

The Harvard Law School Record

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STONE, C.J. EULOGIZED BY REVIEW

Hughes Article To Lead Memorial For Late Court Head

The October issue of the *Harvard Law Review*, scheduled to appear shortly, is dedicated to the memory of the late Chief Justice Harlan F. Stone, it has been announced by the editors.

Articles for the dedicatory section of the issue, written by men who were closely acquainted with Mr. Stone, emphasize the writers' personal recollections of associations with him.

Charles E. Hughes, Jr., who served as Solicitor General of the United States from 1929-1930, writes of his impressions of Mr. Stone which were gained while both men were members of President Hoover's "Medicine-Ball Cabinet," an informal group which foregathered daily at the White House for early-morning exercise, followed by breakfast.

As a member of this group, which was composed chiefly of cabinet members, Mr. Stone contributed much and interestingly to the discussions, Mr. Hughes relates, but he restrains himself from speaking of the work of the court or the cases before it. The Chief Justice's convictions on the issues before the court were firmly held, but for him the only proper places for their expression were in the conference rooms and in his opinions.

Mr. Stone as a jurist is discussed by Charles Fahy, who served as Solicitor General of the United States from 1941-1945. "A characteristic of his work was an active faith in the distribution of responsibility among the legislative, executive, and judicial branches of the government," writes Mr. Fahy. "He was free of any bent toward or against any particular kind of case or type of legislation. His opinions accordingly were almost entirely without the embroidery of self-expression unrelated to elucidation of the issues or delineation of the basis of decision. He relied upon a thorough and careful expression of his reasoning as the surest means of usefulness to the future as well as justification for current disposition of controversy. In this manner he carried conviction and achieved eloquence without otherwise striving for it. He was the embodiment of judicial justice. I argued more than three score cases before him, and on each occasion I felt as the young lawyer does when for the first time he goes to court confident of obtaining justice under the law."

The impressions of two former law clerks of the late Chief Justice are given by Bennett Boskey, who was his law clerk from 1941-1943, and Warner W. (Continued on page four)

ALUMNI READERS

Fourteen thousand copies of this issue of the *RECORD* are being mailed to alumni of the Harvard Law School. It is hoped that this circulation experiment will result in increasing the number of graduates who now subscribe regularly.

When this paper was founded one of its several purposes was to provide a closer liaison between the school and its graduates. Another was to furnish a medium for discussion on relevant topics by all who are concerned with the future development of this institution. Yet a third was to offer a forum for the presentation of views on legal and public policy topics by members of the law school community.

The successful achievement of these purposes is dependent in large measure on the support of the alumni body. This support can be evidenced most effectively by use of the subscription blank enclosed.

BOWE NAMED FOR NEW POST

Appointment Of Asst Secretary Announced

Dean Griswold has announced the appointment of William J. Bowe, Jr., of New York City as assistant secretary of the Law School effective November first.

Primary function of the new assistant secretary will be to relieve the secretary, Mr. Dimmitt, of many of the duties of the secretary's office, so that Mr. Dimmitt can devote most of his time to placement work. Mr. Bowe will also assist Professor Seavey in work with veterans interested in the law school.

Mr. Bowe received his B.A. from Fordham College, class of 1929, and graduated from the Harvard Law School in 1933. In 1933, he also became a member of the New York Bar, and from then until 1940, he was a partner in the law firm of Leslie, Holt, Halstead, and Frost in New York City, where he engaged in general practice and taxation work. During the period from 1934 to 1933, Mr. Bowe took an active part in the placement of Harvard Law School graduates in New York City, and each year he spent two weeks at the school giving talks and interviews on practice in New York City to the men about to graduate. From 1940 to 1946, he acted as a tax consultant and fiduciary counsel.

Having been drafted, Mr. Bowe served three years and six months in the Judge Advocate General's Department. After graduating from the Judge Advocate General's officer training school at the University of Michigan, he was appointed adjutant at an Army law school at Cumberland University, Tennessee, which trained lawyers in the settlement of claims against the army. He later was stationed at the Offices of the Judge Advocate General, Washington, D. C.

BOARD NOW WORKS AT TOP SPEED

Courts Scheduled, New Cases Written By Ames Advisors

The Board of Student Advisers' twenty members will handle the administration of approximately 342 Ames Competition arguments, in which 128 courts will participate, and will write 80 new cases, in what has already proved to be the busiest semester in the history of the organization.

Membership of the Board consists of men beyond the second term who have averages just below a straight A. Each is paid \$125 per semester. Since the volume of cases argued each term in the Law School's post-war program is equivalent to the number which were argued in a full academic year before the war, the Board members are required to work every afternoon and several evenings per week.

The basic work of each member consists of holding conferences with Ames participants and of writing new cases or rewriting old ones. Great emphasis is placed upon the importance of the conferences because, as Frank M. Coffin, president of the Board of Student Advisers, stated, "It is the one place in the law school where each student can discuss a complicated legal problem at length with an adviser without having 199 other men around while he is doing it." This semester every Board member will hold about 40 conferences, each of which will last a half hour or longer. First term students have two conferences, one to help them find the issues and the other for the purpose of going over the briefs. In the latter, the adviser criticizes the choice of authorities, use of quotations, logical sequences of arguments, and composition of the brief. Second term students have one conference at which they must present a complete outline of their brief. The adviser ascertains whether the men have determined the issues properly for themselves and whether the case has been presented in a sound legal manner.

The Board has been stressing the writing of new cases recently because it was found that most of the pre-war cases were out of date and seemed rather unrealistic. During the past three semesters a library of 155 new cases has been accumulated. These are graduated in complexity from the first to the third terms and the ones used in the quarter-final to final rounds of Ames are individual projects created by the combined efforts of the Board and members of the Faculty. The aim is to make each Ames case consonant with one or more real (Continued on page four)



Seated at the speaker's table at the Harvard Law School Alumni luncheon at Atlantic City on October 28 are, left to right Hon. Robert P. Patterson, Secretary of War, Erwin N. Griswold, Dean, John G. Buchanan, Association Council Member, Kenneth Royall, Undersecretary of War, and Frank W. Grinnell, Secretary of the Law School Association.

Dean Griswold Classes Himself As Conservative In Alumni Address

The following is an abbreviated version of the speech Dean Griswold delivered at the Harvard Law School Association luncheon held in Atlantic City, N. J., October 28, 1946, during the annual meeting of the American Bar Association.

The present times are not the easiest of all times to undertake the task of leadership in the Harvard Law School. On the other hand, they are very interesting times. We have a remarkable group of students at the school now, with more background, more maturity, more energy than any other group of students, I suppose, we have ever had. We have too many at the present time. There are 1736 students registered in the school. Of them, 371 are new first term men, beginning the study of law this fall. Of both groups, 93 percent are veterans, and very few of the other seven percent were sitting around doing nothing during the war periods. Forty percent of the students are married, and that presents some problems, really more serious in some ways for the Dean's wife than for the Dean.

