was a delinquent child and had absented herself from home during stated periods. The judge committed the girl to a convent and denied her bail pending the hearing on the complaint. She and her husband applied to the Supreme Court of Louisiana for a supervisory writ and a rule was issued to the judge of the Juvenile Court to show cause why the relatrix should not be released. In his answer the judge stated that he had refused release of relatrix on the ground that as a minor the girl was still under the control of her father and mother. The statutory authority was Act 140 of 1934.

The Supreme Court rejected this contention pointing out that despite the Act of 1934 (now Article 92 of the Revised Civil Code) a marriage celebrated by a minor in contravention of the article was a valid marriage. And by Article 112 of the Revised Civil Code a marriage celebrated without the consent of the father or mother was valid. Therefore, it follows that the relatrix assumed the status of a married woman and thus was not within the control of her parents. She can not be deemed to have been absent from the home of her father and mother since at the time when she was charged with being a delinquent she was a married woman with not only the right but the duty to live with her husband.

RACIAL STRAINS*****Discriminatory provisions in immigration law are modified by recent congressional enactment.*

A United States District Court in the state of Washington recently had before it a case revealing just how potent is this thing called love. A G.I. married a half-Japanese girl and then attempted to bring her into the United States. Section 13 (c) of the Immigration Act of 1924 barred from the country all aliens ineligible for citizenship. Asiatics, of which the wife was one, are not eligible for citizenship (there are exceptions which are not important here). But in 1945 Congress enacted a statute, 8 U.S.C. 232, waiving ban on Asiatics for veterans' families. This act was limited to spouses of children "if otherwise admissible under immigration laws." It was quite clear that if Section 13 (c) of the immigration Act were construed literally the wife would be excluded from the United States under the decision of the Supreme Court in *Chang v. Nagle*, 268 U. S. 346 (1925).

In holding that the G.I. could bring his half-Japanese wife into the country, the court pointed out that the patent purpose of the Act of December 28, 1945 had to be given effective consideration. "This remedial statute was enacted in a post-bellum environment which found millions of the personnel of the armed forces of the Nation in distant and widely separated foreign areas around the globe. Its broad and comprehensive terms clearly state the purpose and object which Congress sought to accomplish by this legislative innovation. The intent to keep intact all conjugal and family relationships and responsibilities of honorably discharged service men of the Second World War is clearly expressed, and the obvious purpose to safeguard the social and domestic consequences of marriage of service men while absent from the United States must take precedence over a generalized phrase which if interpreted along purely racial lines would frustrate the plain purpose of the whole statute. . . . In *Re Bouiss*, U.S.D.C., W. Wash., (15 L.W. 2111). Thus one romance was able to accomplish more than all the immigration reform agitation has achieved in the last thirty years.

SEPULCHRAL NOTE*****How to die from drowning.*

In *King v. Order of United Commercial Travelers of America*, 65 F. Supp. 740, the District Court of South Carolina had before it a problem which possibly may recur with greater frequency in the future. The defendant, a fraternal benefit association, issued a certificate of membership to Drew L. King, deceased. The contract provided that insurer would pay to the beneficiary, King's widow, who was also plaintiff in this action, \$5000 on the accidental death of the insured with the proviso that the association would not be liable "for death resulting from participation, as a passenger or otherwise, in aviation or aeronautics."

The deceased, King, was a Second Lieutenant in the Civil Air Patrol and on Feb. 9, 1943, he left his base for a scouting operation. Nothing was heard from him for some time but soon a search was instituted and another pilot flying overhead saw both King and another crewman in the water wearing inflated life jackets. Their plane was floating nearby but soon thereafter sank from sight. Emergency rations were dropped to the two men and a rescue party set out, but on arriving at the scene both men were found dead. At an autopsy it was noted that King had no marks severe enough to be called an injury or considered a contributory cause of death. The official cause of death was set as drowning.

The court, faced with the problem: Did King's death result from participation in aviation, decided it did not and found for the plaintiff. The result, although supported by reasoning harking back to the common-law hair splitters, seems desirable. The court said that it was going to disregard that the deceased was thrown into this precarious position by aviation. What it would consider was whether or not death would have been the result of the crash even had there been no water there. And the court went on, there was uncontroverted evidence that King was alive after he had crashed and the medical testimony showed that the crash in itself did not contribute to the death, in the sense that it did not so weaken the deceased that he could not rescue himself. At the time of the death, he was not participating in aviation since he had effectively disengaged himself therefrom. Thus the court concludes in summation:

"Where the service had definitely ended and the only connection the insured had with the plane at the time he met his death by drowning was that he had arrived by plane at a place near where he was drowned, his death was too remote to be considered the result of participation."

nology. Barbara Jean is a student at Radcliffe.

