

SCHEDULE NOW SET FOR AMES

Board Plans for Record Number of Freshman Courts

Ames Competition moot-court activity of an unprecedented volume is anticipated this term by the Board of Student Advisers.

In addition to the projected formation of the largest number of first-term clubs in the Competition's history, there will be three rounds of arguments by upper-classmen, highlighted by the Quarter-Final Arguments, shortly before Christmas. These will be conducted solely on a formal basis for the first time since the war disrupted the moot-court schedules.

"While the Ames Competition is not compulsory," declared Frank M. Coffin, president of the board, "ninety-five per cent of the students volunteer, in order to benefit from the practical experience these arguments offer in brief-writing and oral advocacy."

Coffin's advice to first-termers is to become acquainted with classmates as early as possible, and get into an established club, or form a club with newly-made friends. Voluntary groupings are preferred even though the student board will organize clubs if the students cannot do so themselves.

"These law clubs should be social as well as intellectual organizations," he pointed out. "Thus, we would prefer to have the students band together on their own."

First-term men will meet with representatives of the student board and the faculty Friday afternoon, and will receive pertinent information at that time. The October schedule for the board's activities:

Wednesday, Oct. 23—Second term clerks' meeting; supervisors' meeting.

Thursday, Oct. 24—Third term clerks' meeting.

Friday, Oct. 25—First term men meeting.

Saturday, Oct. 26—Final second term lists will be posted.

Monday, Oct. 28—Facts out for second term arguments.

Thursday, Oct. 31—First term lists must be in. Final lists and pairings will be ready Saturday, Nov. 2.

Quarter-final facts will be issued this week. Arguments will be held the last two weeks before Christmas.

In mid-November, it is planned to present a model argument featuring two of the school's professors. The aim of this is to illustrate clearly the principles of brief-making and advocacy.

First and second term men will be required to follow the new style brief, patterned after the Federal rules.



HARRISON S. DIMMITT

RECONVERSION NEARS FINISH

Hemenway Gymnasium Last To Be Restored

"Operation Reconversion" at the Law School is nearly completed. The last vestiges of wartime construction which changed the inward and outward appearances of Gannett House, Austin Hall, and Hemenway Gymnasium will soon be gone, along with the partitions which once divided Langdell Reading Room into rooms for Naval Communications and Electronics classes.

The hole in the ground between Austin and Hemenway marks the remains of the Navy's wartime laboratory for underwater sound developments, for which Gannett and Hemenway were used. The excavation will be filled within the next two weeks, and grass will again cover the area.

The overhead passage between Gannett and Hemenway, which added to the real and atmospheric secrecy surrounding these buildings during the war, has also been removed. Gannett House, headquarters for the *Law Review*, has been scraped clean of several layers of paint and its colonial timbers are now resplendent in a new coat of white.

The interior of Hemenway Gymnasium must be rebuilt almost completely. Five of its many squash courts will be ready for use in about three weeks, but the large basketball court on the top floor will be the last to have its face lifted. Hemenway will be completely restored in about two months to its pristine task of keeping *mens legalis in corpore sano*.

However, a serious bottleneck has developed in the restoration of the east wall of Hemenway, which served as one of the walls of the temporary structure now removed. Its five large window-frames, stored away for the duration, cannot now be found, nor is there any clue to their whereabouts, and new frames must be constructed.

The ceiling in Austin Hall North, condemned by engineers last term, has now been replaced. This classroom, one of the largest at the Law School, has been modernized with improved acoustics and fluorescent lighting.

DIMMITT TO HEAD JOB HUNT

Now Forming Groups Of HLS Lawyers To Employ Graduates

Plans have been completed for a nation-wide coordination of the placement activities of the Harvard Law School, according to Harrison S. Dimmitt, Secretary of the School. During the annual convention of the American Bar Association and the concurrent gathering of the Harvard Law School Association at Atlantic City beginning on October 27th, Mr. Dimmitt will contact Harvard graduates from all parts of the country with a view to creating placement committees in various locations throughout the country. The function of these committees will be to find and to report professional opportunities in their districts. The Secretary's office here in Cambridge will receive these reports and prospective graduates will be informed of the openings and interviews will be arranged.

1947 will see the beginning of large graduating classes and this plan is calculated to supply considerably more prospective openings than did the informal placement activities which have been practised until now. With the very small classes of the recent past the offers which automatically came to the attention of the Secretary were sufficient for the needs of the school. Now eyeing the future, Mr. Dimmitt plans to spend a considerable part of his time organizing the new placement committees, visiting them, and insuring that all possible openings for young lawyers be reported to Cambridge.

WANTED: JOURNALISTS

Some men may safely ignore this plea. If you are on the *Bugle*, the *Student Board*, or *Legal Aid*, please read no further; likewise, low D men and first termers are ineligible. But from those of you who remain, the *RECORD* seeks:

Three news men—preferably good; an assistant circulation manager who can boom circulation; an Ad hunter with a good nose for advertisers; a rewrite man familiar with the English Language; a feature writer with a flashy style; a humorist who is humorous; a proof reader who can spell; a current case man interested in light legal research; and two good editorial assistants.

If you are interested, climb to the top floor of Austin Hall (we forgot to mention that candidates must be mildly athletic) at 11:00 A.M. Monday, Tuesday, or Wednesday; at 10:00 A.M. Thursday, Friday, or Saturday. The *RECORD* offices will also be open to applicants all afternoon on Friday.

NEW MEN MEET TODAY AT ORIENTATION TALK



EDWARDS



COFFIN



WILSON



SWEET



RAPPAPORT



MARTIN

Forum Program Will Emphasize American - Russian Relations

"Domestic sources of Russian foreign policy" will be the topic under discussion at the opening meeting of the Harvard Law School Forum on November 1. Speakers for the evening include David Dallin, author of "The Real Soviet Union," Arthur Upham Pope, director of the Iranian Institute and Harrison Salisbury, UP correspondent.

According to the Forum schedule released this week, four meetings will be

devoted to Russo-American relations, two to industrial strikes, two to international organization, and one each to the problem of China, aviation policy, "Bureaucracy and the legal order," and "Values for modern man." Speakers will include James M. Landis, chairman of the Civil Aeronautics Board and former dean of the Harvard Law School; Wayne Morse, senator from Oregon; Thurman Arnold, former U. S. assistant attorney general; Owen J. Roberts, former justice of the Supreme Court; Edward Stettinius, first American representative on the United Nations Security Council; George Soule, an editor of the *New Republic*; and John G. Winant, former ambassador to Great Britain and American Representative on the Economic and Social Council of the United Nations.

NEW FACES SEEN AMONG FACULTY

Three new professors have been added to the Harvard Law School Faculty, and are offering their first courses in the Law School during the fall term.

Ernest J. Brown, H.L.S., '31, offers the course on Property I to the first term class. Before he entered the Army, Brown was a member of the faculty of the University of Buffalo Law School.

Robert Amory, Jr., H.L.S., '38, is likewise teaching the course on Property I, in which an adequate replacement for Professor Warren must be found. Professor Amory served in the Pacific during the War. He had risen to the rank of colonel at the time of his release.

Robert B. Bowie, H.L.S., '31, comes to the Law School with a background of actual practice of law in Baltimore. He, too, served in the Army during the War, and had achieved the rank of colonel at the time of his release from active duty. Professor Bowie will teach the courses on Business Administration and Government Regulation of Business.

The new appointments are in accord with the policy of continually adding new men, until the faculty reaches a size sufficient to instruct the expected peak enrollment of 2000 men.

There have already been seven post-war appointments to the Law School Faculty, and there will presumably be more, in addition to the enlistment of several visiting lecturers during the peak enrollment period.

Students may obtain tickets for the entire series at Gannett House October 23 through November 1, from 1 p. m. to 5 p. m., or at the meeting on November 1, according to Jerome L. Rappaport, '48, president of the Forum. Tickets for the series of 12 meetings will cost \$3.00 per couple and will entitle the holder to vote for the board of directors later in the fall. Admission to individual forums will be 50c for non-members.

