

The Harvard Law School Record

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DISCUSSION OF VALUES AT FORUM

Panel Argument By Five Professors Is Feature At Meeting

The error of the modern humanities has been to try to make sciences out of the humanities by assigning both the "ought" and the "is" to the same subject matter, namely, the humanities themselves. The demoralization of the contemporary world with respect to human values has resulted from this paradox, according to Northrop.

His answer lies in recognition of the fact that underneath the various cultures you will find philosophy, which makes statements, scientifically verifiable everywhere, on the truth of man and nature. It thus becomes possible to resolve the paradox by assigning the "ought" and the "is" to different subject matters. By relating the normative theory (the "ought") to these universally verifiable facts (the "is"), rather than imposing the normative theory on the facts, one may be able to say he has the truth.

Thus, to Professor Northrop, the humanities are arts, rather than sciences, and esthetic values, which have been neglected in our culture, are truths in themselves, equally worth pursuing with the theoretical, rational values dominating the occident.

Middle-class America must cease to view itself as a nation of individuals, each one making history on a retail basis, according to Professor Lynd. One hundred and fifty years of concentration in the amassing of private wealth have left the traditional middle-class society of this country in an extreme case of ideological arrested development, he asserted.

One of the outstanding symptoms of our times is that the basically middle-class structure of the United States is going through the wringer, said Lynd. Its extreme individualism, based on the philosophy of Locke and Bentham, its incapacity to think or act as a society, rather than a group of privately acquisitive men, are not meeting the tests and stresses which modern industrialism puts upon it. While other nations are moving forward to new forms of collective endeavor, America is constrained by the

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Student's Research Reveals Cincinnati Politics And Administration of Justice Closely Linked

With two terms to go before completing the Seven Year Combined Law-College program, the writer is on leave of absence this term doing independent research in Cincinnati at the invitation and under the auspices of the Hamilton County (Ohio) Good Government League.

My field for research has narrowed down to "The Administration of Justice in Hamilton County, Ohio," which means I am concentrating on the Municipal Court, the Court of Common Pleas, the Probate Court, and, if there is time before February, the Court of Appeals. Because my data and evaluations are not yet complete, I shall not discuss the courts themselves in this article. Rather, I want to say something of my experiences here with the idea that there may be others interested in taking a term off to do this sort of work, or that the School itself might consider the arrangement and supervision of this sort of field of research.

Those of us who have only been students or soldiers naturally have no clear picture of the life a lawyer leads. Taking a term to find out, after completing four or five terms in school, furnishes first-hand facts and feelings which could be important in the selection and comprehension of courses. In my own case, I had thought I should never care to practise law, but now I am convinced that such a conviction was the result of ignorance of what practising law can mean.

My first month in Cincinnati was spent in an attempt at orientation. I talked city and county politics and problems with dozens of people, ranging

NOTICE TO SUBSCRIBERS

This is the last edition of the Record to be published during this Winter Term. The next edition of the Record will appear on February 19, 1947 during the first week of the Spring Term. It will be numbered Vol. 3, No. 1.

Student subscriptions for the new term will be on sale at registration on Wednesday, Thursday and Friday of this week.

TERM OPINION SUMMARIZED

Column Reviews A Cross Section of Opinions

A review of the Witness Stand for last term revealed a diverse number of attitudes as well as a varied group of questions. Most of the students interviewed expressed a desire to write a paper in a course in preference to taking an examination. On the topic of whether the present law school system was selective enough to prevent overcrowding the profession views varied. Haskell Goodman of El Paso, Texas thought there should be less elimination through failure and a little more selectivity in admission requirements.

Russia came in for her share of attention and the general attitude as stated by Newton Kalman, New York, N. Y. was that we could carry a big stick behind our back and not show it.

In keeping with the library investigation originally instigated by the Record students were asked what improvements or changes they would like to see in the library. Suggestions found even more adequate expression in the report of the faculty-student library committee report which is concluded in this issue of the Record.