We have undertaken in Kendall House, a project that started out to be an amateur venture. Kendall House is an old residence on Massachusetts Avenue, near the Law School, that the school now occupies. We undertook there to provide the means through which the wives of the students could serve simple food—coffee, milk, soup and ice cream, and the students could bring from home sandwiches or other things and have a chance to have their noon meal in reasonably pleasant surroundings, at a cost a great deal less than that which is in favor at Harvard College. That started out to be an amateur venture, but now some 175 men eat lunch at Kendall House.

We even have a nursery school. I'm probably the first Dean of a nursery school in the history of Harvard. We have a room in the basement of Walter Hastings Hall and we hope that many mothers will find it a great convenience to bring their children there for part of an afternoon so that the mothers may have a chance to do shopping and other things.

All of these are activities which bear

NURSERY TO OPEN IN HASTINGS HALL

The Harvard Law Wives will open a daily nursery school in the basement of Walter Hastings Hall on Tuesday, November 12.

A professional nursery school teacher has been hired to conduct the classes which will be held from 2 to 5 P. M. every afternoon except Sunday and fifteen children will be admitted to the group. Parents who wish to register their children should contact the nursery school committee chairman, Mrs. Richard H. Wolford, 50 Jarvis Court, as soon as possible for only the first fifteen applicants will be included in the group. There will be a fee of twenty-five cents per day for each "student" and tickets may be bought by the week. On the days that the Law Wives hold their meetings, all members may leave their children at the class.

The nursery school idea was originated by Mrs. Erwin N. Griswold and Professor Warren A. Seavey, both of whom have done a great deal of work to aid in organizing the group. Mr. Seavey's helpful spirit is reflected in his statement to the committee: "I brought you here and the least I can do is help you solve your problems."

no particular relation to the normal conduct of a law school, but which are very much a part of our problem today.

Now you need not tell me we have too many students, that we are too crowded, that it is unpardonable to have classrooms where students have to sit on the floor and out in the halls. All I can say for the defense is that we have taken less than one out of five of the qualified applicants who have sought to come; and if you would come and take a look at the men we were unable to accept you would, I think, do what we have done; started out with a notion that we would hold the size of the school down, and then seeing the men we couldn't take you would have become inflationist. We have increased the size of the school beyond what we would like to have it, but not nearly as far as we would if we took all of the men whom we think are qualified to practice law. Moreover, in connection with the size of the school, you should understand that we are doing no more than taking up the slack. We are doing no more than offering the opportunity to the same number of men who would have had that opportunity if they had not answered the call to military service. In a ten year period from 1940 to 1950, we will not graduate more men than we would have graduated in a normal ten year period, with normal enrollment. Therefore, I think it cannot be said that we are overcrowding the bar, at least any more than we normally undertook to do.

To handle all of this work makes a very hard task for the faculty. We operate twelve months a year. If we have 1736 students now, we had 1447 all summer. It is hard on the faculty. It means that many of the normal attractions which make the academic life what some men want to undertake, are no longer present. But the faculty, without exception, is willing, I believe, to undertake this work.

Soon we shall be having a large number of graduates, and the placement problem then will be very serious. We are undertaking plans to meet them. Our Secretary, Harry Dimmitt is going to undertake what I call the outside representation of the school. It is to be his task, beginning November 1 to organize and plan all matters of Alumni relations and placement.

(Continued on page three)

58% OF REPEATERS FAIL SECOND TIME

58% of the men repeating their second term during the summer failed to make the grade, according to statistics given to the *RECORD* by Vice-Dean Hall last Saturday. A study of the figures, made by the *RECORD*, shows that of the 13 men who made an average of 55 or below in the June examinations, only two passed—an average of 15%. Of the 8 men who had a 58 average the first time, 87% passed this time. Of the 18 men with original averages of 57 or 58, 67% passed, but of the 20 men with 56 or below, only 20% passed. 38 men repeated; 22 of them are no longer with us.

Even if the standards had not been raised (from 58 unless one grade below 55, in which case 59) to a higher level (60 unless one grade below 55, in which case 61), 40% of those trying it again would have failed a second time. There's something to be admired in the man who (as Mr. X did) flunks five out of five and digs in all over again. But there's (Continued on page four)

USSR POLICY DISCUSSED BY FORUM

First Fall Meeting Analyzes Russian Foreign Policy

Those who believe that Russian foreign policy is being consciously directed toward an ultimate conflict between the Communistic and Democratic nations, and those who take the opposite view that Russia's foreign policy is purely defensive, fostered by distrust and suspicion of the Western powers, could have found ample argument in support of either contention at the opening meeting of the Harvard Law School Forum at Sanders Theater last Friday night.

Proponent of the view that Stalin will not discard his deeprooted antagonism toward the Western world and its free political system was David Dallin, himself a Russian who left the country in 1922 to avoid arrest because of his political views, and who is currently engaged in publishing a series of books on Russia.

Mr. Dallin based his argument chiefly on what he regards as current Russian attempts to kill off the friendly feeling toward America which was built up in the Russian people during the war. In support of his premise he cited instances of Soviet writers being reprimanded for "worshipping bourgeois culture," and the proclamation of one of Stalin's nearest aides that "it is the duty of Soviet writers to attack bourgeois culture."

The maintenance of an army of four million men and the precedence given to military over civilian needs in industrial production were further cited by Mr. Dallin as indications of a new anti-Western drive.

The opposite side of the picture was presented by Arthur Upham Pope, biographer of Maxim Litvinoff and a student of Middle Eastern affairs.

Mr. Pope expressed the belief that Russia's current policy is motivated by the desire for security against the Western powers, the apparent need for a security program being based on well-founded suspicions as to what our ultimate aims might be.

As sources of suspicion and ill-will, Mr. Pope cited Winston Churchill's proposed British-American alliance against Russia, anti-Russian magazines and newspaper articles in this country, the talk of a "Holy War" against Russia, our 150 military bases throughout the world, American-Canadian Arctic maneuvers, and our stock-pile of 600 atomic bombs.

Mr. Pope feels that the fundamental responsibilities of the American people are to do what we can to eliminate misunderstandings, to correct our own shortcomings instead of trying to justify them on the basis of similar shortcomings in Russia, and above all to be fair in appraising Russia's position.

The third speaker, Harrison Salisbury, a United Press correspondent who is a first-hand observer of Russia and Russian diplomacy, did not enter the controversy between Mr. Dallin and Mr. Pope. He presented a comprehensive analysis of Russia's strength and weaknesses, and concluded that since Russia is not strong enough to withstand another war, her current foreign policy is based on fear of a war with us. As to Russia's long-range objectives, he made no comment.

DANCE TO BE HELD YALE GAME NIGHT

Following the Harvard-Yale football game on November 23, a dance will be held in Memorial Hall from 9 p. m. to 1 a. m.

Chairman John Martin has announced that the Law School Committee of Phillips Brooks House decided to launch its dance program with an informal dance at \$2.40 a couple. Ken Reeves and his band will furnish music for the affair. Glasses and chasers will be supplied for those who bring the other essential ingredients with them.

Tickets are on sale at Gannett House now. If, by November 15, the clamor for tickets among the law students is sufficient the dance will remain purely a place for the legal minds to escape; otherwise the ticket sale will be opened to members of the undergraduate school who yearn for a place to go after the game.