Officers of the Forum are Jerome L. Rappaport, president; John F. Kieran, Jr., vice-president; DeWitt Kirk, treasurer; Samuel Pruitt, chairman of public relations; James Weinberg, chairman of advertising; Arthur Standler, chairman of the chartering committee. Members of the board of directors are Earl Capehart, William A. Lowry, George Bearkowitz, Albert A. Blinder, Fairfield Hoban, Duncan Longcope, Joseph McGrath, Daniel Paul, Roy S. Radin, Joseph Souzzi and Jerome Wenig.

There will be a meeting, open to men of all terms, tomorrow at 2 p. m., in the Forum office at Gannett House to fill the vacancies on the board caused by graduation. Positions to be filled include administrative, organizational and planning work for the Forum.

Faculty and Student Leaders to outline School activities

The law school will indoctrinate its freshmen in a one hour capsule-form orientation program this afternoon in Langdell Courtroom. All members of the entering first term class will attend.

Dean Erwin N. Griswold will open the meeting with a brief expression of welcome, and a short statement of the purpose of legal education. He will be followed by Professor Milton Katz who will discuss the subject closest to freshman minds, how to survive in Harvard Law School.

The heads of the six student organizations of the school: *The Harvard Law Review*, the Board of Student Advisers, the Harvard Legal Aid Society, The Forum, the Law School Committee of Phillips Brooks House, and the *RECORD*, will appear and make short presentations of their activity.

The "Bugle" as the *Review* is commonly known, Harvard Law School's oldest and most distinguished activity, will be represented by its President, James H. Wilson (Emory '40) of Americus, Georgia. Wilson's phenomenal scholastic record earned him this leading position in the school; perhaps he will tell the freshmen how he did it.

Frank M. Coffin (Bates '40) of Lewiston, Maine, will speak of the work of the Board of Student Advisers, which he heads, and of the Ames Competition which it conducts. An organizational meeting for the moot-court work, announced elsewhere in this issue, will be held Friday, so Coffin doubtless will confine himself to a very general description of the Competition and urge full participation therein by all the new men.

Joseph H. B. Edwards (Harvard '40) of Cambridge, Massachusetts, President of the Harvard Legal Aid will outline briefly the work of the organization which he commands, and give some account of its value to the community.

These three organizations, the *Review*, Student Board, and Legal Aid, are composed of members selected solely on a basis of scholarship, but the officers are elected from among the group.

The Law School Committee of Phillips Brooks House, an activity which handles matters relevant to student welfare will be represented by John Martin (Monmouth '44) of Monmouth, Illinois, its head. Martin will present the program of this activity for the coming year.

Jerome L. Rappaport (Princeton '45) of New York City, President of the Forum, and its founder, will outline plans of the Forum for the term, and express the purposes of this body. Some account of the Forum appears elsewhere in this issue.

The *RECORD* will be represented by Charles G. Sweet (Penn State '39) of Washington, Pennsylvania, its President, and one of the founders. He will tell the freshmen of several ways in which they can cooperate with the *RECORD*, and also give them some idea of the function of a student newspaper in a law school community.

Economic Benefits To Veterans Not Excessive In Light Of Handicaps Incurred By Service

Because of his respect for the dialogue procedure followed by Beard in "The Republic," our host decided to use the same method of verbal give and take before arriving at his own conclusions. He invited a number of men, including an economist, a college registrar, two lawyers, and some men in uniform, both commissioned and enlisted.

After a pleasant meal we retired to the library and there, while comfortably seated and smoking our host's most choice cigars, one of the men in uniform started the ball rolling by remarking on the rash of magazine articles that have broken out both in favor of and against the extension of veterans benefits.

"I read a magazine article the other day," he contributed, "that said something about the community structure being damaged by our over-demanding returnees. The writer questioned the wisdom of increasing the height of our national debt by high cost benefits for the veteran, the burden of which, he said, would fall on the veteran and non-veteran alike. It would seem to me that our flags are being cased while the mighty dollar is unfurled."

One of the lawyers quickly fanned this spark of conversation by asking whether a war-torn American economy should accept the expenses imposed by Congressional generosity. It was known

that the speaker had two sons in the service, both of whom were potential beneficiaries of such generosity.

A technical sergeant, one who wore the Bronze Star and the Purple Heart over his left pocket, voiced his disagreement. He asked, "Is this criticism proper? It should seem that those who offered a relatively greater sacrifice during a period of emergency, which benefitted the nation as a whole, deserve a proportionate compensation. Moreover, Adjustment is the keyword, not Retrenchment."

Another member of the group, also in uniform, supplemented the sergeant's remarks by stating that the proper distinction should be between those who sustained service-incurred disabilities and those who were lucky to get away with their skins.

Lawyer A, who had previously spoken, decided to change the subject, but not his theme, and asked, "Shouldn't we restrict our veterans legislation in deference to the established customs of the states, which have always had exclusive jurisdiction over such matters as education and unemployment compensation? Why, I understand that the GI Bill compels schools to liberalize their enrollment policies, which would be especially harmful to our Southern states. Also, I don't see why the Fed-

eral Government has set up its readjustment allowances in competition with the states' unemployment compensation."

The economist interrupted. It was apparent that he disagreed with Lawyer A to an extent bordering on antagonism. He spoke directly to him and said, "Also, you don't seem to realize that the readjustment allowance provision of the GI Bill is not run in competition with the states' programs, but in fact is administered by their Unemployment Compensation Agencies, as well as by public employment offices. The GI Bill goes further, and properly so, I believe, by including jobs not covered under state programs. These are Government and self-employment, household services, farm work, and work for small firms. Here the farmer enjoys an equal footing, as he gets allowances up to the time of his first crop. To determine eligibility after the first crop, his earnings are computed on a yearly basis.

"The amounts payable are more generous than under the states' programs, as an unemployed or partly employed veteran can get up to \$20.00 a week for a total of fifty-two weeks, based on his length of service. If self-employed, he may get up to \$100.00 a month for a total of ten and two-fifths months. For

(Continued on page four)

Professor Seavey's Duties As Veterans' Adviser Make Him One-Man Committee Processing Entrants

Faculty Advisor to Servicemen at Harvard Law School is Professor Warren A. Seavey. Since assuming the duties of the office Mr. Seavey has received some ten thousand letters from servicemen in all parts of the world asking for information about the School. He has answered each letter, giving all the information and advice possible.

Up to 1945 it was the policy of the school not to give information to men seeking admission until a short time before the term began. In the fall of 1944 Mr. Seavey suggested that it might be advisable for the Law School to make some prediction as to the admissibility of the many servicemen who were writing from overseas. Having himself been an officer in World War I, he understood the desire of servicemen to plan for the future.

In December 1944 Mr. Seavey was appointed Faculty Advisor to Servicemen. Between that date and August 1944 some two thousand servicemen wrote. Transcripts of their college

records were obtained by Mr. Seavey. They were considered by the admissions committee and in a good many cases he was able to write to the men that they were admissible. These men have all been admitted if they wished to come.

After August 1945 the number of applications became so heavy that it was obvious the school would not be able to admit all men admissible under peacetime standards. Such men were informed that they would be admitted if there was room. To those men who could not meet the standards Mr. Seavey gave as much advice as he could as to where they could go and what preparation was necessary. He always tried to make these men understand that the school was acting objectively and that it was the joint misfortune of the school and the applicant if the latter could not be admitted.

In addition to answering requests for information received in the mail, Mr. Seavey has talked to several thousand

men who have come to his office for a great variety of purposes. He has given them what advice was possible. He has also held himself open to telephone calls at home in the evenings, on Saturday afternoons and Sunday. He receives calls from all over the country and gives the desired information if he can or tells the caller how to get it.