The labor situation was covered by student comments on whether we should have a compulsory arbitration law to meet such crises as the coal strike. A. Greenfield, Miami, Fla., indicated that nationalization of the coal industry was probably the answer. L. Lee, Augusta, Georgia, felt compulsory arbitration would not add materially to the National Labor Relations Act and that the only effect of such an act would be a new psychological appeal.

Anticipating the President's message to the new Congress, the Witness Stand inquired whether Congress should pass legislation to require labor to meet special

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Availability Of Scholarship And Loan Aid Announced By Law School

Applications for scholarship and loan aid for the spring term should be turned in at the Receptionist's desk in Langdell Hall as soon as possible, and no later than the last week of this term, the Dean's office announces.

Scholarships at Harvard Law School, with a few exceptions, are awarded on the basis of financial need of the applicants. A minimum grade of 70 is required of each applicant and his character is also considered, in order to assure the school that he is worthy of aid. Men attending school under the G. I. Bill are eligible for such scholarships.

The amount of the award is usually the tuition for the period it covers. Sometimes it is less, infrequently more. Amounts are based on the circumstances of each particular case.

For men entering the second term in February, 1947, about twenty scholarships are available. The awards are based on financial need and the grade in the Criminal Law examination.

For men entering the Third Term in February 1947, scholarships will be awarded covering the third and fourth term. They are given on the basis of the first and second term grades and financial need.

No scholarships will be awarded to men entering the fourth term in February 1947.

Scholarships for men entering the Fifth Term in February 1947 will be awarded on the basis of the examinations covering the Third and Fourth Term work and financial need. Scholarships for men entering the Sixth and Seventh Terms are based on the examination grades for the previous term and financial need.

Funds from which scholarships are available are listed on pages 26 through 36 of the Law School Catalog, available at the Receptionist's Desk in Langdell Hall. Applications are not made for any particular fund, allocations from particular funds being made by the Dean's office.

Each applicant is required to file an application which goes into some detail. The following information is required:

1. His earnings for the previous three years with a listing for each year of earnings in government or military service, in the college or school year and during vacation.

2. Previous scholarships in college and Harvard Law School.

3. A detailed listing of approximate expenses for the past term and estimated

expenses for the coming term.

4. A detailed listing of his present resources, including savings, investments, insurance and interests in estates.

5. An itemized listing of his obligations.

6. A detailed listing of expected income for the coming term, including own earnings, wife's earnings, contributions from relatives and others, government aid and other income.

If an applicant is married he must also file a "Wife's Financial Statement." He must list all her property in detail, her income for the last year and estimated income for the present year.

If an applicant is unmarried, he must file a "Parents' Financial Statement." This requires information as to:

1. Parents' occupations and places of employment.

2. A list of parents' other dependents.

3. A very detailed listing of the parents' income for the previous year and estimated income for the current year.

4. A very detailed listing of each parent's property, both real and personal.

5. A statement of the parents' debts.

6. A listing of the parents' contributions to the applicant's expenses for the previous year and for the coming year. (estimated).

Once the completed application has been turned in at the receptionist's desk in Langdell Hall, the applicant's grades are noted on the application when they become available. It then goes to the Faculty Chairman for the year covered: Professor Morgan for the first year, Professor Maguire for the second year, Professor Seavey for the third year. Each chairman considers the applications submitted to him carefully and he submits them to the Administrative Board, composed of the Dean, the Vice-Dean and the three Faculty Chairmen, with his recommendations as to the awards and stipends. The Board considers these and makes the awards. These are sent to the Dean who decides from which funds the awards will be paid. His recommendations are sent to the President of the University for action by the Corporation. Payments are made from the Comptroller's Office.

Graduate Fellowships and Scholarships are awarded on the recommendation of the Committee on Graduate Studies of which Professor Powell is Chairman. More detailed information is listed on pages 34 to 36 of the Law School Catalog.

Prizes are awarded, without application, by action of the Faculty, usually on the basis of high scholarship. These

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FIFTH POST-WAR CLASS TO ENTER

The fifth post-war class, which will enter Harvard Law School at the beginning of the February term, will be comprised of approximately 320 students, Professor E. Merrick Dodd, Chairman of the Admissions Committee, has announced. This will bring the total number of students accepted since V-J day to more than 1,800.