To Law students he has this to offer:
"Don't worry about making a lot of money. You'll make enough to live on, which is all you need. Do what you most like to do, if it is constructive. Incidentally, there is no better job than teaching law. But whatever you do, give the best you have."

I. C.

The Witness Stand

The question: What would you like to see in the RECORD?

1. H. A. Wick, Scottsdale, Pa.
3rd Term.

I would like to see the listing of graduates continued with each graduating class. The Sub Judice column should be expanded to give more coverage to current cases especially those which are right in point with first and second year work. The letters column could stand some letters with authors who have something worthwhile to say. As a practical matter the editorials could stand some straightening out in order to be more appealing.

2. J. L. Bateal, Union, N. Y.
2nd Term.

The news coverage should be expanded. It seems pretty limited at present and the emphasis has been too much on the feature side. The articles could be given a wider appeal. They seem too limited in scope at times and are too much trouble to wade through when you aren't particularly interested in the topic.

3. R. B. Crollinger, New York, N. Y.
4th Term.

I think the RECORD has done a good job so far though I must admit I was one of the early scoffers. The articles should be kept down in size. Some of the early ones were too long and the material became irrelevant to the issue attempted to be expounded. The gallery portraits were good and should be continued of graduates as well as the faculty.

4. N. R. Shieltenham, Alter, Ill.
2nd Term.

Sub Judice should be expanded. It touches closest to the Law School picture from an academic standpoint. I'd like to see it run a full column each time. The Witness Stand is all right but perhaps a coverage of International questions would fix it as a more thought provoking feature of greater value.

5. James Bruce, New York.
5th Term.

I think the RECORD ought to stick to local items. If I want to read about foreign policy, I'll read the *New York Times*. I believe the alumni are only interested in what's happening at Harvard Law School. Anything other than articles relating directly to the law or to the Law School ought to be left out. The paper is fine as it is.

6. Arthur W. Machen, Baltimore, Md.
2nd Term.

I think the paper is greatly improved since the size was reduced. Those "Southern" articles were evidence of an over-abundance of space to be filled and an example of bad taste. But on the whole the paper fills a need and has been popularly received.

7. Ralph H. Nutter, Boston, Mass.
3rd Term.

I think that the students are interested in articles concerning job potentialities in different fields, for example, opportunities to practice in government, small towns, etc. I'd like to see much more on the practical phases of the law. More comments by the faculty as to study methods and examination writing would be welcome, particularly by first year students. On the whole the paper as it stands is good.

8. Herbert F. Moore, Trenton, N. J.
3rd Term.

I'd like to see more articles on foreign affairs and an enlargement of the Sub Judice which I find very interesting. On the whole the RECORD is a very good paper—everyone is to be commended.

9. Ramsay D. Potts, Memphis, Tenn.
2nd Term.

The RECORD ought not to be printed at all unless it sticks to what I consider its own province. I think articles on politics, and current affairs, unless they are closely connected with the subject matter of law should be left out entirely. I am in favor of restricting news coverage to articles on Harvard Law School and other law schools both in the United States and in England.

LEGAL AID—(Continued)

it, the path of least resistance will doubtless be the formation of a governmental agency and the consequent socialization. The demographic and patronage aspects therein would be tremendous.

Smith wrote an article on this subject in "The Economics of the Legal Profession," published by the American Bar Association in June, 1938, but he stressed that the wide use of legal assistance officers in the service during the war is one of the chief causes for the present urgency of the problem. Bar Associations are frequently asked to whom to refer ex-servicemen who are not charity cases yet cannot afford to pay the full fee.

"I don't know the answer," concluded Smith, "but if the words on the pediment of the Supreme Court Building are to be fulfilled, gentlemen of your generation and experience must help meet this challenge which has long gone unanswered."

COLUMN SAMPLES VARIOUS OPINIONS

Witness Stand Presents Student Views on Many Different Topics

The Witness Stand, although not a truly representative column of student opinion, has presented during the term a fair cross section of thought on many topics, varying from the personal to the international. Students indicated that upon returning to school their two chief problems were housing, particularly the married students, and time. There didn't seem to be enough of the latter. Leon Dicker, Long Island, New York, fifth term, was the exception. He had no problems. All students interviewed with regard to veterans' organizations expressed a desire to join at one time or another. Despite this expressed intent none was a member. The overall opinion was in favor of the AVC but a typical comment was that of Richard Weld, Marblehead, Mass., first term, who remarked that he planned on joining one but didn't know which one.

All students interviewed expressed a desire to have their grades given numerically rather than by the letter method. Various reasons were given one of which Tudor Gardiner, Gardiner, Maine, fourth term, expressed simply as, "I can't think of any reason why the numerical grade should be kept secret." Apparently the faculty committee couldn't think of any either and has since voted to release the grades numerically.