The peak of requests for information came in the period from October 1945 to February 1946. On one day one hundred and sixty letters were sent from the office; since then there has been a slackening in volume, but the mail is still heavy.

Since December 1944 Mr. Seavey and his able secretary, Mrs. Russell, have spent almost their full time on this work. It has meant giving up the time which Mr. Seavey would have spent on legal writing, but he has felt it worthwhile, believing that these men who had to sacrifice years of their time in the service are entitled to all the help which can be given them.

H. K.

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Editorials

POLITICAL ACTION FOR LAW STUDENTS

Recently a student here, a veteran of the Murmansk passage, and long time adherent of various elements in the liberal movement, went about among students and faculty asking for contributions in a campaign to assist in the rehabilitation of the families of certain persons recently killed under tragic circumstances in Georgia.

The project was principally eñemotary, although there were political overtones. Presumably only those who opposed lynchings would give to aid the surviving families of the victims.

Many professors and some students contributed. But one professor, nameless here because we believe he didn't think the thing through, and shouldn't be pilloried for a moment's blind spot, refused, saying the students who made such a solicitation was "imposing on the student teacher relationship."

The implications of this dictum are arresting, when you stop to analyze them.

Professor X may have been thinking back to his high school days when the unfortunate teachers were harassed with continual requests to buy tickets to firemen's balls, church suppers, turkey raffles, places on chain letters, and seats at hog-calling contests. If he placed our friend's request in this class, he simply showed a want of the perception he demonstrates brilliantly during working hours. We don't think that was it. Nor do we think he was just trying to save a couple of dollars.

It could be that he doesn't like political action in a university. But he has himself participated valuably and constructively in international affairs, within a university framework.

More likely it is that he feels students in a law school shouldn't participate in anything even remotely approaching political action.

Just close your minds to the world for three years, boys. Live law, breathe law, think law, and let the rest of the world go by. Could that be it? We are afraid so. So men who fought one war, and a war that was certainly not devoid of political implications, and who are living in a world already under threat of another, should crawl into the ivory tower during these decisive years. No thank you, Professor, we can't go along with you.

We cannot agree that the law student has no part in political action. Today's law student has been out in the world for three to five years between terms or between college and law school, and he will not be thrust back into the status of school child. The problems of the world today are partly a responsibility of the veterans of this last war if they don't want to be veterans of the next one too. Our friend's effort in his small way is but a sample of the alert student's attempt to meet a specific problem.

The political action we urge as proper for the law student-veteran need not necessarily be the kind spelled with a PAC; Stassen Forums, Young Republican Clubs and the Tool Owner's Union are samples of political action too. And while we wouldn't be very happy to see either the nightshirts of the Klan or the armbands of American Youth for Democracy appear in the Yard, the law student who averts his gaze from all these things and loses himself in the dreamy contemplation of *Pierson v. Post* is merely losing touch with a world he cannot escape.

The late President Roosevelt said this generation of Americans has a rendezvous with destiny. And, Professor, you cannot lead us to it blindfolded.

C. G. S.

Letters to the Editor

To the Editor of the Record:

On returning to New York I found several issues of your magazine in my apartment. I think it a great success and a most useful means of presenting the interests and activities of the Law School to the student body and Alumni. I enclose my check for one year's subscription.

Yours truly,
AUGUSTUS N. HAND,
(Circuit Judge, Second Circuit)

To the Editor of the Record:

I have been receiving the last few issues of the Harvard Law School Record and find them very interesting. I am particularly interested in the "Survey of Graduates" appearing in your issue of September 11, 1946. On studying the localities desired by the candidates for an LL.B. degree I note that most of them desire to practice in the larger cities.

The same condition existed at the time of my attendance at the Law School. Then, as now most of the graduates were heading for New York, Chicago, Detroit, and the West Coast. I have often wondered why the attention of our graduates has not been directed to the smaller cities of this country.

It must be conceded that young men are attracted to law firms of national reputation and have an ambition to engage in practice in a locality where the more lucrative and perhaps broader fields of practice may be found. However, these same men might consider that they would be far happier in a smaller community, where the practice of law might be more enjoyable, and the prospective income in proportion to office overhead and living expenses might be

more than adequate. This does not mean that a young man, locating in a smaller city, could acquire a fortune. It does mean that he will be practicing in pleasant surroundings and with congenial members of the Bar who know one another. There would be no opportunity to reorganize railroads or approve the financing plans of great industries, but there is an opportunity for a happy life and a comfortable income.

MAURICE F. DEVINE, LL.B. '16

To the Editor of the Record:

I was very pleased to receive nine copies of the HARVARD LAW SCHOOL RECORD which you sent me.

Undoubtedly, it is being received with great interest by both faculty and student body of the Law School, but the publication confronts law librarians with a problem. It appears that you have recognized this problem; that is, the size of the publication. Those who wish to make this RECORD part of their archives, or who do not consider it ephemeral material, are confronted with a binding problem.

I note that your later issues have been reduced in size, that is, the issues after No. 5. I am sure you realize that it is difficult to bind this publication and to preserve it, inasmuch as when it is creased in mailing, it is very easily torn thereafter, when handled.

Let me congratulate you upon your publication, and wish you every success.

Cordially yours,
SIDNEY B. HILL,
Librarian,
Bar Association of New York City.

To the Editor of the Record:

Probably few students of the Harvard Law School realize that within their midst resides an apostle of the new age, a veritable seer and prophet of things to come. I refer to Prof. Edmund M. Morgan who in 1937 said, referring to the confused state of the law of evidence as to presumptions—and I quote from 12 Wash. L. R. 255 at 278,—"The courts were in some respects dealing with an atom, as an indivisible unit. But by proper treatment, as the atom may be broken into alpha, beta and gamma particles, so what courts called a presumption should be broken up."

This in 1937, mind you! Even before the U. S. Government was forced to muzzle Superman for revealing the same sort of thing.

Let's give credit where credit is due. All hail to Prof. Morgan, the new Atomic Lawyer.

DYING DECLARANT.

To the Editor of the Record:

Please enter my subscription for one year to the RECORD and bill the [New York Bar] Association.

Let me congratulate you on the liveliness of your publication. I recall back in 1935 there was a good deal of talk about such a paper, and I am glad to see that such long-range planning has achieved such good results.

Sincerely yours,
PAUL B. DEWITT.

Off the Record

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

Professor Katz, cautioning a student in the Judicial Remedies class not to lower his voice when his information weakened, was reminded of the advice given a recent graduate by an older lawyer:

"When the law is against you, argue the facts. When the facts are against you, argue the law. When the law and facts are against you, bang on the table and yell like hell."

We are informed by a correspondent that American judges have lately shown signs of acquiring the English habit of understatement so baffling to the Yanks who were stationed in England during the war. He cites a recent case to prove his point. The headnote in that case reads, "An inquiry on cross-examination of Defendant's witness as to the facts that she had been living with Defendant and borne him two children, though not married to him, was proper as tending to showing her friendly interest in the Defendant. . . ." No comment.