Professors Served In Many Capacities During War Wartime Civil, Military Records Are Reviewed

Now that the last war absentees have returned to the school it is possible to summarize the emergency duties performed by the members of the faculty. In breadth and scope they illustrate the variety of war services which can be performed by a "retooled" professional man.

These ran almost the entire gamut from fighter pilot to labor mediator, and conclusively proved that the faculty of the Harvard Law School is not merely a body of scholarly recluses, who can but blink and peer about when removed from the stacks.

Yet in considering the glamorous record of combat veterans, or widely publicized work of authors, one should not forget the men who kept the school alive during the war.

Five of the current faculty served as colonels in the Army: Professors Leach, Casner, Howe, Amory and Bowie attaining this rank. Mr. Leach was Chief of the Operations Analysis Division of the AAF Headquarters, and later was a member of the Special Organizational Planning Group for the Commanding General of the Army Air Force. Mr. Casner was executive officer for the Plans Section of the United States Strategic Air Forces in Europe. Mr. Amory fought in the Pacific. Mr. Howe, serving in the military government field,

was active in Sicily and Italy and France with the Sixth Army Group and Seventh Army, and later was Chief of the military Government Branch, Civil Affairs Division, of the War Department. Mr. Bowie in the same field was Assistant to the Deputy Military Governor for Germany, and worked on special assignments there for the Assistant Secretary of War, Harrison S. Dimmitt, Secretary of the Law School, as Lieutenant Colonel commanded a detachment in Civil Affairs in France and was later Executive Officer of G-5 for the Sixth Army Group in France and Germany. Vice Dean Hall, whose award of the Medal for Freedom was also a member of the Operations Analysis Division for the South Pacific, with the rank of Lieutenant Colonel, after serving that office for some time with singular distinction in a civilian capacity.

Robert Braucher, one of the newer and younger members of the faculty was a fighter pilot in Burma, and later worked in Military Intelligence and on the Strategic Bombing Survey in Japan during the early part of the occupation. Professor Brown, who has just joined the faculty from Buffalo's law school was a Captain in the Air Corps, and acted as Link Trainer Instructor, contact terminator, and intelligence officer.

Mr. Katz alone represents the Naval services, having acted first as Solicitor of the War Production Board, later as executive officer of the combined Production and Resources Board and finally, as a Lieutenant Commander doing intelligence work in Italy.

Mr. McCurdy performed in a civilian capacity overseas as a legal adviser to the US Group Control Council and later in the same role worked for the Office of Military Government in Berlin. Two books of Mr. Glueck's from this period are widely known: *War Criminals, Their Prosecution and Punishment*, and *The Nuremberg Trials and Aggressive War* but it is less widely bruited about that he served as Consultant to the Director of the Office of Strategic Services.

Civilian positions, unconnected with the military services, but indispensable to the general war effort were filled by Professors Freund, McLaughlin, Hudson, Morgan, Cox, Hart, Cavers, and Sohn.

Space does not permit a fuller cataloguing of the achievements of the faculty during the war period; it is hoped that later a series of articles upon the wider contributions of the Law School community to the war effort, including the most noted work of graduates and students can be presented in detail.

The Harvard Law School Record

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Editorials

A SUGGESTION ON THE CURRICULUM

As many of our readers know, the Committee on Legal Education is re-evaluating the curriculum, for the purpose of revamping it if necessary to meet the needs of practice for the next decades. The Committee is most anxious to receive written suggestions from graduates and students in addition to the answers to the questionnaires already distributed.

The RECORD does not number among its activities the making of curricula, but there is a question we'd like to raise, in the hope that some of this week's readers may have a sound answer to pass on to the Committee.

The slip on which a student gets his grades lists the subjects of instruction, and it is made very obvious there that first and second year men take a prescribed course while third year men have an enormous variety of elections. This means we have a rule that everyone must take Commercial Law, Equity, Future Interests, Trusts, and Business Organizations while no one can take more than six (in two terms) or nine (in three terms) of Administrative, American Legal History, Business Associations II, Conflicts, Constitutional A, B or C, Corporation Accounting, Corporation Finance, Creditors' Rights, Domestic Relations, Evidence, Government Regulation, Insurance, International Law, International Organization, Federal Jurisdiction, Jurisprudence, Labor, Legislation, Mortgages, Special Tax Problems, Suretieships and Taxation.

We have in effect a conclusive presumption that everyone needs all of the second year and no one needs more than six of the third year courses. Without casting any aspersions on the second year courses, or any one of them, it seems that a more individualized program might be developed. For instance, if a man is definitely planning to be a tax lawyer, because of an accounting background, why not let him take Taxation his second year, instead of Equity perhaps, so that in his third year he could take Special Tax Problems, Excess Profits Tax, Corporation Finance and the like. If he were definitely committed to a federal career, perhaps a man would find it desirable to be able to take more than six of the federal subjects, and to take Administrative Law before venturing into Federal Jurisdiction, Legislation, Taxation, and Labor. The substitution of Administrative for Commercial Law in his second year could help such a man's schedule. These are merely examples, and it should be kept in mind, in thinking about this problem, that we will be back to a 3 year, not a 6 or 7 term law school, fairly soon.

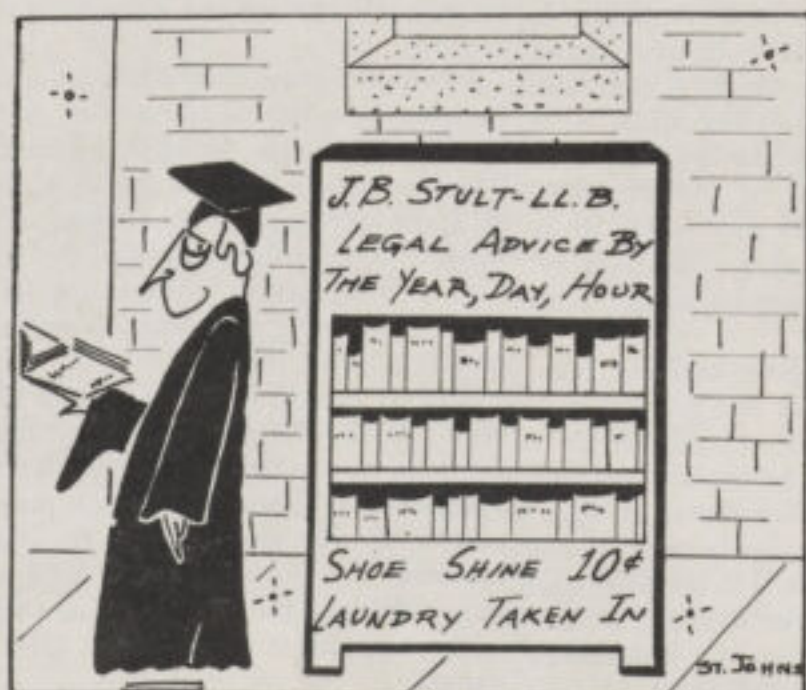
No doubt in the generality of cases the prescribed subjects fit the bill, but with the aid of a really good advisory system, some degree of flexibility could be injected. The age of specialization within the law is at least partly upon us; it is a growing trend and one of significance to the architect of curricula. If at the beginning of the second year the men were divided among fifteen or eighteen faculty members, who would supervise the preparation of a two-year plan, a degree of election among the whole list of second and third year courses could be effectively made possible. The adviser system as it now works doesn't amount to much. To make this elective system possible it would have to be thoroughly revamped.