The biggest bombshell was the comments received in answer to the question, "Do you expect to enter law practice upon graduation?" Only two of the students unequivocally said yes. The other answers were expressions of desire to enter business or government work. H. Raymond Cluster, Baltimore, Md., fourth term said he wouldn't be averse to taking a non-legal job if he thought it would be a good opportunity. J. L. Evans, Washington, D. C., fourth term stated that he did not intend to practice and in fact was prejudiced against the legal profession.

The eating situation was surveyed and there was an even division on whether students would patronize a Law School sponsored dining hall. The large number of married students was one reason why it would not be patronized. (But see dining hall story elsewhere in this issue.) Another was the general satisfaction with present facilities at Kendall House. A desire was expressed to have facilities similar to the Union provided nearer the Law School.

Inflation was acknowledged to be part of the present national scene but there were differences of opinion as to the stage. J. R. Waldron, Portsmouth, N. H., third term, thought we were in the early stages. Horace Kalik, New York, N. Y., third term definitely thought we were in the midst of it.

Consensus on whether the U. S. should release its atomic secrets centered in the generally expressed attitude, "Ultimately, yes." R. H. Garner, Madison, Wisconsin, second term felt definitely that we should not.

Selective service was generally regarded as desirable. All students interviewed were veterans. Robert J. Sullivan, Northampton, Mass., third term thought we should not for the reason that scientifically trained technicians were more desirable but he conceded that a year or two in the service was valuable in many cases.

A feature story on a beating of a Northern white man in South Carolina evoked considerable comment and in order to probe the generally circulated belief that "Northern Interference" materially affected the Southern primary elections a question was asked on the topic. Indications were that the purported "interference" had an indirect rather than a direct effect. Harry Martin, Blowing Rock, N. C., third term, stated that though the effect was hard to evaluate as to its materiality Southerners objected to having outsiders tell them how to run their elections.

CLASSES ARRANGED FOR WIVES' STUDY

Classes for Law Wives in Bridge, Current Events, Art, Music Appreciation, Cooking and sewing are being organized this month, announces Mrs. Horace Kalik, club program chairman. All six classes will commence shortly after the Law School's October vacation.

There will be a \$10 fee for the Sewing course and a slight charge for Current Events and Bridge, but no charge for classes in Cooking, Art and Music. All classes will be held at Kendall House, except for the Sewing class, which will meet at the Singer Co., Central Square, Cambridge.

Wives of Law students interested in joining classes are requested to register with the following group chairmen: Art: Mrs. John Couture, 9 Bow St., Cambridge, ELI 8863; Bridge, Mrs. Walter Williams, 1713 Massachusetts Ave., Cambridge, ELI 8208; Cooking: Mrs. Lee Bloom, 1699 Cambridge St., Cambridge, KIR 1878; Current Events: Mrs. John Pemberton, 70 Quint Ave., Allston, STA 9467; Music Appreciation: Mrs. James Brink, 144 Brattle St., Cambridge, KIR 6128; Sewing: Mrs. Robert Cahall, 102 Lexington Ave., Somerville, PRO 7840.

Alumni Notes

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

DEVELOPMENT FIRM CHOOSES DIRECTORS

Hausserman '16, Griswold '11 Join Research Financing Corporation

Among those named recently as Directors of the newly-organized American Research & Development Corporation were Merrill Griswold, LL.B. '11, and Oscar W. Hausserman, LL.B. '16. The Corporation, recently organized in Boston, Massachusetts, has as its purpose the furnishing of capital for the development of new enterprises, processes and products. Regarding the new organization, a spokesman for the Securities Exchange Commission stated: "This is the first attempt under the Holding Company Act to provide a pool of venture capital funds for development of new products and enterprises and the revamping of old businesses."

Ralph E. Flanders, Republican choice for the U. S. Senate from Vermont, is the temporary President. Other Directors besides Griswold and Hausserman include Frederick S. Blackall, President of the New England Council; Bradley Dewey, President of the American Chemical Society and former National Rubber Director; and Ira A. Mosher, Chairman of the Board of the National Association of Manufacturers.

Merrill Griswold, LL.B. '11, is at present Chairman of the Board of Trustees of the Massachusetts Investors Trust. He was admitted to the Massachusetts bar in 1911, upon graduation from Harvard Law School, and has practiced law in Boston since that date. He is a partner in the firm of Gaston, Snow, Rice & Boyd. He was President of the Caribbean Sugar Company from 1923 to 1927, and became Chairman of the Massachusetts Investors Trust in 1932. He has held the position of Chairman, Massachusetts Second Fund Inc. since 1934, and is a director of the Dewey & Almy Chemical Company. During World War II, he served as Co-Chairman of the British War Relief Society of Boston. While at Harvard Law School, he was an Editor of the *Law Review* from 1909 to 1911.