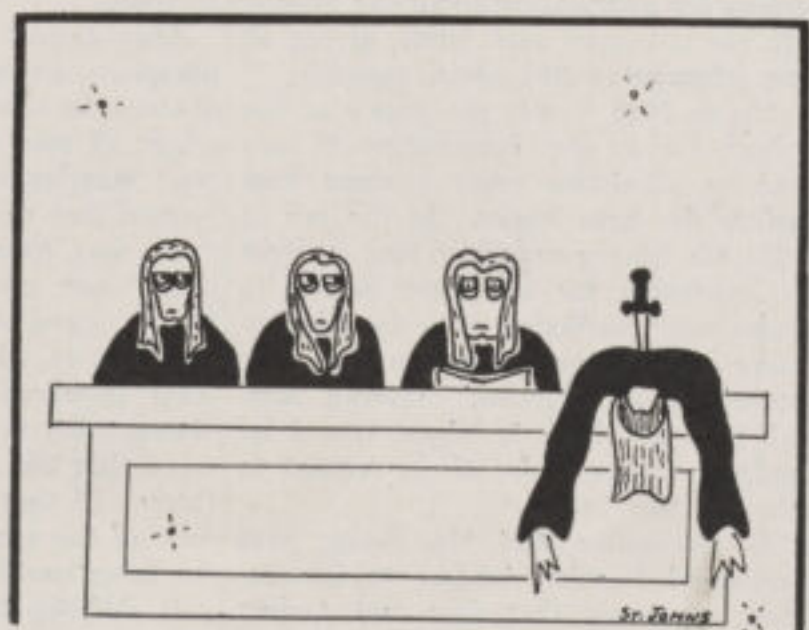
Speaking of the futility of suing insolvent debtors, Mr. Chafee remarked:

"Sue a louse, catch a flea" and of a court which gave preference to one creditor of an insolvent debtor over the other creditors, he had this to say:

"The court is like a matron who sits in a box and weeps over the fate of the heroine while her coachman freezes outside."

And Mr. Scott, ever quick on the uptake, replied in gentle tones to a student who remained unshaken in the belief that his answer was the correct one:

"You may be right and I may be wrong. I always remind myself that that is conceivable."



"TILLINGSFORTH, J., DISSENTS."

Gallery

W. BARTON LEACH



On his return to the Harvard Law School after four years of military service Professor W. Barton Leach faced many of the same difficulties in resuming his teaching as did the men who returned to their studies. One of the greatest was getting readjusted to the content and tempo of academic life after a very active military career. Another was the necessity for learning a great deal of his subject over again.

He has been stimulated by what he says is "an outstanding group of students, mature and earnest." Though they often have trouble expressing complex or abstract ideas completely and precisely because they have had little opportunity to do so during their military service, they ask more acute and provocative questions than did previous classes and make the professor's job increasingly interesting.

Mr. Leach was born in Boston in 1900. He graduated from Harvard College in 1921 and from the Law School in 1924, where he was Note Editor of the *Law Review*. The next year was spent in Washington as secretary to Justice Oliver Wendell Holmes, Jr. and in 1925 he returned to practice law in Boston and teach evenings at the Northeastern University Law School. In December 1929 he was invited by Harvard Law School to substitute for the remainder of the school year for Professor Joseph Warren who was ill. Six months later he received a permanent appointment to the faculty. He has continued to practice law during whatever time he can find from his teaching duties.

The chapter on Powers of Appointment and on the Statute of Limitations in the American Law Institute's Restatement of the Law of Property were written by Leach. He was editor of the casebooks on Future Interests and on Wills. These casebooks are unique for the witty asides that often pop up during serious discussions of abstruse points of law. The author has a ready explanation for this phenomenon.

"Casebooks are a means of communication information," he says. "There's no statute requiring a casebook to be dull. So I write casebooks as I would talk—mentioning, as the subject unfolds, those amusing human aspects of the cases which catch my imagination and stick in my memory and may do the same for the reader." The result is an eminently readable casebook on a highly involved subject.

In June 1942 Leach was commissioned a Major and attached to the Joint Chiefs of Staff in Washington to recommend how operational commands could use Analysis Teams, composed of scientists, lawyers, engineers, economists and others, to help meet tactical problems. In January 1943 he went to Headquarters, Army Air Forces to establish the Operations Analysis Division, which he headed until the end of the war. The last months of his service, prior to his release in June 1946 as a Colonel, were spent as legal counsel for the Army Air Forces, working on plans for the unification of the services.

In the course of his military career, Mr. Leach visited every theatre of operations except Alaska. On one trip his plane was weathered in at Bermuda for four days; it was there that he met his present wife, an English girl who was then working with the British Imperial Censorship. She was later transferred to Washington where they were married. They have a seven month old son. Mr. Leach has two other children by a previous marriage.

Professor Leach has a great deal to say about lawyers in the services. He spent most of the first class period after his return stating his convictions.

"One of the striking things in my war experience was the observation of the varied skills and talents that lawyers could develop quickly in non-legal fields where nobody had any prior training and where the requirements were to analyse what the problem was, develop a method of solving it and then drive ahead to the solution."

He went on to explain that this was probably the result of the fact that lawyers make a profession of versatility: "They habitually step into the shoes of clients engaged in a wide variety of enterprises and undertake to advise on legal and policy matters. Thus lawyers naturally adapted themselves to the unusual problems of wartime and had a substantial advantage in making themselves useful. Again, lawyers are precision workers in words. This quality proved invaluable, both in stating what they thought should be done and then convincing those in authority to do it."

One of the closest to his students of any of the professors in the school, Leach does an outstanding job of teaching the difficult Property courses. His communication with his students is very direct even in the unusually large class in Future Interests. Tall, thin, immaculately clothed figure constantly in motion on the platform, pointer in hand he raps the railing for emphasis, thrusts and parries questions. He is very pleased when the right answers come up and disappointed when the clinkers drop.

In line with his belief that a good lawyer must be a precision worker in words, he insists on a meticulous word-by-word analysis of disputed instruments. Seeking to make the students extract every possible meaning from the words used, their relationship to each other and to the facts of each case, he assigns several students to different angles in the case, hears the arguments for each and then tries to make the class realize which is best and why.

Leach's classes are conscious of a highly competent, urbane, relaxed personality. His wit sparkles through the lectures and he obviously enjoys the way the students reciprocate. This has stimulated a steady flow of comment on the cases taken, the professor and fellow students in the form of poems composed by students and left on Mr. Leach's desk. In 1938 Mr. Leach compiled the best of this verse in a little pamphlet entitled "Landell Lyrics" with explanations and commentaries by the professor himself. He hopes eventually to publish another edition of the "Lyrics" composed of the offerings he has received since 1938.

Mr. Leach's hobbies are tennis, golf, badminton, music and Contract Bridge. He claims that the lines of thinking needed for legal problems are much like those in Contract Bridge. Before the war Leach, Professor Casner, who is also a bridge enthusiast, and Dean Landis often engaged proficient students after school hours.

"The combination of analytical and human factors in Contract Bridge are very similar to those in a law suit," Professor Leach explained very learnedly, and then went on "I think all the boys should take it up and, when they think they're pretty good, Professor Casner and I will be glad to take any of them on at any time."

H. K.

Sub Judice

OF MICE AND BEVERAGES****A second drink from the same bottle is not contributory negligence.

An airlines pilot obtained a bottle of tonic from a machine dispenser. The first swallow tasted "strange"; the second was positively "peculiar." Examination by the pilot and several fellow employees discovered a mouse in the bottle, whereupon the pilot suffered nausea, vomiting, and bowel disorders. It was a full week before the pilot was back to "normal." Judgment for plaintiff in the amount of \$500 was affirmed by the Illinois Court of Appeals. *Ducal v. Coca-Cola Bottling Co.*, 68 N. E. (2d) 479 (Ill. App., 1946).

Actually the defendant did not begin servicing this particular vending machine until after the incident complained of took place. The beverage was delivered to one of defendant's salesmen in the district who presumably serviced the machine. The court, however, concluded that for practical purposes the bottle in question was under the control of the defendant. Despite defendant's testimony as to its methods of bottling the court held that the question of defendant's negligence was for the jury. The character of the incident was not such as to enable the plaintiff to allege and prove defendant's negligence, but the doctrine of *res ipsa loquitur* was invoked and defendant could not overcome it. The court found that it was not at all extraordinary that plaintiff should take two swallows from the bottle and that thirst quenching act did not constitute contributory negligence.

ASSIGNMENTS OF STOCK EXCHANGE SEATS****

The holder of an inchoate equitable lien on property of an insolvent estate must be subordinated to the United States but not to New York State.