The size of the entering class will be about the same as that of the October, 1945 group, which contained 306 students. The largest class admitted was that of last February, when 464 students entered. Last June, the number admitted was 377, and last October approximately 400 entered.

The number of applications received for the incoming class indicates that the post-war peak has been passed, Professor Dodd said. The school was able to accept 40 per cent of those who applied, while last October only 20 per cent of the applicants were accepted.

The number of applications from veterans directly out of the service is also decreasing, while the number from students just out of college is increasing, according to Professor Dodd.

The February class will be the last group which will be given an accelerated course. The last summer session will be held in the summer of 1948, when the class which entered last June will be finishing. The February class will finish in the 1949 spring term.

Present classes are required to take 7 terms in order to make up for the shorter terms. Students who had one or more years before the war are required to take six terms or the equivalent but may take a seventh term at their election.



DUNLAP



EDWARDS

Joseph H. B. Edwards has announced the election of Davison Dunlap as president of the Legal Aid Bureau.

LEGAL AID OFFICERS ELECTED

Dunlap Elected New President; Crouch, Cohen, Gustin Chosen

In a general election of officers held last week the Legal Aid has chosen Davison F. Dunlap as President to succeed the former President Joseph H. B. Edwards.

Dunlap has been Senior Director of the Legal Aid for the last two terms. He graduated from the University of Florida in 1940 and his home is in Jacksonville, Fla. During his military career as a Captain in the infantry he was awarded the Bronze star with an oak leaf cluster. He is the father of three children.

Concerning future operation of the Legal Aid Dunlap said that it had been definitely decided to keep the organization operating during the summer term until the school decided to return to its pre-war arrangement of terms.

The Legal Aid was reestablished, after its discontinuance during the war largely through the time and effort of the Chester Finn and this work was continued by Joseph H. B. Edwards. With thirty-two members on the board, Dunlap intends to carry out the policies which they have initiated. At the present time the third term members of the organization are conducting all of the office hours to enable those members who have a group of examinations to grind for them.

The new Vice-President is Edward C. Crouch whose home is in Florence, S. C. He graduated from Furman University in 1941.

Harvey Cohen was elected as secretary. A Lafayette alumnus in the class of 1940 and a troop carrier pilot, he makes his home in New York City.

Treasurer's post was given to Ralph L. Gustin Jr. (Harvard 1940). Gustin spent his military service in the Navy and now lives in Winchester, Mass.

To replace Dunlap as Senior Director George T. Morton was elected. Morton is the only one of the new officers who does not graduate this June. His undergraduate work was done at Grinnell University and Omaha, Nebraska is his legal residence.

In helping individuals who could not otherwise afford the expense of a lawyer the Legal Aid serves a very useful function. Many think that the members merely dispense advice as to whether or not their clients have a case or not and then make an attempt to settle the case out of court. Naturally, this is the first step in any case which may come to their attention, but if the situation is such that the action must be taken into court the members are free to argue the litigation there. This right is given to them by the laws of Massachusetts.

VETERANS' BOOKS

All authorizations for veterans' books and supplies issued this term must be returned to the Book Office, Weld 8, no later than January 20th.

Law students may obtain authorizations for the spring term beginning February 10th. No authorizations will be issued prior to this date.

MASS. BAR ADMITS AMORY AND BOWIE

Professors Amory and Bowie were admitted to the Massachusetts bar last week by Supreme Judicial Court Justice Stanley E. Qua.

Bowie graduated from Harvard Law School in 1934 and is a member of the Maryland bar, where he served for two years as assistant attorney general for the state.

Amory graduated from this school in 1938. He was admitted to the New York bar in 1939 and is also a member of the New Hampshire bar.

Professor Amory will be teaching Property I and II and Professor Bowie will be teaching Business Associations I during the Spring Term.