Oscar W. Hausserman, LL.B. '16, has practiced law in Boston since his graduation from Harvard. Currently he is a partner in the firm of Hausserman, Davidson & Shattuck. He has been active in Boston civic affairs, having formerly held the post of President of the Boston Chamber of Commerce and Director of the Boston Municipal Research Bureau.

Two of the three members of the Board of Law Examiners of the State of New Jersey are graduates of the Harvard Law School. They are Charles R. Hardin, LL.B. '19, of the firm of Pitney, Hardin, Ward & Brennan, Newark, N. J., and John Lloyd, Jr., LL.B. '26, of the firm of Lloyd, Horn & Perskie, Atlantic City, N. J. Mardin is also a New Jersey member of the National Conference of Commissioners on Uniform State Laws.

LL.B. '21—Lawrence Curtis won the Republican nomination for State Treasurer of Massachusetts at the June primary. The election will be November 5th.

LL.B. '24—Robert Proctor, a member of the firm of Choate, Hall & Stewart, was elected a trustee of the Americal Optical Company on September 11, 1946.

LL.B. '30—Sumner W. Elton was appointed as an Assistant Attorney General of Massachusetts on September 9. He entered the Army as a Captain and was Judge Advocate of the Trinidad sector and base command. He also has served as

PRODIGY PLANNING FUTURE TRIUMPHS

Third Term At Eighteen To Work On S.J.D., M.A., Ph.D.



The youngest student at Harvard Law School is Kivie Dornfeld, who, at the age of eighteen is in the third term class. Physically and in many of his reactions still a boy, he is far ahead of his age group in I.Q. and education.

Dornfeld's mother, who was a schoolteacher before her marriage, taught him to read and write when he was about two years old. At five he entered elementary school in New York City and some eight years later graduated from high school. At fourteen he entered City College of New York, graduating three years later with a B average, having majored in Economics and Political Science. The summer of 1945 he did work at Columbia University toward an M.A. In October 1945, at the advanced age of seventeen, he entered Harvard Law School with a class of veterans that averaged a full ten years older.

Dornfeld has had little difficulty in getting along with students older than he is. In high school he was much like the other boys except that he showed no interest in girls. In college he blossomed out as something of a social lion, regularly mixing in social life with older people of both sexes. At Harvard he holds his own in debate with older and more worldly men and has no more trouble scholastically than does the average student.

His likes and dislikes follow rather closely the pattern of college convention. Politically he is very much middle of the road, when he thinks about politics, which is seldom. He has little inclination to engage in active sports, although he knows it would do him good.

Having earned his B.A., the quiz kid has plans for at least four more degrees. After completing work for an LL.B., he expects to study for an S.J.D. before going into practice. While practicing, he expects to complete work on his M.A., and has hopes of working for a Ph.D. in some phase of legal history. At eighteen, he thinks the time is getting short for completion of all the projects he has planned.

Judge Advocate of the First Service Command. He is president of the New England chapter of the Judge Advocate's Association.

LL.B. '35—Frank L. Dennis, now assistant managing editor of the *Washington Post*, has been named as one of 25 editors selected to attend a seminar to be held at Columbia University under the auspices of the American Press Institute. The seminar begins on Sept. 30 and will run for three weeks. It will deal with journalism techniques, and social, economic, and political problems of the day.

LL.B. '39—George R. Farnham began work in May for the War Assets Administration, at 350 5th Avenue, New York City.

LL.B. '43—Warren V. Ludlam, Jr., has been practicing law in Jackson, Mississippi July 1944. He previously was with the Houston, Texas firm of Baker, Botts, Andrews & Wharton, having been connected with that firm for the first sixteen months since his graduation from the Law School.

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RECORD ELECTION—(Continued)

from the University for governmental research in Cincinnati, were occasioned by the graduation of incumbents or by their election to other offices. In addition to these Board members, there will be 17 on the staff at the opening of the term. Staff members continuing to serve are, Mitchell Aaronson (Minnesota '43), Jack Backman (Syracuse), Morton B. Braun (Harvard '41), Irving Constant (Harvard '45), Loren E. Juhl, (Illinois '40), Stephen G. Lax (Swarthmore '41), Clarke S. Lyon (Dartmouth '42), Donald J. Miller (Notre Dame '42), John C. O'Byrne (Syracuse '41), James L. O'Dea (Notre Dame '44), Harold F. Olsen (Wash. State '42), William F. Passanante, (N. Y. U. '40), Samuel Schwartz (Wisconsin '45), Nathaniel Tepp (Fordham '40), R. H. Wolford (Harvard '43), Vincent St. Johns (Pitt. '44).

The new Board will publish their first issue in the opening week of the coming term. An article written especially for the RECORD by the general counsel of the Federal Trade Commission is slated to appear in an early issue. Returns from all 48 states are now in the RECORD office on the precise post-war changes in state bar requirements.