A stock exchange member assigned all his right, title and interest in his seat as security for a bank loan. After the death of the member, the exchange sold the seat and turned the proceeds over to the administratrix. In her final accounting the United States and the State of New York sought priority over the bank in the distribution of the seat proceeds. The Court of Appeals sustained judgment recognizing the priority of the United States, but held that the State had no priority. *In re Gruner*, 68 N. E. (2d) 514 (N. Y., 1946).

A stock exchange seat has some of the elements of property, but under exchange rules a member may not transfer ownership without the consent of the exchange or transfer the use of the seat to a non-member as the trading privilege is personal to the owner. The court observes that there were no provisions of the exchange in effect at the time of the assignment concerning sale of a seat by a non-member creditor. Therefore, the purported power to sell contained in the assignment could only be exercised with the aid of an *in personam* equity decree compelling the assignor to comply with the rules of the exchange concerning sale of a seat.

Once the seat has been sold, the proceeds belong to the member. The right to receive those proceeds may be assigned. In this case the bank's lien was inchoate and equitable. It would not become perfected until the sale proceeds became available.

A federal statute provides for priority of payment for the United States when an estate of a deceased debtor in the hands of an executor or administrator is insufficient to pay all the debts. 31 U.S.C.A. §191. The contention that the bank's lien when perfected relates back to the time of its creation is held without merit and will not divest the United States of its preference. Even if the lien had been perfected before decedent's death, it might not have been a "specific" lien which would have avoided the priority of the United States.

New York State, being still back in the days of Coke and Henry VIII on this point, had no comparable statute to that of the United States. To have been successful the State should have asserted its rights before the bank's lien attached to the proceeds of the sale in the hands of the administratrix. Judge Desmond dissented from the judgment as it affected New York.

PARKING LOTS AND DISCLAIMERS OF LIABILITY

****Charge for parking automobile covers personal property left in it and notice of such to attendant makes relationship of bailee for hire and not merely gratuitous bailee of the contents.

Plaintiff delivered his car containing valuable tools to defendant's parking lot attendant. Plaintiff asked permission to lock his car on account of the tools but was refused. A few hours later upon presentation of the identification tag defendant was unable to produce car or contents. One month later the car was recovered but tools valued at \$600 were missing. In a suit for this amount judgment was given for defendant, but on appeal held, reversed and remanded with directions to ascertain the value of the tools and enter judgment for plaintiff in that amount. *Palotta v. Hanna Parking Garage Co.*, 68 N. E. (2d) 170 (Ohio Ct. App., Cuyahoga Cty., 1946).

The defendant relied on a disclaimer of liability for articles left in cars which was printed on the reverse of the identification check. But the court quoting from another case ruled that such contracts which attempt to limit the liability of a bailee for hire for negligence are void as against public policy. The storage of an automobile for a regular charge covers the articles left in the car of which the parking lot company had notice. Articles concealed in the trunk of a car (beyond ordinary tools and spare tire) would not be deemed to be covered by this case.

Because the defendant failed to rebut the presumption of want of due care arising from the failure to deliver the bailed goods, judgment is ordered for the plaintiff.

The Witness Stands

The Question: Would you prefer writing a paper in a course to taking an examination?

1. F. E. Walter, Jr., E. Orange, N. H. 5th Term.

Yes. Examinations should be retained for first year courses since they fill a special purpose. In advanced courses a paper does just as much for the student and lets him expand research on a particular part of the course.

2. R. M. Weissman, Boston, Mass. 5th Term.

Yes. However, any such plan should be restricted to just third year courses. A student gets enough experience handling hair trigger questions the first two years. A paper gives a student a chance to do research in a particular field. It should be restricted to particular courses too. Those that are best fitted for written work. Perhaps an option to the student would be a good plan.

3. E. T. Butler, Grand Rapids, Mich. 3rd Term.

Yes. At least it should be optional with the student. Exams should be kept the first year and should be given at the end of each term. Papers should be substituted for second and third year work. It would give students a bigger chance to do research. Four hour examinations do not test absorption of law or application of principles as thoroughly. If papers are required the instructors should assign the topics.

4. S. A. Spiegel, Cincinnati, Ohio. 3rd Term.

I'd favor exams if they were held at the end of each term. Yearly exams are unreasonable since a lawyer doesn't generally give spot decisions as exams require. Problems are generally thought out and exams seem to test just memory. Yale and other law schools favor semester exams and students seem in a happier situation with less of the cut throat attitude found here. If yearly exams are retained the paper idea has merit.

5. R. L. Merrill, Jacksonville, Fla. 3rd Term.

I prefer the exams. A sense of urgency is greater in exams than with papers, and a student learns more reviewing the whole course than he would just one topic. A paper should be required as at present for graduation. I do not think an optional plan of a paper or exam is good since a paper is not a true criterion of a student's ability. Papers are not good things for people who aren't sure how they would do in exams since they would cause procrastination in studies.

6. A. J. Gilbert, New York, N. Y. 6th Term.

No. I prefer exams. I disapprove of the paper idea for the same reason that I disapprove of open book exams, namely that they want to test knowledge or what you know rather than how good a research man you are. Examinations are the only fair way to make the test. I think a student should be tested on research ability but not exclusively so. An optional plan of paper or exam in advanced courses would be reasonable. A meritable plan might be to include both an exam and a paper and have each count for half.

7. P. J. Monohon, Short Hills, N. J. 3rd Term.

Yes. There should be restrictions however. I don't think it should be optional with the student and either everyone in a course should take the exam or hand in a paper. It should be restricted to third year work since the first two years do not lend themselves to paper work. A plan of half and half would seem fair, allowing a paper with the exam and each to be worth 50 percent. I do not think they are equal and should be restricted to supplementing each other.

8. Joseph Cleary, Chicago, Ill. 1st Term.

Yes. It should be optional with all students. I have difficulty writing an essay exam in the time allotted and I know I could do better if there were no time limitation. I do not think the value of quick thinking required in exams merits the weight given it.

9. T. L. Walford, Louisville, Ky. 5th Term.

I would prefer it for certain third year courses but do not think it should be permitted for just any course, especially the first and second years. Papers would be restricted to single topics and many courses require a test of knowledge in the whole field. It seems unreasonable to require both from a student since it would overload him. I think an optional plan would be all right if it were decided that all handed in a paper or all took an exam.

Alumni Notes

Speakers at the sesquicentennial celebration of the African Methodist Episcopal Zion Church at Madison Square Garden on September 21 included William H. Hastie, LL.B. '30, S.J.D. '33, present Governor of the Virgin Islands; Benjamin J. Davis Jr., LL.B. '28, New York City Councilman; and Francis E. Rivers, ex-'18. Rivers is a Justice of the City Court, New York County Branch, and is reported to hold the highest paying position to which an American Negro has ever been elected.

LL.B. '02—John A. Clough died in Worcester, Mass., on September 19. He had been prominent in Republican activities and had served as a member of the School Committee of Worcester for over thirty years.

LL.B. '12—The Presidential Medal of Merit has been awarded to Frederick A. Carroll who was killed while on active duty in France last year. He held the position as American Red Cross Commissioner for Great Britain and Western Europe at the time of his death. The presentation was made to Mrs. Carroll in Boston by Basil O'Connor, LL.B. '15, who is Chairman of the National Red Cross, and who was a law partner of Franklin D. Roosevelt.

LL.B.—John H. Shepherd and partners, formerly members of the firm of Shepherd, Heiskell & Williams announced on September 1 that Walter Chandler had rejoined that firm, which will be known as Chandler, Shepherd, Heiskell & Williams. Offices are at 711 First National Bank Bldg., Memphis, Tenn.

LL.B. '24—John Davis Lodge is the Republican candidate for Congress from the fourth Congressional District of Connecticut. The seat is now held by Mrs. Clare Booth Luce who is retiring. Lodge is the brother of Henry Cabot Lodge Jr., former Senator from Massachusetts, who is again seeking election to the Senate from this state. John Lodge served in the Navy during the War, and is also a former moving picture actor.