This will place an additional burden on an already overloaded faculty because the elective program cannot be managed without the aid of their guidance to prevent unwise selections, or evasion of difficult or unpopular courses. In view of current interest rates on endowment, perhaps this added expense is a valid argument against the entire proposal.

Several other objections to this idea are evident: that men do not know what they want to do or are likely to do so early in their career; that the second year subjects are essential for everyone; that this is too difficult administratively for the value derived; that it would make law school too much like college. On the other hand, men often graduate without subjects they'd like to take, and having taken courses they feel have been unhelpful.

This suggestion is not a concrete program, but only an inquiry into the topic of widening election of courses as a way of bringing flexibility and individualization into the curriculum. Certainly in a general re-examination of the whole field, the presumption underlying the present second-year rigidity and third year overabundance deserves inspection.

G.G.S.



Letters to the Editor

To the Editor of the RECORD,

Through the courtesy of the Harvard Law School Association, I have received four numbers of The Harvard Law School RECORD. I have read these with the greatest of interest, and I believe that this publication will not only be of value to the members of the School, but also to the Alumni of the School. I take pleasure in enclosing my cheque for a year's subscription.

When I recall that when I became an Editor of the Volume V of the Harvard Law Review in October 1891, it was even then not quite certain that the Review could be maintained permanently, and that it could obtain contributions without difficulty, I marvel at the courage (evidently to be warranted by success) in the initiation of your new publication.

I like the liveliness of your biographies of the professors. Your quip on Professor Beale's ideal type of examination paper is delightful.

I hope that every young man intending to study law will read and take to heart the splendid paper on his duty as an American citizen by my friend, Murray Seasongood.

With congratulations on your undertaking and confidence in its success,

I remain, Cordially,

CHARLES WARREN, LL.B. '92.

To the Editor of the RECORD,

Enclosed please find my subscription for one year to the RECORD. I have two copies and I am very pleased with the ideas. We, who are out on the firing line of the profession enjoy reading about the glamour boys, but I sincerely hope that you can give some space to the type of lawyer who graduates from the school, who really makes the school—the men you don't read about in newspapers.

There are many lawyers in the country who are not Harvard law men and who, as lawyers go, are considered quite successful, but a Harvard man obtains something at the school which is quite unusual. First of all, he gets into the spirit and tradition of the school which makes him feel that he has to be better. Secondly, because of the first point, he works harder so, throughout the country, and the world, for that matter, you will find men who are putting democracy into action. They become public speakers, members of Boards of Directors of corporations and small banks. They become deacons and members of Boards of Trustees of the church—they take public office for which they receive no pay. In short, they become leaders of their community in the large and small towns, living and practicing democracy with the spirit and tradition which they absorbed in school.

These men, too, should receive your consideration. I know of Harvard men who have never hit the headlines who are substantial leaders in their community, who have earned that right by their labors and whose income often is greater than the incomes of the glamour boys. I commend these citizens and graduates of the law school to you. If your paper can become a force for the spiritual unification of these men, you will accomplish a great deal. . . .

I think you could do a great job if you will hit the grass roots; if your paper becomes a paper with a bias, I think you will fail. Here's hoping you succeed.

Very truly yours,

LOUIS LOMBARDE, LL.B. '22.

[The letter is in response to The Witness Stand appearing in last week's RECORD.]

To the Editor of the RECORD,

Overcrowding be damned! The legal profession is no different than most other professions and desirable occupations. The members of a profession who are in the field whether it be law, medicine, banking or other are frequently concerned over the influx of entrants. The cry of "overcrowding" does not come from a public seeking better trained men, for the present standards of law schools and bar examiners are at an all time high.

The cry emanates from those in the field who feel they have something akin to a priority on earning their livelihood in the legal profession as a vested interest in a percentage of the law business of 140 million people.

Those practicing law today have men of no higher standards, if as high, as present day law graduates. They are in no position to justifiably beat the drums for still higher standards or limit entrants by plowing under every third graduate with a tag of surplus. Their purpose is not to increase the quality of entrants but to limit the quantity. Theirs is a "defeatist" attitude.

ERWIN W. KEHL, 4th Term.

Off the Record

From a distinguished correspondent on the United States Court of Appeals for the District of Columbia comes a rhymed comment by a member of the San Francisco bar on his opinion in *Cushing v. Robinson*, 82 F (2d) 864, 65 U. S. App. D. C. 258 (1936), a case of injury to plaintiff who consumes a foreign substance in food served in a lunch room.

The facts were all admitted, so the point to be decided was whether one who sold a bun a warranty implied; Did he have to X-ray every sinker, doughnut, roll and bun And determine just what dirty work the baker might have done?

Or could he, if not negligent, with safety serve his guest And be shed of obligation by the sorrow he expressed When a customer encountered foreign matter in his menu Such as pebbles, pins, or cyanide, or germs that gripe and pain you.

The cases on the subject rather obfuscate our wits The morbid oyster—caveat emptor—there's the phrase that fits

But the case of ptomained mackerel is something else again For the stomach ache resulting is an actionable pain.

A separate line of cases with distinctions rather nice, Concerns itself exclusively with unexpected mice.

A mouse saute'ed with kidneys means a lawsuit for the House

But when served in Chinese food of course its just another mouse.

Good victuallers a warning from the instant case will take Don't deal with jocular bakers who put marbles in the cake Mince well your mice ere serving, their identity to hide, And so avoid the danger of the warranty implied.

G. S. A.

Gallery



MILTON KATZ

esses of America. He believes this can be done through the law.

"The Law, after all, is most important as a sort of social lubricant, changing with the people," he said. "It is a tremendous source of pleasure to be part of that force, helping not only to build the foundations of the Law for the future, but also to instruct the men who will be strengthening the structure in years to come."

Professor Katz's conception of the Law as a living, dynamic force is readily evident in his approach to the often stultified subject matter in his course on Judicial Remedies. His teaching method is to pose hypothetical problems based on the cases in the book, describing the situations in lively, human terms, so that even Parke, B. and Tindal, J. come out from under their powdered austerity into a more understandable reality.

Instead of belaboring the labyrinths of logic and technicality which delighted our legal forebears,—and continue to charm some of their modern counterparts—Mr. Katz occasionally reminds his students that "a page of history is worth a volume of logic." But a student who recently used this wave-of-the-hand explanation in another class was rewarded only by the sympathetic laughter of his classmates.

Mr. Katz's wide experience has furnished him with a considerable fund of anecdotes which, together with his very keen, dry wit, daily serve to enliven his classes. A student's puzzled face, wrinkled in the obvious chaos of complete incomprehensibility, will seldom escape his eye, and after a patient "what seems to be troubling you?", Mr. Katz will relieve the suffering. His efforts to make the Law more alive and vital to the student can be appreciated even more when viewed in the light of his other activities on the Law School Faculty.