Circulation at present is more than 1,100 subscriptions, which includes 800 to students, 200 to alumni and the rest sold in the Square and elsewhere. More than 20 law libraries subscribe. Response in force from sending out four issues to 4300 members of the Harvard Law School Association, a project financed by the Association, is just now being felt as six to a dozen subscription requests come in by mail every day. One of the early issues in the coming term will be sent to the 14,000 other alumni of the School.

LETTERS—(Continued)

(This letter was received August 21 and has been retained until now because of lack of space and Mr. Matthews' full treatment of the problem in the 7th issue.—Ed.)

To the Editor of the RECORD:

Sir: I take it to be a sound principle of psychology that when an appeal is made to the emotions, one expects not a rational reaction but an emotional reaction. I also take it that students of history and government in protesting the havoc which emotional action has played with our civilization are no more the advocates of deliberate, thoughtful, rational action than is the jurist. Further, that it should be the first lesson of the student of the law that emotion must be smothered and reason brought to the fore before one can even pretend to approach "justice."

It was with no little concern that I read the article in the fifth issue of the RECORD entitled, "Student Victim of Beating in South Relates Experience." The anonymous victim of the attack certainly deserves the sympathy of every thinking man. He has mine. There is something more than a personal incident involved, however. Apparently the primary purpose of the article was to precipitate consideration of the race question in the South. I do not write in response to the italicized introductory paragraphs. I distinctly am not one "who would like to attempt explanation or denial." The incident itself,

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though painful, disagreeable, and unjustifiable it may be, is merely an excuse for presenting the race question; as for that vast problem, there is no time, here, for explanation, and no desire to deny its objective injustice.

So far as I can see, the article makes no contribution toward even an understanding of the race question. It is not even a good factual narrative, but is embellished with obvious editorial slurs, e.g., "four gallant Southerners," "a lesson in Southern hospitality."

The article, on the other hand, is entirely lacking in that perspective which any rational man who approaches the issue should assume. Its tenor, far from being rational, is essentially emotional. I refer particularly to the picturesque language used in describing A's injury. One does not doubt that a person who has been belabored with a club suffers personal injury, but anyone who has outgrown Edgar Rice Burroughs does not need to have the consideration of a serious issue beclouded with references to blood soaked uniforms, CroMagnon monsters, and a Machiavellian D. A.

I do not feel that emotional reporting is in keeping with the alleged purpose of the law school paper, with the audience to whom addressed, and, above all, with the issue raised. Your editorial staff evidently has a "vaulting ambition which o'er leaps itself." The race question, however, is not to be solved by emotional crusading.

Eugene N. Zeigler, First Term.

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THE LEGAL WORLD
Review Sessions

Torts: Prof. Cox will hold a review session this afternoon in LNM at 2:15. Prof. Seavey will hold a review session Thursday, Sept. 26 in LS at 2:30.

Property: Prof. Casner will hold a review session in first-year property Saturday, Sept. 21 in LSM, 2-5 p.m.

Agency: Prof. Seavey will hold a review session Thursday, Oct. 3, in LS at 2:30.

Class Change

Prof. Cavers' first term Property 1, scheduled to meet Friday and Saturday, Sept. 27 and 28, will meet instead Monday and Tuesday, Sept. 23 and 24. The first section will meet in LN at 9 a.m., and the second section in LN at 10 a.m.

Registration

Men now in school will register in the foyer of Austin Hall on Monday, Sept. 23, Tuesday, Sept. 24 and Thursday, Sept. 26.

Registration for new men will be held in the Austin Hall foyer on Wednesday, Thursday and Friday, October 16, 17 and 18. Registration material is being sent to new men by mail, to be filled out before they arrive at the school.

Time for registration of both current and new students will be 9 a.m.-1 p.m., and 2:30-5 p.m. on the days listed.

Typing of Exams

Students who plan to type their examinations this term must register with the Receptionist in Langdell Hall not later than Saturday, Sept. 21.

Non-Accelerating Students

Any student now in the second or fourth term who plans to remain out of school during the October term should notify the Receptionist in Langdell Hall before leaving.

Law Wives Meeting

A regular meeting of the Harvard Law Wives will be held Wednesday evening, Sept. 25, at 8 p.m. in Kendall House. S. J. Tyack, of Shreve, Crump & Low will speak on "The Romance of Gems."

Yearbook

For the benefit of those who have not yet called for their Yearbook, the office in Gannett House will be open tomorrow, 1-3 p.m.

Scholarships

The deadline for filing scholarship applications for the coming semester is Sept. 21, 1946.