PHOTO RETAKE DUE TO COST

Yearbook Gives Reasons For Taking New Pictures

The need for taking new pictures for the forthcoming Year Book has been explained by its chairman, John B. Hennessy, in answer to the many questions received on that point. The reasons given are economic.

"Why aren't last year's cuts used?" and "Why not use the old glossy prints once more?" are the queries most frequently made.

The plates from which the individual pictures are printed are metal strips of page length. To re-use them requires the following processes: (1) Removal of the strips from wooden blocks on which they are mounted, (2) cutting the metal so as to procure individual pictures, (3) rearranging the old cuts to comply with present class enrollments, (4) soldering these new groupings for use in printing, and (5) then remounting the new page layouts on wooden blocks. After receiving cost estimates from printers and engravers, it was obvious to the committee that this process would result in a substantial increase in the price of the Year Book.

The re-use of the glossy prints also involves a series of dismounting, rearranging, and remounting procedures similar to that encountered in working with the finished cuts. This would also mean a higher unit price for the pictures of new students which would have to be taken. If the sitting fee for the new men were absorbed, as is now being done for all students, that, plus the labor on the old pictures would result in a prohibitive increase in the price of the book. Add to this the fact that the delivery of the book would be greatly delayed, and final picture groupings would not be uniform, and it is easy to see that re-use of the old prints is not feasible.

The committee also announced that anyone who missed his appointment with the photographer may go to the room above Langdell North at any time on January 15 and be photographed. Anyone who has not been photographed by that time should come to the Year Book office in Gannett House before 5 P. M. January 16 to make special arrangements. Failure to do this will mean that his picture will not appear in the Year Book and he will thus lose any advantages to be gained from a projected re-use by the school of the new cuts to be made at this time from the photographs now being taken.

SMITH ANNOUNCES BOARD POSITIONS

The appointment of five men to new positions on the Board of Students Advisers was announced this week by Henry J. Smith, Jr., newly-elected president of the Board.

John J. Shea (Harvard '44), formerly chairman of the first year facts committee, was named as first year chairman to replace Smith, the new president. James W. Perkins (Harvard '45) replaces Shea as first year facts chairman.

The new Board treasurer will be George Minkin (Harvard '41), who was named to replace J. Frederick Hoffman (Michigan '44). Hoffman will be graduated at the end of this term. Frank I. Davis (Maryland '41) will replace Clyde O. Martz (Nebraska '41) as assistant treasurer.

John E. Massengale, III (Harvard '42) was appointed to succeed F. Carter Childs (Brown '39), who will be graduated at the end of this term, as chairman of the second year facts committee. John J. Delaney, Jr. (Harvard '44) will remain as chairman of the second year committee.

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Editorials

To a student body whose average age is appreciably in advance of that of pre-war classes the benefits of the accelerated law program need no urging. There are, however, occasional and sometimes painful reminders that the rush of the current schedule entails certain disadvantages. Not the least among these is one which seasonably makes its appearance on the bulletin boards of Langdell Hall, and has just last week reappeared. Listing the dates of last classes for the term, it might at first sight read pleasantly; but when compared with the examination schedule, this periodic announcement is found to have been custom tailored to exclude any possible free dates for review purposes.

This extremely tight scheduling is, of course, merely a reflection of the difficulty of completing the course work in the allotted time. Further evidence of this squeeze is found in the noticeable speed-up which has occurred in most courses as the term approaches its end. But it is precisely these features of the present school program which make more necessary than ever an interlude, however brief, between final classes and first exams.

Perhaps it can be argued that the diligent student who does his assignments faithfully, annotates fully, and reviews his notes at regular and frequent intervals will be ready to take the examination in a course as soon as the last hour of classroom work ends. But a much more common experience is that of the student who finds the daily burden of the term too heavy to permit any comprehensive review, particularly in a course which has spanned two terms and is currently being pushed by the professor at unprecedented speed.