As a member of the Committee on Legal Education, of which Professor Fuller is chairman, Mr. Katz is deeply concerned with the problems of how the Law School program may be constantly revitalized, so that it not only keeps pace with the times but anticipates the state of the nation 15 to 30 years hence, when today's students will be approaching the peak of their professional powers.

He believes the Law School has a threefold responsibility: first, to the students—basic instruction in the use of the tools of their chosen profession; then, to the nation and individual communities—furnishing them with men aware of and equipped to assume their responsibilities of public service; and finally, to the Law—to be a source of creative endeavor, constantly reviewing the past and seeking to improve the present for the future.

"The major problems of the next few decades," Professor Katz predicts, "will be those of keeping world Peace, and of balancing the respective roles of Government and Business in a stable yet dynamic economy. The Law School will fail in its responsibility if it does not prepare the student of today to meet tomorrow's legal problem in the forefront of the nation's public—though not necessarily government—servants."

"This does not inevitably imply changes in the curriculum, as much as it does suggest changes in the approach to the existing courses. Few men realize when they come here that they are embarking on a way of life. Students must be aware of the need of looking ahead, of better understanding the framework within which they must be useful to society and at the same time achieve personal satisfaction. There is a definite opportunity here for mutual cooperation between the students and faculty in imparting to legal education more than the fundamentals of the profession."

Although the Committee on Legal Education has not completed its report, the Committee on Relations with the Business School, of which Professor Katz is chairman, has already begun the task of implementing the curriculum with opportunities to study in fields connected with the Law. Arrangements have been made whereby a student may, upon application, and acceptance, take up to six credit-hours at the Business School, which may be counted toward the law degree and substituted for courses offered here.

Professor Katz graduated from Harvard College in 1927, and, with two years on the Law Review to his credit, from the Law School in 1931. After a year as Legal Secretary to Judge Julian W. Mack of the Circuit Court of Appeals for the Second Circuit, he began his long and varied career in administrative agencies and departments, as attorney with the Reconstruction Finance Corporation.

In 1933 he became Assistant Counsel, Member of the Advisory Council, and Special Assistant to the Administrator of the National Recovery Administration. After two years under the Blue Eagle, Katz was appointed Executive Assistant to the Chairman and Special Counsel of the Securities and Exchange Commission, which positions he held until 1938. At that time he became Special Assistant to the Attorney-General in the anti-trust division of the Department of Justice. The Law School beckoned in 1939 when Mr. Katz came here as a lecturer. His appointment as Professor followed in 1940.

Prof. Katz's specialty is his course on Administrative Law. His own casebook on the subject will be published in a few months. There are few who can draw upon as broad an experience and as distinguished a record in that field as he, not only from the theoretical point of view, but also from the everyday applications of balancing the roles and interests of business and government.

Sub Judice

CONTRIBUTORY NEGLIGENCE****Even when drinking castor oil it is better to look before sitting at the bar.

Plaintiff entered defendant's drug store to purchase a glass of castor oil mixed in root beer with the idea of securing relief from a severe cold. After placing her order at the soda fountain, she walked over to a counter to purchase some kleenex. While blowing her nose and directing the fountain clerk to put more castor oil in the potion, she attempted to sit on a bar stool. Unfortunately the seat had been broken and removed from the stool she chose leaving only a pointed stem to mark the spot.

In attempting to sit down the plaintiff hit her coccyx bone on the stem of the stool, fell to the floor, and hit the end of her spine on the base or pedestal of the stool thereby causing severe injuries. Defendant's motion for directed verdict at the close of the proof was granted on the ground that the plaintiff had been guilty of contributory negligence as a matter of law. On appeal the judgment was affirmed. The fact that the plaintiff did not look over the stools showed that she did not take the ordinary care which is required of one entering a store. *Price v. Taylor & Co.*, 196 S. W. (2d) 312 (Ky. App., 1946).

SICK AND ACCIDENT POLICY****Release given in return for payment of lesser sum admittedly due will not discharge full amount due.

The appellee's policy with the appellant provided for payments of \$200 per month so long as the insured was totally disabled by accidental injury, or \$100 per month for a maximum of three months in case of partial disability. A hunting accident caused the appellee (dentist) to become totally disabled. Upon due proof of the disability the insurance company began paying the insured \$200 per month. After a few payments, the Company became delinquent for three months. A claim adjuster called on the appellee and explained that delay in payment was due to a shortage of help and that the matter would be promptly adjusted.

The appellee told the adjuster that many of his patients wanted him to resume practice, and that he would like to go on partial disability payments temporarily to ascertain whether he could carry on a limited practice. Later, the Company sent appellee a check for \$200 which was \$400 less than he believed was due him. Upon complaint at the Company office he was induced to execute a release as follows: "In consideration of the sum of \$400 . . . I do hereby release the . . . Company from the total disability clause . . . and agree to go on partial disability according to the terms of [the policy] from disability due to . . . eye trouble. . . ."

The appellee testified that nothing in the conversation leading up to the signing of this instrument suggested that the release would terminate the Company's liability for total disability payments in the future. The dentist drew his partial disability payments for three months whereupon he collapsed and had to close his office. The last \$100 check he received contained a notation on its face that it was "in full settlement of claim for partial disability." This suit was instituted when appellant refused to make further payments for total disability.

Appellant's argument that there was insufficient evidence to establish total disability of appellee was quickly washed out. The Company then claimed that the purported release and the acceptance of the check constitute an accord and satisfaction of all claims under the policy. The acceptance of the check of course satisfied only the claim for partial disability. To the accord and satisfaction argument appellee contended that there was no meeting of the minds sufficient to create a binding contract between the parties in the execution of the release, and there was no consideration to support the release as an accord and satisfaction.

The court did not consider the meeting of the minds argument because the release failed to have the effect claimed by the Company due to lack of consideration. The jury must have found (in absence of argument to the contrary) that the consideration of \$400 named in the release was a matured, undisputed obligation of the Company. Therefore, the payment could not operate as an accord and satisfaction. The judgment of \$200 plus the statutory penalty and attorney's fee was affirmed. *DeSoto Life Insurance Co. v. Jeffett*, 196 S. W. (2d) 243 (Ark., 1946).

HORSEMEAT AND INTERSTATE COMMERCE****

City ordinance cannot burden what the federal regulations permit.

The New York City sanitary code provided that "horseflesh, whether alone or combined with other ingredients, intended for animal feed shall not be brought into the City . . . transported, or held, kept, stored, or offered for sale or sold unless decharacterized by harmless coloring" This case involved two companies, one of which prepared dog food with horsemeat in hermetically sealed cans labeled "dog food"; the other prepared packaged frozen horsemeat for animal and human consumption. Declaratory judgments in favor of the plaintiff companies were affirmed in the Appellate Division. On appeal, the Court of Appeals affirmed the judgment as to the company which used hermetically sealed cans, but the other case was reversed with instructions to enter a judgment in accordance with the opinion. *Quaker Oats Co. v. New York*, 68 N. E. (2d) 593 (N. Y., 1946).

There was in effect a federal regulation which required the preparation of dog food in such a manner as to distinguish it from human food. Hermetically sealed containers labeled "dog food" were considered sufficient. If the food was not in such containers, it had to be denatured or decharacterized so as to make it readily distinguishable from human food.