THE OUTER WORLD
Adult Education

Cambridge Center for Adult Education, 42 Brattle Street offers courses in arts and crafts, languages, music, photography, and various games. The courses are of 10 weeks duration and meet one to two hours a week. The fall term will begin September 30. There will be Open House on September 26, 7:30 to 10:00 p.m. for all those who may be interested in these courses.

Massachusetts Citizens PAC is sponsoring the School of Political Action Techniques this weekend, September 20-22 inclusive at 565 Boylston St. (Copley Square). Fifteen courses of study, including courses on "Building Citizens Committees," "Techniques of Dealing with Congress," and "Organizing Veterans for Political Action" are being offered. Law students are eligible to register in the School at a reduced fee of \$5.00 which admits them to all courses. Admission to the keynote rally at 8 p.m. on Friday, Sept. 22, at which J. Raymond Walsh and Angus Cameron will speak, is \$1.00 for non-school members. Admission to the Jamboree on Saturday night which will feature ballad singers, films and other entertainment, is also \$1.00.

Plays

Colonial Theatre—near Boylston St. subway station. Through Saturday, September 21, Basil Rathbone and Eugene Leonovich in "Obsession." Beginning Monday, September 23, Leonora Corbett and Arthur Margetson in "Park Avenue."

Shubert Theatre—Tremont St., near the Hotel Bradford—Mae West is still on display in "Come On Up." Beginning Monday, September 23, Elisabeth Bergner will appear in "The Duchess of Malfi" for one week.

Music

Isabella Stewart Gardner Museum—Fenway Court, The Fenway, Boston—September 19, 2:45 p.m.—Bernard Barbeau, baritone, and Elizabeth Scher, pianist. September 21, 2:45 p.m., Marilyn Shatz, soprano, and George Zilzer, pianist. September 22, 2:00 p.m., Reah Sadowsky, pianist.

Season Symphony Tickets

Students are advised to buy season tickets at Symphony Hall immediately for the October-April season. No reduced rates will be given students this year because of unprecedented demand for tickets.

UNIONS—(Continued)

still in American shipping and probably dealt a mortal blow to the entire stabilization program. American labor is rapidly getting fed up with lax price and unpredictable wage control and is generally supporting the sailors. Lewis of the

miners has offered financial aid to get rid of the Washington "boar's nest" (WSB), and proposals have been made that labor withdraw its members from the tripartite Wage Stabilization Board. The animosity toward the cut-back ruling has reached such heights that overtures have been made to Murray and Green that a 24-hour general strike be called. Green and Murray vetoed this suggestion.

The first rumblings of this storm began shortly before V-J Day. Those of us who were working for the now-defunct WLB in the summer of 1945 knew that the rank and file union membership throughout American industry were anxious to break through the restrictive formulae set by WLB just as soon as hostilities were over in order to make up for the anticipated loss in take-home pay following the cessation of overtime hours worked at one and a half the basic rate. They knew and we knew that without the wartime no strike pledge to restrain them the union leadership would be unable to discourage stiff wage demands as they had effectively done during the war. Some of us felt at the time that the only way to retain a sane wage structure was by the retention of wartime price and production control through the reconversion period to ensure a high level of production in consumers' goods and a profitable but non-inflationary price line. Management and labor, fretting under the yoke of WLB and WPB wartime restrictions were unwilling to submit to rigid peacetime control—even if temporary—of wages, prices, and raw material allocation. To this pressure Mr. Truman wisely yielded and on the shoulders of his decontrol program must rest the responsibility for much of the chaos and confusion in production and labor relations today.

The failure to achieve smooth reconversion through raw material allocation on a priority basis and the failure to hold down the price level has left the worker-consumer with one course of action: to press for higher and higher wages to keep pace with the rising price of scarce and hotly demanded commodities. If the prices were kept in line and goods turned out at a high level of output as they did under wartime controls the worker-consumer would have had enough faith in an inflationless future to make possible the imposition of rational wage regulation for the duration of the emergency—and by emergency I mean the reconversion period. But official policy stemmed from an historically unwarranted faith in the ability of the unreliable and utterly lawless "natural laws of supply and demand" to create a wage-price relationship that would encourage the highest level of production.

In conjunction with this overall decontrol program was the decision to encourage collective bargaining, an affair involving employer and union, and to discourage government interference with the bargaining process and the resultant wage agreement. The former head of the WLB (Will Davis) himself recommended that Uncle Sam cease meddling management and labor and let them stand on their own feet. The collective bargaining procedure between the private entrepreneur and the union representing the worker in his plant is relatively democratic and efficient. It means, moreover, a worker, say a class A machinist, may get "X" wage in one plant or area and "Y" wage in another area. This wage will reflect in part the bargaining power and cost structures of various unions and plants respectively. That a wage will vary from one place to another is not a necessary source of national discontent, though undeniably the trend in the mass production industries is for the unions to strive for uniformity in wage rates. It would be most unusual, however, for a single employer to pay one wage rate for CIO machinists and a different rate for AF of L machinists. It is a political impossibility from the point of view of the union with the lesser rate and a demonstration of abysmal idiocy on the part of the employer.