In some courses this difficulty has been recognized and a *de facto* adjustment made. A few professors have made specific assignment of cases to individual members of the class in order to spread the burden. In the past there have been instances where classroom hours which crowd the examination period have been anticipated by extra sessions earlier or, in the case of continuing courses, postponed until after examinations. The use of this solution has been seriously limited by the difficulty of fixing substitute hours at which all members of the class can attend.

The situation appears to be one which at least warrants a re-examination of the question whether the day or two before the start of the examinations can more profitably be left free for review than be spent in a final spurge of class discussion.

T. J. O.

Letters to the Editor

Letters submitted to the Record must be signed as evidence of the writer's good faith. Names will be withheld on request and pseudonyms substituted. The Record may edit where necessary but will not change content. Letters should be on one topic and preferably not more than two hundred words.

The following letter is from Vice-Dean Hall. Because of the importance of its subject matter we are printing it at full length.

To the Editor of the Record:

The letter from "A Lawyer-Student" published January 3, 1947, clearly warrants an attempt to throw some light on the policies of the School with reference to admissions, grading and exclusions. The Faculty has for many years considered these policies to be vital. Notwithstanding the human tendency for upper classmen to impress first-year men with undue respect for the difficulties of obtaining a good standing in the upper classes, the student before the war naturally fell heir to an approximately accurate understanding of the mechanics of the School. The war seems to have broken the chain of inheritance in this matter, and thus to have laid the ground for misunderstanding. The accentuation of the problems of grading produced by the post war competition between applicants to enter the School, affords an additional reason for discussing the questions raised.

This is a complex matter. It may be that this letter will not meet all the difficulties which may lie in the mind of the particular correspondent who wrote the letter, or which may occur to others who read the correspondence. If so, I should be glad to expand any of the ideas discussed here by private correspondence, or further documentation in your columns.

A bit of history is needed to put the present in its proper perspective. Before our present admissions policy crystallized in 1937, the failure rates in the first year ran from 27% to 33%. At that time we would admit the great majority of those who had college degrees from some 300 approved colleges. Extensive research in comparing students' records in individual colleges with their Law School performance, carried on for several years by Professor McLaughlin, showed that we could exclude by the use of college records a bottom layer of applicants more than half of whom would fail at the end of the first year. This was put into effect in 1937, and resulted in reducing our first-year failures to about 20%. Professor McLaughlin and I spent a good deal of time in the next few years trying

to see whether college records, together with aptitude tests, could be used to reduce the failure list still further. We found that it was fairly easy to chop off the bottom layer that I have mentioned without also excluding many men who would do fairly well, but that it was impossible, by any means we could devise, to spot the men who were going to fail from among the group with fairly good records in college. For example, in the first-year examinations in June 1939, we found that the top one-quarter of the class, based on college records weighted with reference to our experience, had a 7% failure list. The failure list averaged 22% in the next lower one-third, and averaged about 23% in the one-third below that. In other words, it was only for the very top men, according to their college records, that the failure list went below 10%, and no system of further exclusion at the bottom would entirely eliminate failures.

Thus it appears that ability to get a pretty good record in college just does not guarantee success in the Law School. Nor do aptitude tests give any substantial help in picking out failures from among those with pretty good college records. We also found, however, that among groups of students with progressively better college records, the percentage of men with good Law School records went up, even if the percentage of failures did not go down substantially except at the very top.

That is the basis of our present system of admissions. After determining the size of the class that we can handle, we then admit the men with the highest college records, up to that number. The results of this admission policy have so far been what we would have expected on the basis of our research before the war. As reported in the Record for November 27, 1946, the percentage of first-year failures in October 1946 dropped from the pre-war 20% to about 11%. If the men retaking the second term do as well as their predecessors last October, this percentage will be reduced even further. In addition, the average of the middle man of the class has gone up from a low 63 to a middle 65. This proves definitely that we do not grade on a curve. To the best of our ability we are keeping the same passing standards that we have had for the past twenty years or more. No one has failed because of a rule that a certain number must fail. No one fails a course who, in the judgment of the teacher grading the paper, has turned in an acceptable performance.