LL.B. '24—Lispenard B. Phister, Boston, Mass. lawyer and member of the Standing Committee of the Episcopal Diocese of Massachusetts, has been appointed Secretary of the general convention's joint committee to codify and edit the Church's constitution and canons.

LL.B. '27—Joseph G. Crane has been named to take over the duties of the Dean of the Northeastern University School of Law in Boston, Mass., effective with the opening of the fall session. He had formerly served as Professor and Executive Secretary of the Northeastern University School of Law, and in his new duties he succeeds the late Dean Stuart M. Wright, LL.B. '28, who died suddenly in Cambridge, Mass. on August 28.

LL.B. '27—J. Henry Neale returned to private practice in Scarsdale, N. Y. last month, after completing his active duty in the Naval Reserve. While in government work he likewise served as General Counsel for the Navy Department. He has now resumed his membership in the firm of Neale & Wilson.

LL.B. '27—Sherman S. Rogers, formerly an Assistant Attorney General in the Todd Legislative Investigation has formed a partnership with Clifton F. Weidlich for general practice. The firm name is Weidlich & Rogers, and the address is 40 Maiden Lane, New York 7, N. Y.

LL.B. '32—Frank S. Righeimer, Jr., formerly on active duty as a Lieut. Col., Air Corps, has resumed practice with Righeimer & Righeimer at 135 So. LaSalle St., Chicago, Ill.

LL.B. '36—The engagement of Miss Phyllis Rowe to Joseph M. Jacobs was announced recently. Jacobs formerly served in the Army as a Lieutenant. He has now returned to practice with the firm of Frazer, Stoffer & Jacobs in Newark, N. J.

LL.B. '36—Reuben L. Lurie was elected last month to the Board of Selectment of Brookline, Mass. He is a lecturer at Northeastern University School of Law and has served as chairman of the Massachusetts Parole Board and the Advisory Board of Pardons, and he is a former member of the Massachusetts Committee on Public Safety.

The vacancy in the post to which he was elected was caused by the resignation of Daniel G. Rollins, LL.B. '36, who resigned as Selectman to become Brookline town counsel.

LL.B. '36—Richard H. Wels has returned to private practice with the firm of Moss & Wels, 551 5th Avenue, New York City. During the War he served as a Lieutenant in the Naval Reserve, and saw service on the staff of Secretary of the Navy Forrestal and on the staff of

Vice Admiral Murray, Commander Marianas. This latter duty took him to Guam where he spent sixteen months and where he acquired a special interest for the problems of the people of that island. He is the author of articles published in the July and August 1946 issues of *Asia and the Americas* on the subject of Guam, and he is likewise the author of a recently-drafted organic bill to make Guam a territory and to give it representative government.

LL.B. '39—William Zelermeyer began work on September 3 as Assistant Professor of Law at Rider College, Trenton, N. J.

LL.B. '41—George W. Clegg, formerly on active duty as a Lieut. Comdr., USNR, has returned to practice and is now associated with the firm of Melvin & Melvin, 214 So. Warren St., Syracuse, N. Y.

LL.B. '41—Announcement has been made of the engagement of Miss Harriet B. Wells, daughter of Mrs. J. L. Parsons of New York City, and F. Davis Gardner, who has recently resumed private practice in New York City with the firm of Nevius, Brett & Kellogg. During the War, Gardner served as a pilot with the U. S. Marine Corps.

LL.B. '41—Louis C. Wyman has been appointed Associate General Counsel of the special committee of the U. S. Senate investigating senatorial campaign expenditures. After graduating from the Law School, he entered practice with his father, Louis E. Wyman, LL.B. '02, in the firm of Wyman, Starr, Booth, Wadleigh and Langdell, located in Manchester, N. H. He is a member of the N. H. and Mass. bars and is Secretary-Treasurer of the Manchester Bar Association. During the War, he served as a Lieutenant in the Naval Reserve and saw overseas duty in the Aleutian Islands. At the Law School he held the position of President of the Legal Aid Bureau and was named permanent Secretary of his class.

LL.B. '43—Arnold J. Miller has returned from active duty with the Army of the United States and has opened an office for practice of law at 332 Main Street, Worcester, Mass.

LL.B. '46—Lynn N. Takagak began work in May of this year for Ralph W. Smith, whose office is located at 919 Oviatt Building, 617 So. Olive St., Los Angeles, Calif.

Lloyd Welch Pogue, S.J.D. '27, former Chairman of the Civil Aeronautics Board, has been named to head a new organization called the Committee for World Travel. The purpose of the group is to eliminate the present "unnecessary and highly burdensome barriers" to travel between nations. Pogue says of the present restrictions: "The present tangle of red tape is costing the public millions of dollars every year in loss of trade and increased travel costs." He also noted that the simplification of international travel is a matter of immediate concern "to every businessman who is engaged in or affected by the foreign commerce of this country, and to every American citizen who may desire to travel abroad for education or pleasure."

Among the other members of the new committee are Col. Sidney Post Simpson, LL.B. '22, formerly a professor at the Harvard Law School and now a professor of law at New York University, Donald M. Nelson, and Emory S. Land, president of the Air Transport Association of America.

Pogue obtained his LL.B. at the University of Michigan in 1926 and an S.J.D. from Harvard one year later. He is a member of the Massachusetts and New York bars, and has been admitted to practice before the U. S. Supreme Court. He was associated with Ropes, Gray, Goyden & Perkins in Boston from 1927 to 1933, and he assisted in the establishment of their French office in Paris in 1930. He was a partner in the New York firm of Crawford, James & Harper from 1933 to 1938. Moving into government work, he became Assistant General Counsel for the Civil Aeronautics Authority and then General Counsel from 1939 to 1941. He became chairman of the Civil Aeronautics Board in 1942.

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Before the Court of Ames

(Appearing here is the winning opinion submitted by a student judge in the fall term round of the Ames competition, and selected by a committee of the Board of Student Advisers, with the advice and consent of Professor Archibald Cox. Mr. Robert S. Hellendale LL.B. '46, the author sitting as Chief Justice in the case, was presented with a copy of the Holmes-Pollock Letters as prize.)

The author is at present a member of the prominent Wall Street firm of Carter, Ledyard, and Milburn.

Commonwealth of Ames v. Darlington Hellendale, CJ.

The appellant, Henry Darlington, was tried and convicted of the attempted murder of one James E. Daley. Evidence was introduced at the trial to show that the defendant made a long distance telephone call from a place in Langdell to William Jarvis in a hotel in Ames; that in the course of the call the defendant referred to Daley and the possibility of his informing the police of certain robberies committed by Daley, Jarvis, and Darlington; that the defendant told Jarvis to kill Daley in order to prevent him from going to the police; and that Jarvis understood this. Evidence was also introduced to the effect that later in the same evening Jarvis was apprehended by the police in Daley's lodgings, Newton, Ames, armed with a loaded pistol, seated upon Daley's chest, apparently about to stab Daley with a knife.

The defendant was convicted and sentenced to twenty-five years imprisonment under Chapter 88, Ames Revised Statutes: "If the crime is punishable by the death of the offender or by imprisonment for life, the person convicted of the attempt is punishable by not more than twenty-five years."

Defendant excepts to the failure of the court to direct a verdict in his favor at the close of the evidence and to the charge to the jury that if they found ". . . Henry Darlington solicited the said Jarvis to kill said Daley as testified, then they should find the said Henry Darlington guilty as charged."

A preliminary question is whether a court of this Commonwealth is the proper place to try this cause. Appellant contends that the acts complained of were done in Langdell and that this court lacks jurisdiction. The rule is established, however, that where a crime is committed by a person absent from the jurisdiction through means of some agency which allows the active presence of the wrongdoer to be in a jurisdiction other than that in which the crime took effect, the wrongdoer is punishable where the effect is had. *Simpson v. State*, Ga. (1893). We feel that, from the standpoint of efficiency and convenience, the cause is better tried where the defendant's acts took effect and where any accomplice may be tried. If we do not accept jurisdiction there is real danger that the defendant will not be tried at all. Langdell may refuse to take jurisdiction over the case. *North Carolina v. Hall*, N.C. (1894).