The difficulty in the shipping industry is that the AF of L unions and the company-dominated WSA choose to regard the individual ship owner as a bona fide private entrepreneur. As a matter of actual economic fact the United States government owns and operates almost the entire American shipping industry (the people of the United States own about 2400 of the 3100 ships or 80% of the entire merchant fleet) and the so-called owners are nothing more than managers of the citizens' money without the responsibility of most managers to think in terms of efficient operation and without the incentive of ordinary government employees, which they actually are, to feel a sense of responsibility to the public interest. The managers ("owners") of the shipping industry however in thinking of themselves as private operators apply the thinking of private industry to their wage negotiations with the result that wage rates are set with one union which are not the same as those set with another union. This is not completely a matter of chance. Both the AF of L unions and the owners with whom they dealt saw in this higher wage rate an opportunity to discredit the powerful National Maritime Union with its membership and destroy it as an organization. There is a long history of conflict between the NMU and the AF of L brothers from whom they bolted

and between American shippers and the NMU which is militantly leftist and less inclined to give in to management than their predecessors.

The sequence of events appears to bear out this analysis. When the NMU threatened to strike the AF of L agreed to respect CIO picket lines since the AF of L knew that whatever rate the CIO got would be exceeded by the grant to the AF of L because of the desire of employer and union alike, especially on the west coast where the AF of L is strong, to strike a blow at the CIO. This explanation is the only one which accounts for the ease with which the AF of L got its large increase immediately following the terrific struggle CIO had to get a smaller one. Management could afford to go along with the AF of L demands because Uncle Sam with his cost plus contracts, mail and construction subsidies was footing the bill. The War Shipping Administration callously permitted and cooperated in this senseless wage-increase disparity because with the ship owners and not the public as their center of interest they displayed no more desire to avoid work-stopping jurisdictional problems of rival unions than they had in preventing the shipping companies from reaping scandalously high wartime profits through cost-plus contracts.

The immediate solution in the shipping industry is for the government to realize that it is the sole owner and boss and that only through negotiation directly with it will uniform politically feasible wage patterns possibly be set. Though I am not prepared to do so, some economists recommend that we lease our inefficiently and unprofitably run merchant marine to Norway which knows how to run ships profitably without mail and building subsidies, whose merchant marine attracts the best and most enterprising men in the community, and keep on hand only a reserve force of mariners with a few weeks training a year so that defense needs can be met.

The latest development finds the CIO serving notice on the government that it will not only support the AF of L position against the Wage Stabilization Board ruling but will in turn strike for another increase sufficient to wipe out the disparity. At its last hearing, conducted without the attendance of Mr. Lundberg, the Wage Stabilization Board decided that the mere fact that the AF of L increases were won through orderly collective bargaining, as opposed to the CIO increases which required government intervention, does not warrant approval of an inflationary wage rate, however won.

The reader should not think that all that remains is for the government to move in and force the men back to work. Lewis in 1943 demonstrated the difficulty Uncle Sam has in making a few hundred thousand determined and well-organized men do what they do not want to do. Early in June I discussed strike policy with Jack Lawrenson, Vice President of NMU and then in charge of strike organization, and he convinced me that when the NMU walked out no dockage, tug-boat, lighterage or longshore facilities will be available anywhere in the world. Such is the nature of left-wing cooperation. The Navy might get the ships out to sea but there would be no one to take them into port or unload them if they get there. The government has learned this to be the truth and that is why there is no longer talk of using Marines and Sailors to break this larger and more recent strike as there was last June when the CIO alone threatened to walk out.

Several lessons are to be learned from this unnecessary mess. First, it has irrevocably been demonstrated to Uncle Sam that he is the sole boss and investor of any consequence in the shipping industry and the responsibility devolves upon him alone as employer to negotiate uniform wage agreements in the business which he owns. Secondly, the irresponsibility of the War Shipping Administration to the public interest has been demonstrated by its approval of disparate wage increases without regard to the obvious consequences.

Thirdly, the lack of controlled instead of a decontrolled reconversion has resulted in the discrediting of the wage stabilization program and in conflicts of policy between government agencies (WSA vs. WSB) whose inevitable result is to increase the inflationary spiral in the midst of which we now find ourselves.

Finally, however pro labor we may be, we cannot help but be made more aware by this crisis of the waste in energy and harm to the labor movement resulting from the struggles of one union against another for what are in the final analysis the goals of both, namely, a highly productive economy marked by wages and prices at which all men who want to work can work and live decently, and by an absence of large scale walk-outs damaging to the living standard of the wage earner, America's largest consumer. *Jerome Wenig '48*

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ARMY—(Continued)

In November, a four-weeks course for enlisted specialists will open at Carlisle.