Because the federal regulation permitted the use of sealed containers properly labeled it would be in conflict with the paramount federal authority to deny to the canned dog food manufacturer the right to sell its product in New York City. Both the federal regulation and the city ordinance required the frozen horsemeat sold in cartons to be decharacterized. Because the federal government had not taken any action the city could enforce its statute as to the latter company. Consistent regulations may stand until the local government unit is ousted of its jurisdiction. Both companies could maintain actions for declaratory judgments, but the results would be different on the facts.

The Witness Stand

The Question: What is your general attitude toward the Law School Forum?

1. L. G. Case, Long Island, N. Y. 3rd Term.

Although a comprehensive list of discussions cannot be anticipated I think it is definitely a good thing for the Law School to tie up with. I remember a pre-war tendency to shy away from such discussions and lectures which were offered throughout the University. The choice of speakers is interesting since some are well known and others, who are not so well known will become so after their appearances here. There seems to be too much emphasis on world topics which can hardly be discussed in the time allotted or by the method employed.

2. R. P. White, Washington, D. C. 3rd Term.

The Forum is a very worthwhile thing but in the short time that each speaker has to present his views you really can't get a very comprehensive view of anything. However, a speaker, by his personality, can get some things across to the audience in a few flashes. I think the Forum does fill a need which would be neglected if not presented in the manner in which it is. That is, the fact that it is local. Any series of lectures are generally a good thing and although I do not intend to attend all of the forum lectures I shall drop in on a few. I don't think the questions asked at the close of each forum are of much value to the audience as a whole.

3. L. E. Sand, Philadelphia, Pa. 2nd Term.

The Forum is something new to me. I have heard of it and am anticipating it. I expected to be embroiled in the law and little else my first year but I can see a definite need for the type of discussion and presentation the Forum offers. The schedule of topics covers a wide field and I hope to be able to attend most of them. It is very easy to lose touch with a more worldly viewpoint by shutting oneself up in the library and just doing cases. The availability of good news sources in Boston and vicinity is appalling and except for the Sunday editions of out of state papers and the news weeklies there is little genuine discussion by people in such fields. The Forum, will, I hope, compensate for some of the lack. Audience participation should enliven it and make it worthwhile.

4. R. L. Marshall, San Francisco, Calif. 4th Term.

I haven't been to any because I've been too busy, but it sounds good and it's probably worthwhile. As long as they don't feel a compulsion to put on a program every one or two weeks just for the sake of putting one on and wait until they can get some really worthwhile speakers, the Forum will probably maintain its present high standards. I do plan on attending some of the forums this year if time permits.

5. Ray Meyers, Council Bluffs, Iowa 3rd Term.

The one forum I attended last term was quite poor. I think the men chosen for the Forum this year are a group of men who are leaders in their various fields. The meetings will probably be of a much higher calibre this term. I will probably attend a few of the meetings that interest me.

6. Malcolm Wilkey, Louisville, Ky. 4th Term.

I think the object of the Forum has been surprisingly well carried out. They have an excellent battery of talent this year and the program for the year—our relations with foreign nations—is the most pressing problem of our day. The forums I have attended were well handled, but I still have a question in mind as to whether a forum is the best method of gaining knowledge on those controversial subjects. I do think however that if the Forum is the method decided upon, it has been well carried out.

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Alumni Notes

Mr. Eugene C. Gerhart of the Law School class of 1937, has just won the Ross Essay Prize of the American Bar Association, for his essay on "Labor Disputes—Their Settlement by Judicial Process." The prize is \$3,000. It was awarded to Mr. Gerhart at the meeting of the Association in Atlantic City last week.

Mr. Gerhart is also the author of a well received article on the problems of starting up a law practice by oneself, entitled "Going it Alone," in the issue of the American Bar Association Journal for July, 1946.

He served in the Navy during the war.

The 24th annual conference of the National Association of Legal Aid Organizations ended on October 26 at the Hotel Commodore in New York City with the re-election of Murray Seasongood, LL.B. '03, of Cincinnati as president.

Other newly-elected officers include Raynor M. Gardiner, ex-'13, of Boston, Reginald Heber Smith, LL.B. '14, of Boston, and Harrison Tweed, LL.B. '10, of New York, all of whom were elected as vice-presidents.

Among the business transacted was included an agreement to appoint a committee to study the place of low-cost referral service in relation to legal aid societies and the local bar associations with which they work.

John S. Dickey, LL.B. '32 and James M. Nicely, LL.B. '23 have been elected trustees of the Institute of International Education of New York City.

LL.B. '01—Prince Henry Tirrell died on October 21 at South Weymouth, Mass.

LL.B. '10—Harrison Tweed, President of the Bar Association of the City of New York, announced last week the formation of a committee of lawyers to work with the State Election Frauds Bureau of the New York Attorney General's Office. It is contemplated that a group of 300 energetic lawyers will be organized to serve as Special Assistant Attorneys General to assist in preventing frauds on election day.

LL.B. '33—J. Clement Johnston opened offices for general practice at 1202 Rand Bldg., Buffalo 3, N. Y. After his graduation from the Law School he engaged in general practice until 1939, at which time he became a partner in the firm of Block & Johnston. In 1942 he became associated with Kenefick, Cooke, Mitchell, Bass & Letchworth, where he remained until June 1 when he announced the opening of his own offices. Johnston is also a Director and General Counsel of J. W. Clement Co.

LL.B. '35—Lt. Col. Harmon Duncombe has become a member of the firm of Fulton, Walter & Halley which maintains offices in New York City and Washington.

LL.B. '35—John F. Reddy, Jr. became a member of the New York City firm of Engel, Judge & Miller on August 15.

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GRISWOLD—(Continued)

Despite the great pressure of activities now, we are beginning to think about problems of revising the curriculum and methods of instruction. We have prepared a questionnaire which has been sent to a sampling of graduates of the law school. If you were one who received such a questionnaire, I hope not to cause you too much pain when I tell you that you did not receive the questionnaire because you are regarded by the school as particularly well qualified to advise in this matter. If you received the questionnaire, it is because your name is the last name on each right-hand page of the quinquennial directory.

As for the faculty, whether we like it or not, the old order changeth and giveth place to new. Many of the men under whom most of you people studied are not there. Mr. Beale has died; Ed Warren, the Bull, and Joe Warren, the Gentleman, have both passed on. Mr. Williston is still with us; at the age of 85, he comes to the school every morning and works a good half day, and seems as spry and alive and alert as ever. Mr. Pound is still with us. We have taken on a number of new men, in whom we have great hope. Mark Howe and Archie Cox became, effective October 1, permanent professors in the law school.

We have a number of problems at the school. The major one from which you can't get away, except by coming to Atlantic City to make a speech, is the problem of carrying through this immediate postwar rush and then getting back to normal. When we get back to normal, as I see it, one of our greatest problems is to provide housing for our students. In my judgment the school has far too long been lax in the matter of housing.

When we can build and when we have a normal type of student body, it seems to me the school should undertake to provide rooms for six or seven hundred more men than it ever has provided for before. Plans are already in the formulating stage for working in cooperation with the graduate schools of the University for some sort of housing project.