The effect of the charge was to remove from the jury's consideration the fact of the guilt or innocence of Jarvis. Assuming that the jury could have found Jarvis' acts did not constitute attempted murder but merely assault with a deadly weapon in the course of a threat, the question for this court is whether the defendant's acts alone are sufficient to be an attempt within the meaning of Chapter 88. It is earnestly contended by counsel for the appellant that "mere solicitation" cannot constitute an attempt. And it is certainly true that in most of the reported decisions where there was no doubt that the crime was in fact alone would be enough to sustain a conviction, the defendant either did certain acts which can be said to have been in preparation for the intended crime or there was no doubt that the crime was in fact attempted by someone. *People v. Lanzit*, Cal. (1925); *State v. Dumas*, Minn. (1912); *Commonwealth v. Peaslee*, Mass. (1901); *State v. Bowers*, S.C. (1891); *State v. Hayes*, Mo. (1883); *People v. Bush*, N.Y. (1893).

Nevertheless, there is authority to the effect that soliciting another to commit a crime was indictable at common law. In *Rex v. Higgins*, K.B. (1801), it was held that a conviction could be sustained upon an indictment that the defendant solicited

another to steal a person's goods, there being no proof that any further attempt was made. In *Commonwealth v. Randolph*, Pa. (1891), a conviction was upheld upon an indictment which charged the defendant with soliciting murder, there being nothing in the court's opinion as to whether the murder was in fact committed or whether an attempt was made. In *Stabler v. Commonwealth*, Pa. (1880), a conviction was sustained where it was conceded that the person solicited made no attempt to carry out the intention of the defendant.

There is no doubt that the convictions upheld in these cases were for common law misdemeanors and not felonies. The distinction is important, because we are now concerned with the application of a statute which does not state whether the crime it punishes is a felony or a misdemeanor. It may be that the statute taken as a whole will help us to determine whether the legislature intended to include the act of solicitation when it set out the penalty for an attempted crime. Ordinarily, at common law, a misdemeanor was not punishable by imprisonment remotely approaching a sentence of twenty-five years. Felonies, not capital, made the felon subject to being "Transported" and imprisoned for fourteen years or more. Misdemeanors were punished more lightly. In the absence of a specific reference to solicitation of a crime, therefore, we think that the intent of the legislature, when it made the crime of attempted murder punishable by a maximum of twenty-five years imprisonment, was not to include the crime of solicitation which was at common law never more

than a misdemeanor, when punishable at all. The charge was in error in so far as it did not allow the jury to consider the legal effect of Jarvis' acts.

We have intimated that a jury could find that the acts of Jarvis constituted an attempt. If so, could Darlington's conduct then be said to come within the purview of the statute? Had Jarvis in fact murdered Daley at the instance of the defendant, there would be no doubt that the defendant would at least be an accessory before the fact. As such he would be subject to the same penalties as the killer. The police fortuitously intervened before Darlington's intentions were realized and, we do not know for certain whether Jarvis intended to carry out the defendant's plan. We think, however, that a jury could find that Jarvis' acts constituted an attempt on Daley's life. If so, the defendant was merely using Jarvis as his instrument in accomplishing the intended killing. That the instrument failed of its intended result in no way exculpates Darlington. If Jarvis tried to murder Daley, then the defendant is as guilty as Jarvis and should be punished as severely. The directed verdict for the defendant was correctly refused. If Jarvis' acts amounted to attempted murder, a jury could find him guilty as charged.

Barnes, J., and Ribbins, J., concur.
Reversed and Remanded

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Calendar

THE LEGAL WORLD

Ames Competition

A meeting will be held in the Langdell Court Room at 4 P. M. Friday, October 25 to acquaint the incoming class with the purpose and organization of the Ames Competition. Dean Griswold, Professor Morgan, and Professor Cox will speak.

Veterans' Bar Reviews

Veterans desiring to take review courses for bar examinations while presently enrolled in the Law School may receive book authorizations from Mrs. Jacobs at Weld Hall if they have sufficient eligibility time and if the review course is approved by the Veterans' Administration. Veterans planning to take a review course after graduation may get their authorization through the Weld Hall office even though the course is held outside Massachusetts.

Austin Library

The Library on the second floor of Austin Hall is open weekdays from 8:30 A. M. to 10 P. M., and on Saturdays from 8:30 A. M. to 5 P. M. Smoking is permitted in the main reading room.

Law Wives

The first meeting of the Fall season is at 8 P. M., tonight in Kendall House. Wives of new and former students are cordially invited to attend. Helen F. Kent of the Raymond Fallona Interior Decorating Studio will talk on "Practical Interior Decorating."

On Tuesday, October 29, at 3 P. M., at Kendall House, Mrs. Max Fishelson, florist-decorator, will talk on "Flowers, Their Care and Arrangements."

Year Book

Subscribers to the year book can pick up their copies at Gannett House any day between 9 and 5. There are also a few copies for sale.

Forum

Men of all terms interested in doing administrative organizational or planning work for the Law School Forum are asked to meet in the Forum office at Gannett House, tomorrow at 2 P. M.

Football

Harvard takes on Holy Cross this Saturday afternoon at Soldier's Field.

Dancing

Square Dance given by the Society of Harvard Dances. Potter Auditorium, Graduate School of Business Administration, 8 P. M., Saturday, October 26. Tickets are \$1.20 per couple.

A. V. C. Meeting

There will be a meeting of the Harvard chapter of the A.V.C. tonight at 7:30 in Emerson.

THE OUTER WORLD

Ford Hall Forum

Is Russia a Force for Peace? Debate between William Mandel, former United Press correspondent, and Hallett Abend, New York Times Far Eastern correspondent. Jordan Hall, 30 Gainsboro Street (off Huntington Avenue), Boston. Sunday, October 27, at 8 P. M. Collection at door.

Plays

The American Repertory Theatre, with Eva Le Gallienne, Walter Hampden, and Victor Jory presents Ibsen's *John Gabriel Borkman* tonight, Thursday and Friday, October 24 and 25, Barrie's *What Every Woman Knows*, Saturday, October 26, Shakespeare's *Henry VIII*.

Garson Kanin's New York Comedy Hit, *Born Yesterday* is playing at the Wilbur Theatre.

Helen Hayes appears in *Happy Birthday* tonight through Saturday night, October 26, at the Schubert Theatre.

Noel Coward's *Present Laughter* is at the Plymouth Theatre tonight through Saturday night, October 26.

Ballet Russe

S. Hurok's original Ballet Russe will be at the Opera House for six evenings starting October 28.

Concerts

Boston Symphony Orchestra plays at Symphony Hall Saturday evening, October 26, and Tuesday evening, October 29.

Yehudi Menuhin plays tonight at Alumnae Hall, Wellesley College. 8 P. M. Fritz Kreisler. Sunday afternoon, October 27, 3:30 P. M., at Symphony Hall.

Roland Hayes. Sunday evening, October 27, 8:30 P. M., at Symphony Hall.

Miscellany

Bob Hope will be the guest star at the Red Feather Rally, Sunday, October 27, at 2 P. M., at the Hatch Memorial Shell. The rally is primarily for campaign workers, but the public will be accommodated insofar as space permits.

Gene Autrey fans and other horse lovers may want to observe the 15th Annual World's Championship Rodeo which plays at the Boston Garden from October 30 through November 11.

Movies

University Theatre. Tonight only, *The Lost Weekend*. Thursday, Friday, and Saturday, October 24, 25, and 26, *Courage of Lassie*. Sunday, Monday, and Tuesday, October 27, 28, and 29, *Till the End of Time*.