An associate course for National Guard and Reserve Officers will open shortly.

A fourth course, tentatively called "Command Conference" is being planned. This course is designed to indoctrinate the more senior commanders in the I-E operation. It will last about five days.

(6) An information school is operating in the European theater and, until the recent personnel dislocations, three information schools were operating in the Pacific areas.

(7) A course of instruction designed for use in garrison schools is currently under preparation at the Army Information School at Carlisle.

From this brief outline, you will see that we are attacking our basic problem on a broad front. But even so, we realize that this is not an over-night matter; it is my personal conviction that a positive attitude change will not be apparent on an Army-wide scale for a considerable period.

We have no intention of abandoning the discussion group as an Army institution. In fact, we are working hard to strengthen the concept. But that concept, too, will thrive only in direct proportion to understanding. We are currently working on a training film to show the techniques involved in conducting a successful discussion group. We are also trying to show the common errors. The project is much more difficult than we had anticipated.

We have almost completed a handbook on discussion techniques that covers the whole field in detail. We are well aware, however, that neither the printing press nor the motion picture projector furnishes an answer to our problem.

At the present time, we are processing through the War Department a series of broad information projects that, if adopted, should increase the effectiveness of our operation four-fold. In addition to its human-relations value, it will have the tremendous psychological advantage of bringing all commanders and their principal staff officers directly into the information picture as personal participants and leaders. I will be very glad to present this program to you when it is in final form and ready to go.—C. T. Lanham, Brigadier General, USA.

LANGDELL LYRICS—(Continued)

merit appeared. There was an unfortunate misunderstanding which caused the anonymous "Friday Poet" to become convinced that some scoundrel was stealing his stuff. He placed his curse upon "that literary beast of prey" in a bitter piece entitled "To the Scoundrel Who Stole the Credit and/or Blame for 'A New Year's Carol'":

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May he never have a fee!
May his poor posterity
Pay the price in all the courts
For everybody else's torts!

May he be forever sued!
May his will be misconstrued
By some untaught judicial pest
So no remainders ever vest!

May he make a void devise!
Give his heirs a nice surprise
When debts and taxes decimate
The greater part of his estate!

And if a lawyer he should be
(Doubtful as this seems to me)
May the rascal starve and freeze
Living off of ten-buck fees!

There followed a series of recriminatory verse which might have ended in bloodshed had the poets known the identity of their adversaries.

Later in the course the class took up the case of *Thellusson v. Woodford* involving one Peter, who was born a Swiss, naturalized an Englishman and left a large estate to accumulate over a long period, the proceeds to be invested in English land. The will was so drawn that counsel fees of ninety-thousand pounds were paid in the first thirty-five years of administration of the trusts, and a country house named Brodsworth was set aside for the use of Peter's sons and trustees. The trustees were very liberal in their expenditures for upkeep and improvement of Brodsworth and made extensive use of it themselves. Consideration of these facts brought forth from "Man Saturday" lines of classic beauty

Such Stuff As Dreams Are Made Of

When through my window falls an errant beam
Of silver moonlight, fitfully I dream—
But not of love's ineffable bright bliss
Nay, rather of that vain capricious Swiss.
I dream the dream of every hungry lawyer—
I dream he is my opulent employer.
I dream I have his fond felicitations
Of buying England with accumulations.
I'll not deny I always aim to please
For ninety thousand pounds or so in fees.
And should you wish to see me for some reason,
I'm off to Brodsworth for the shooting season.

Storrs v. Benbow established the rule that, if T bequeathed 500 pounds to each child of A, only those children of A who were living at T's death would be included in the gift, since the class would close at T's death so that distribution of the estate would be facilitated.

This stimulated someone to issue the following warning to guardhouse lawyers:

Life looked rosy to A as he sat
By the crepe-draped casket of T.
Five hundred pounds for each child he begat
Would soon make him wealthy, mused he.
So he married at once, and began procreating
At five hundred per, he supposed;
But you know and I know (what hardly needs stating)
That the class had already closed.

Mistakes of this sort are bound to arise
When a client takes action like these
Without seeing his lawyer, as soon as T dies,
And paying the usual fees.

The anthology closes with a long poem

commenting on the English case of *Lee v. Audley* in which it was held by the Chancellor that there was a conclusive presumption that one Elizabeth Jee, age 70, could have further daughters regardless of her age. We print only the last stanza of "The Sprightly Septugenarian"

Can women bear at 70? Ask any obstetrician
And he will say: "My dear old fellow!
Hawdly!"
But we who know the R.A.P. and Chancery
tradition
Will simply smile and cite him Jee and Audley.
H. K.

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