And then when we are talking of problems, I suppose one of the problems in the days to come of the school is myself, and so I am going to try to tell you a few things about me. I am going to try to put it in fairly simple words, and it may sound rather naive. If so, so be it.

In the first place, as you all must know, the Dean of the Harvard Law School is very much *inter pares*. I won't say *primus inter pares*. It is just *inter pares*. He is one of the faculty. Indeed, it has been said the function of the Dean is to do anything about the place that the janitor won't do. I hope very much we can continue that situation; that we can be a faculty, and not an administration and a faculty.

I am a conservative. When I cannot find some better thing to do, I am likely to vote the Republican ticket. My in-

stincts are cautious. As such, I have often been wrong. A great many things that have happened in the past years have been things which I immediately reacted against; would then, on the spot, have opposed rather vigorously; and they are things which I have come to think were right and which have been contributions to the country or to the world.

I am not and I never have been a New Dealer. And yet I feel real concern at the feeling of satisfaction that probably arises in many quarters at that statement. I have come to see that much that my New Deal friends have tried has been good. Some things I have disagreed with, and some seem to me to be fundamentally bad. But from all of these I have learned that if one does not have the capacity to develop advanced ideas himself, he needs to have those ideas promoted and advanced for him by others.

This is particularly true in a University—in a law school. It is especially true that Harvard Law School, with its great record for progress, with its great responsibility, must always have among its members, people with ideas ahead of current modes of thought.

The Harvard Law School has never been radical. It and its influence have always been conservative, in the best sense. We sometimes heard of fathers who send their sons to Yale Law School because we are so radical. Now there may be reasons for sending a boy to the Yale Law School, but that is not and never has been one of them.

Harvard must continue to lead in legal thought. That means that it must have new ideas, and the willingness, and the capacity to advance them. But that does not mean injury to the country, or to Harvard, or to the youth of the land. As a matter of fact, the youth are far more discriminating than their elders sometimes reckon; and if they ever are to be stimulated to think, to learn to discriminate between the good and the bad in ideas, it is in the law school. The Harvard Law School would be a very bad and a very dull place, indeed, if all the faculty were as conservative and traditional in outlook as I am. I hope that we will continue to follow the path of strength, and continue to have a faculty of many points of view and many methods, each man as intellectually able as we can find.

I believe in free speech, in a free press, in academic freedom and in the free commerce of ideas. Many of the ideas are no good, but ideas are elusive things, and the only way to evaluate them is to set them free to see how they stand up in the midst of controversy. I believe in the power of ideas. The scientists tell us there is no way to control atomic energy, but like scientists, they ignore, it seems to me, the greatest power of all, though the most difficult to organize and to apply: the power of the mind, and the power of the spirit. And that is the

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Calendar

THE LEGAL WORLD

Grades

Grades for men who completed their first year in October are being mailed out today.

All men should leave their correct local address with the Receptionist immediately to insure prompt receipt of their grades.

Holiday

Monday, November 11th is a holiday at the Law School. Langdell Reading Room will be open from 9 A.M. to 5 P.M. Austin Reading Room will be closed.

Law Wives

There will be a Rummage Sale at Kendall House, Tuesday, November 12, from 3 to 7 P.M. for the benefit of the Law Wives Nursery.

Regular meeting tonight at Kendall House at 8 P.M. Mrs. Max Fishelson will talk on *Practical Flower Arranging*.

There will be an informal party at Kendall House, Saturday, November 16. All members of the Law School are welcome. Admission \$1.00.

Law Club Meetings

Five law club meetings are scheduled to hold meetings at Kendall House during the next fortnight.

The *Blackstone Club* will meet this afternoon at 4:30.

The *Thorpe Club* will meet Thursday, Nov. 7, at 4:30.

The *Hall Club* will meet Saturday, Nov. 9, at 7:30.

The *Cardozo Club* will meet Wednesday, Nov. 13, at 8.

The *Gardner Club* will meet Friday, Nov. 15, at 8.

Chancery Club Meeting

The *Chancery Club* will meet at 3:30 on Friday, Nov. 8, and again at 4 p.m. on Saturday, Nov. 16.

Ames Competition

Wednesday, Nov. 6: First-term fact conferences, Rounds 1-A and 1-B.

Thursday, Nov. 7: Brief-Fact Conferences, Second-term.

Friday, Nov. 8: Brief-fact Conferences, second-term; first-term facts out, Rounds 2-A and 2-B.

Tuesday, Nov. 12: Third-term, qualifying round, facts issued (tentative); brief conferences for first-term; first-conferences, Round 2-A and 2-B.

Wednesday, Nov. 13: Second-term brief exchange; first-term conference for Round 1-B.

THE UNIVERSITY WORLD

Play

The Harvard Dramatic Club will present the American premiere of *Adam the Creator*, a satiric fantasy by Karel and Joseph Capek, at the Sanders Theatre from November 12 to 16.

Budapest String Quartet

A concern for the benefit of the Pierian Sodality Trust Fund of Harvard will be given by the Budapest String Quartet in Sanders Theatre at 3:30 P.M., Sunday, November 10.

Lectures

Professor H. W. L. Dana will give an illustrated lecture on *The Work of the Capeks and Their Influence on Czechoslovakian Drama*, Thursday, November 7, in the Large Lecture Room, at the Fogg Art Museum at 3 P.M.

Scandinavian Classics is the subject of a talk by Dr. Henry Goddard Leach on Wednesday, November 13, at 8 P.M., in Room D, Emerson Hall.

The Society of Harvard Dames presents a talk by Eliot Duney of the Boston Tributary Theatre on *Plays of the Current Season*, Thursday, November 7, 2:45 P.M., in Phillips Brooks House.

Music

Broadcast of Organ Music. E. Power Biggs playing from the Germanic Museum each Sunday, 9:15 to 9:45 A.M. A limited number of tickets are available by application in person on Wednesdays or Thursdays at the Germanic Museum between 4 and 5 P.M.

For Men Only

Radcliffe Commuter's Jolly-Up. Agassiz in the Radcliffe Quad, November 8, at 8 P.M. Admission free.

THE OUTER WORLD

Musicals

Sigmund Romberg's famous operetta, *The Student Prince*, is at the Opera House.

Toplitsky of Notre Dame is at the Shubert.

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Studying Law at Stalagluft 3, Germany

The author, a P-40 pilot, was shot down and captured in Tunisia in March 1943. It was during his two years in a German prison camp that the events related below occurred.

It was a pretty dismal day when we first walked through the double gates of the North Compound of the permanent prison camp in Germany. In the spring of 1943 even the optimistic British "Kriegies" had reconciled themselves to many more months of barbed wire confinement before the war ended. Of course everyone took part in plans for escape, but many of the older "Kriegies" realized that it was futile to spend all their time on frustrating hopes for freedom.

It took quite a while for us to get used to the revolution in our lives that came the day we were shot down, to remind ourselves that we were still living and able to think of the future. If we were to make the most of our time we had to determine what we intended to make of our lives. We used to walk around the circuit, a path several feet inside the wire, and vehemently discuss our convictions and ideas. Many men in the camp felt that they must vindicate themselves by gaining something of purpose, belief or knowledge from this unique experience. It gave them an unexpected opportunity to think about what they meant to do when the war was over.