VETERANS—Continued

those veterans eligible under both the state and federal programs, and who apply for both at the same time, the amount received from the state is subtracted from that permitted under the GI Bill. A smart veteran would use his state benefits first and then apply for federal benefits thereafter as needed, within his period of eligibility, which is two years after discharge or the end of the war.

"It is unwise to break up the administration of all veterans benefits into forty-eight variations. Your arguments on form instead of substance appear to be an attempt to do indirectly what you can't argue successfully for directly."

Our host sensed the tension and decided it was time to moderate. He turned to one of the officers present, a man who had worked for the American Legion before entering into active service, and asked what he thought about all this criticism against the liberality of veterans legislation. It was known that this officer had studied and worked on the subject quite thoroughly, so we sat back in anticipation of a rather authoritative analysis.

The officer agreed that a veteran should not expect so much as would damage the structure of the civilian community, but with his tongue in cheek he cushioned that remark by saying that there is a difference of opinion as to how far the Government could safely go in its process of helping the veteran become adjusted.

"Some sincerely believe that Congress is going too far in playing Santa Claus for the veteran," he said, "but after the study of veterans legislation, it would appear that not all the beautifully-wrapped packages contain presents of more than handkerchief or necktie value. Just to mention two, the GI Bill, and old-job-back preferences are, in my opinion, inadequate in their present forms to promote most advantageously the necessary adjustment."

"Why? Let us look briefly at this more publicized legislation, frequently labeled as unfairly generous."

"First, the loan provisions of the GI Bill require approximately the same credit standards of a veteran as would be required from a person who had the advantage of establishing his credit during the war years. Of course, some would say that the Government guarantee of half the loan up to \$2,000.00 for businesses and \$4,000.00 for homes and farms, would encourage the local lending agency to assume the risk of the other half. But after discussing the matter with veterans who tried to obtain GI loans, especially for business ventures, I must conclude it is about as difficult as obtaining loans without Government guarantee. Not only must the lending agency approve the loan, but the Veterans Administration must designate an appraiser to be assured that the purchase price does not exceed a "reasonable value." Yes, the Government will pay an amount of interest of 4% on its guaranteed half, but I know many veterans who would gladly part with this and more if their applications were processed with less heartache and delay.

"As to the education feature of the so-called Servicemen's Magna Carta, we should keep in mind that the body must be fed and housed while the mind is being improved. \$65.00 per month subsistence for a single person, and \$90.00 per month for a married man, regardless of the number of his dependents, do not seem sufficient to meet current costs of living. Here generosity would be a saving, for how can it be said that there is a disadvantage to the community where a large group is given the benefit of education?

"There are also 'bugs' in the provisions of the Selective Training and Service Act of 1940 which would guarantee the veteran return of his old job upon proper application within ninety days of discharge. Not only must the circumstances of the employer have remained relatively unchanged, but the veteran must show that his job was of a permanent nature. If, in a period of time, one job were held in succession by men called into the service after having worked at this particular job, only for the very first veteran would the job be considered permanent. This 'benefit' will breed almost as much litigation as it will provide jobs.

"It appears that the veteran gets no more assurance of reemployment in a job held by him prior to entry into the service than would be assured any civilian who has like seniority, and the backing of a labor union. Many of the great number of reenlistments could be attributed directly to the measure of veterans' success with reemployment. The veteran is obviously at a disadvantage in the scramble for jobs by reason of his forced absence for a period of years, which prompted a loss of contact with employment opportunities.

"And to those who say the veteran is the spoiled child of Congress, let us look at the record! Because of isolated cases of abuse, more by employers, veterans have been penalized by amendments to on-the-job training provisions of the GI Bill, which have limited their monthly income from wages and subsistence to \$200.00 a month for married men and \$175.00 a month for single men. In my opinion this will encourage too many employers to reduce even further the wage paid to veterans under the program. The far better alternative would have been more rigid control by extended field investigations, as under the Dependency Allowance Act of 1942.

Also, in fear of inflation, the veterans' terminal leave pay bill for enlisted service provides for payment in 5 year non-negotiable bonds, with cash payments only up to \$50.00. The salve of allowing immediate use to pay premiums or the cost of conversion to permanent plans of service insurance, does not relieve the burn of high prices and of a defunct OPA. In disregard of the original and proper purpose of the terminal leave pay bill to supplement mustering out pay as a cushion for the recently discharged veteran, this limited cashable use of the bonds again shows how the veteran's interests have been subordinated, as with housing and surplus war property. Though Congress had voted wage increases for practically everybody, the veteran must wait because payments to him, averaging about \$165.00, would swell inflation!

All this time Lawyer B, though attentive, did not contribute to the discussion. It seemed that he was analyzing the pros and cons, and in a true judicial manner would announce his findings and sentence. As soon as the former American Legion worker concluded, Lawyer B spoke up.

Deliberately and carefully he said, "I am willing to accept that point of view which holds a policy of retrenchment would be a repetition of our mistakes at the end of the first world war. To each according to his contribution would alone justify improved legislation, even without the observation that increased education and income of the

veteran must reflect to the advantage of the community.

"I have a few ideas on the GI Bill, some of which may be far-fetched. Please hear me out and let me know what you think of them."

"Though the recent amendment of the GI Bill deleted mention of deducting monetary benefits from any future bonus, yet it is probable that the monetary benefits will be deducted, if for no other reason than the cry of unfairness against veterans who have not applied for them. This might be circumvented if the education and readjustment features of the bill are given a negotiable quality so as to allow a greater coverage."

"By that I mean if these rights can be transformed or bequeathed by the eligible veteran to a child or a younger brother or sister, it would become almost as negotiable as the money counterpart in the expected bonus. Then, a veteran whose personal circumstances would not allow him to take advantage of the bill, could benefit by having an immediate relative enjoy it. While on this subject, why not extend certain features of the bill to the children of deceased servicemen? If they are receiving death pensions, at least give them a choice between temporarily losing a certain percentage of the pension, and getting GI education. The amount payable as death pensions would not cover the cost of education for children of deceased personnel. Surely the death of their fathers in the service of our country should not prejudice the educational opportunities of the children who more likely would have enjoyed higher education had their fathers survived."

At this point the economist remarked, "You understand that the various privileges of the GI Bill can only be applied for within a limited period. Your theory of giving a negotiable quality to the GI Bill by transfer or bequest, might create a semi-permanent burden. Congress has decided that education under this bill should be completed within nine years after the end of the war; that the books on Government guarantee of loans should be closed to the borrowers

within ten years after the end of the war or discharge; and that readjustment allowances will not be available beyond five years after the end of the war."

"Moreover, if the purpose of all this legislation is adjustment of the veteran, how can a transfer or a bequest fit into the picture?"

"With reference to deducting monetary benefits from any future bonus, however, it does seem inconsistent that the interest paid by the Government on its guaranteed half of the first year of a GI loan is not considered a monetary benefit, whereas tuition-subsistence and readjustment allowances are so considered."

Lawyer B wanted to elaborate on his theories, but the college registrar stood up, apologized for interrupting, and said, "As regards liberalizing the education feature of the GI Bill, it would seem that by having more veterans study abroad we could give greater value to the bill and help promote international scholarship, so important in the post-war world. This can be fostered by a greater emphasis on foreign educational opportunities, and the payment of transportation costs by Government appropriations. More foreign schools should be accredited by the Veterans Administration."

"The other day I spoke to a veteran who remarked that he learned more French while studying in the Sorbonne under the auspices of the U. S. Army, than he could ever learn in an American school. I agree. American schools are now over-crowded with veterans, anyway. Where our enrollment policies might be too restrictive and thereby ex-

clude some veterans, it is entirely possible that they would be more readily admitted in foreign educational institutions."

At this point our host interrupted, after noting that some of the group were glancing frequently at their watches. He thanked us for having accepted his invitations and helping resolve his doubts.

"The hour is late, gentlemen, he said, 'but before you go I would like to state my own conclusions by two rhetorical questions. Where is the excessive generosity? Where is the boomerang?'"

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