I am also happy to say that no impending sentence hangs over the heads of the men who pass the first year, so that your correspondent's apparent assumption that they must be in the top 88.2% of the second year in order to pass that year is quite unfounded. The failure rate in the second and third years under our present promotion and graduation requirements is much less than the rate for the first year. As a matter of fact, in the fourth term examinations in June 1946, only one man failed out of a class of 78. In general, anyone who has passed the first year can justifiably feel that his chance of failing to secure a degree is very small if he attends to business as well as the upper class veterans have been doing so far. There is certainly no grade curve for those years which would require that anyone fail.

We thus see that in fact the Law School has not "raised its standards to abnormal heights." The standards are admittedly high, but they have always been high. It is because they are high that lawyers know that graduates of the School will make capable lawyers. A good many students come here because they want a degree from a school where this fact is recognized. But you cannot keep such standards, and at the same time pass men who do not come up to them; and if you are going to have any standards, whether high or low, there are bound to be a number of men who will be just above them.

The marking scale itself is an arbitrary one. So is any scale where there exists no freezing point at one end and boiling point at the other capable of mathematical determination, such as exists in temperature scales. We do not pretend that a 75 is 50% better than a 50, or that it is 34 perfect. Although most of our students are clustered within a range of 20 points as your correspondent points out, it does not mean that we are failing men who have 80% of "perfect knowledge." Seventy-nine is not a perfect mark, nor is the 85 average (with a high course mark of 88) received in his first year by one of the students now in the School. Teachers give a 75 to a book they rate as a high honors book, and a 55 to a bare pass book. The balance of the class are fitted within that framework, or extrapolated above or below it. A practical range of 20 points is just as good as any other, when it is understood, as our system is understood by lawyers throughout the country. To supplement this, his comparative standing (rank in the class) is made available to each of our graduating students. And our system can be easily translated into the letter grades which are used in most educational institutions. (For that matter, institutions with letter grades do not have even a 20 point spread. Harvard College has a range of only 4 points above passing—A, B, C, D—or at most 12 points, if + and - are added to each letter.)

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Off the Record

LEGAL PRIMER
The Legal Aid Man

Here we have a Legal Aid Man. Justice is his Motto. He has just charged a poor old Washerwoman 25c for telling her that she can go to Church without violating the Fourteenth Amendment. You must not make Catechisms, Children. This is a Very Necessary Fee. How else will the Legal Aid Society be able to Finance an Annual Banquet for Impecunious Law Professors?

—PUBLIUS.

Heard in Professor Scott's class; Scotty speaking:
Whenever I cross the street in Harvard Square I thank God for Lord Campbell's Act.

Today we will consider the legality of a trust to maintain a home for superannuated oysters.

SOLITUDE

The thunder, the lightning, the pounding of rain;
The bitter-sweet sadness; the dull, aching pain.
The longing, the suffering, the loneliness here;
The cramming, the worrying;

Exam Time draws near.

S. M. F.

Gallery

ROBERT BRAUCHER

When Robert Braucher was born in New York on February 23rd, 1916, it fazed him not the slightest that every single one of the men destined to be his colleagues on the Harvard Law School faculty in the year 1947 were already "lives in being." He just went right on living, and in 1936 emerged from Haverford College with four years of Economics and an A.B. degree. Knowing that if he had a Crimson LL.B. his chances of making good in his native habitat would be greatly enhanced, the future Professor tackled Harvard Law School in the fall of 1937. At that time eighteen of his present colleagues were solidly seated on the faculty. And from what he tells of his first year, things were even rougher then than they are now. Thirty-three percent of the class bit the dust, and in those days there was no friendly Uncle Sam to blow flunkies to a second chance.

Needless to say, Professor Braucher came through with flying colors, and was elected to the *Law Review* at the end of the first year. But that year made a lasting impression on him, and he is not at all reluctant to state his belief that the considerable danger of failing fosters an unhealthy fear in the mind of the average first year student. On the other hand, he adds, working under pressure is great experience for those who hope to hammer their way to an eventual partnership in one of the nation's big law firms.