The British were mentally active and we learned a great deal from them. One chap had already completed the law course offered to prisoners of war by London University. When I suggested getting together those who wanted to study law, he looked at me with tired eyes and tried to discourage me from any such project. Even the most studious men maintained that there was not enough food for a sustained mental effort whereas others were convinced that studying law would surely put a fellow "round the bend."

The educational program in the British camp was well organized and the library of fiction and reference books surprisingly complete but there were only three law books to be had. The English Torts book had some familiar cases in it but we finally decided on Sir Henry Maine's *Ancient Law* as our first text. We read and discussed it thoroughly that first summer. We also had access to a tome called *Cheshire on Real Property*, but we were never sure whether its doctrines would apply in the United States.

On the day that Italy capitulated, the Germans moved all the Americans to the newly-constructed South Compound. We spent the next few weeks getting settled in our new home, putting up shelves and making crude chairs out of old boxes. We soon had a reference library established and an imposing enrollment of fifty men for a law class—but no books! Then came the great news from home that Prof. Seavey of Harvard Law School had recommended sending the case books used in the first year at Harvard; the first one was on its way. Warren's *Cases on Property* arrived in November, 1943, and several of us met twice a week, passing it around to read between times. Later in the year, Williston's *Cases on Contracts* and Scott and Simpson's *Judicial Remedies* came through and we began our course in earnest.

We had the class every day after lunch throughout 1944, except for a short summer vacation. Many of the original class dropped out, either because they had already passed their bar exams before the war, or because they were not ready to take the intensified course we had established. In the end there were only four of us: Tex Newton, a sparkplug of resourcefulness who had been at Texas Law School for a year and is now studying for the ministry; Bob Darden, who had finished three

terms at Michigan Law School before the war; Jim Alexander who had never seen a law book before; and I, who had not quite finished the first year at Harvard.

We had trouble finding a place to hold the classes because nobody seemed to appreciate a lively legal argument going on in the corner of their room all afternoon. At the first sign of spring we huddled in a little group out of doors, where we did not bother anybody. The discussion usually lasted about two hours; on Monday, Wednesday, and Friday, we took up Torts and Contracts and on the other days, Judicial Remedies and Property. We read every single case, assigning at least five per day in each subject and taking turns conducting the class. We managed to get a few thin notebooks in which we abstracted each case and wrote our class notes. It took a sharp pencil to get sixty lines on a page but it saved paper and made the books easier to carry when the time came to march. After six months we had read Property from cover to cover and started Dodd's *Constitutional Law* in its place. Alexander took an exam written by one of the lawyers in camp and received a 75 (obviously not Harvard Law School marking). By this time the chaplain had agreed to let us use his room and make all the noise that goes with the discussion of fine legal points.

News of the invasion spread through camp while we were sitting in class and we almost decided to "graduate" then and there. Instead we changed to an accelerated program in an attempt to finish before the war was over. As it turned out, we completed everything but Thurston and Seavey's *Cases on Torts*, a long book when you read every word.

By Christmas of 1944 the camp boasted over fifty law books including five copies of *Prosser on Torts* and four of *Gold on Sales*. The YMCA sent many of the West Publishing Company texts and we had everything from the tercentenary edition of the *General Laws of Massachusetts* to Arant's *Cases on Legal Ethics*. Many men started law training on their own with the help of Morgan's *The Study of Law*. Some of them are continuing their work here at Harvard Law School.

"Graduation night" for all of us came quite suddenly at the end of January, 1945, when the Germans turned us out in the snow to march westward before the Russian advance. Most of us left everything behind, but Bob Darden carried his copy of Holmes' *Common Law* in his blanket roll.

We had put in about fourteen months averaging six hours a day on law; the rest of the time was spent cooking, washing, sewing and keeping fit. We never found enough time to read all that we wanted to, but it was good to have a consuming interest like the law. Life in the huge camp where we spent the last three months of the war was pretty much a matter of survival and the study of law became a dream of the past and a hope for the future.

W. S. B.

AMES—(Continued)

cases and to give the participants a fairly complete record from which they themselves must select the important facts. This phase of the Board work gives members very practical legal training. When a man is first admitted to the organization, he is placed on the first year facts committee on which he writes cases to be argued in the first and second terms. This requires considerable research in first year subjects. Later he is graduated to the second year committee where he writes qualifying round cases based on second year courses. Finally he will be assigned to help write a quarter finals case, which involves weeks of careful legal research to make certain that the problem has not been definitely decided by any court. Then the problem is placed in a realistic case setting and the procedure is thoroughly checked. All of this work requires a high degree of good scholarship. Upon request, copies of cases have been sent to many other law schools.

The Ames Competition poses many administrative problems, the most complex of which is the scheduling of the various stages of each argument: fact issue date, conferences, exchanges of briefs, and arguments date. Another is law club organization which requires meetings with clerks and supervisors and arranging for selection, transfer, and assignment of men among all the clubs. The problem of obtaining judges has been greatly aided by the cooperation of large numbers of upperclass students, who realize that they will obtain valuable training from this work.

STONE—(Continued)

Gardner, who served in a similar capacity from 1934-1935.

"All of us who served as Chief Justice Stone's law clerks had for him a real affection and esteem," says Boskey. "He considered us as partners, though necessarily junior partners, in the exciting business of judging. He never treated us with condescension which older men sometimes show toward their young assistants."

"Chief Justice Stone and the Conflict of Laws" is discussed in an article by Professor Paul A. Freund, who quotes the late Chief Justice as remarking that if he were devising a law-school curriculum he would regard Conflict of Laws as a study serving in place of a course in Jurisprudence. "His point was not, of course, that legal studies should be divorced from philosophy," remarks Professor Freund, "but that the philosophic content of Conflict of Laws should be made more patient." Professor Freund's article is in the nature of an annotation to Mr. Stone's remark.

REPEATERS—(Continued)

something terribly sad about learning that his "blood, sweat, and tears" resulted merely in flunking five out of five again.

The statistics are not without their ray of hope. One scholar, a veteran who bagged a 52 the first time around, came through this time with a hearty 64. But he was the only one who raised his average more than 8 points and he may well be paired for statistical purposes with the non-veteran who made a 57 in June but dropped to a 53 this time. Only four men failed to get higher averages this time, the average increase being 3.21 points. Nine men got in the "C" bracket. There were five 62s, two 64s, one 65, and one 66. There were no "A"s given, the highest grade being a 72 in Contracts.

Of the 38 men repeating, 26 were veterans. Of the 16 men passing in October, 12 were veterans—a 46% survivorship in this category. Of the non-veterans repeating, 33% made it on the second chance.

The greatest number of casualties among the group last June occurred in Judicial Remedies, with 24 of the 38 failing. This October, 10 of the group failed to pass that subject. Agency was the next most deadly course in June, with 20 failures; 9 failed it the second time around. Contracts was third in line in June, with 18 failures. The reviewing must have helped here since only 4 men failed to hit the Contracts exam in October. Torts was fourth highest in June, with 17 failures; October's score was 11. Property took care of 11 in June and 8 in October.

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