His point is obvious when you take a look at his program for the third year. In addition to being Note Editor on the *Review*, Braucher represented his club in both the Semi-Final and Final of the 1938-39 Ames Competition. He modestly claims that the other club members did most of the work, but the fact remains that it takes considerably more than a hasty reading of a brief to prepare even a *Law Review* Editor for an hour with a bench of three Federal Judges, and the records show that Braucher was one of the very few *Law Review* Editors to argue in an Ames Competition Final.

As if this activity wasn't enough, Dean Landis sent Braucher home to New York during the Christmas recess to make a report on the job situation in the big city. His examination of the Harvard Law School Association records revealed that, by and large, the young lawyer with a D average, even though a Harvard grad, wasn't doing so well in New York City. But C men and up, Braucher recalls, were in pretty good shape. The "gilt-edge law factories" were readily gobbling up A and B men, while down the street C men were making a comfortable living amid slightly less sumptuous surroundings. All in all, New York City looked pretty golden and inviting to it's about-to-return native son.

Following graduation in June of 1939, Braucher went to work for the firm of Hughes, Hubbard, and Ewing, in New York. He found that life for the first year clerk was one grand and glorious Ames case with someone else doing the oral. True, he says, there were minor appearances in court to argue motions, etc., but most of his work was done in the library, where countless briefs and memoranda were painstakingly prepared.

"In 'gilt-edge' practice in New York," Braucher says, "your firm usually expects to win if it goes to court, and the cases often justify an extraordinary amount of time and effort in preparation."

Clearly a man who sees both sides of big city practice, Braucher says in his favor, "par for a partnership is about ten years," "you have good security," and "opportunities for deviation into other lucrative positions are good." Against it he says, "it's conducive to stomach ulcers," and "the man who wants to be his own boss may find the road a little long."

Personally, the battle for a partnership presented no problem to Braucher, since he hoped from the outset to get into the teaching end of the profession eventually. Now he says, modestly, that he returned to Harvard, "rather sooner than I expected." Actually his return was spectacular. Disregarding Braucher's five years spent in the Army, only Professor Scott, with a year of private practice, and Professors Hart and McCurdy, after one year each as secretaries to Justice Brandeis, ascended to the Harvard rostrum more rapidly.

Unlike many of his colleagues, Braucher seemed to fly from his legal training instead of working it into his military career. Just a few days after Pearl Harbor they pinned silver wings on 2nd Lt. Braucher and he began to "defend the East coast in a P-40." But the fun was short lived. By July Braucher was face to face with the India side of the Hump and with the silence left by the Flying Tigers who had pulled out a month before. Eighteen months and 87 missions later Major Braucher finally decided that the P-40 was not God's gift to the airman, and came home.

A visit to Washington netted him a job with the Military Intelligence Service and in the fall of 1945 a trip to Japan with the U. S. Strategic Bombing Survey. While in Japan Braucher found himself working for one Ramsey Potts, a bird Colonel who, it developed, had been commissioned a 2nd Lt. on exactly the same day in 1942 as Braucher. But as Shakespeare would say, "All's well etc.," and, when January 1946 brought Braucher his discharge, he traded his gold leaf for the Professorial robe. Then life was sweet, for one of the very first men he ran into outside of Langdell Hall was first term Ramsey Potts. Professor Braucher had arrived.

JOHN LODGE CADY.

Sub Judice

PRIVATE PIPELINES AND THE I.C.C.***Congress' power to regulate commerce extends to private as well as common carriers.

The Interstate Commerce Commission required appellant to furnish certain data concerning its pipeline operations. Appellant filed a bill to enjoin the Commission's action as beyond the scope of the Interstate Commerce Act or if within the scope, then the statute was unconstitutional. The three judge district court dismissed the bill. On direct appeal, judgment affirmed. *Champlin Refining Co. v. United States*, 91 L. Ed. (Adv. Op.) 9 (1946).

The majority of the Court, through Mr. Justice Jackson, ruled that the statute applied to the appellant and that it was constitutional. The statute in terms applies to common carriers and defines as common carriers "all pipeline companies." Despite the fact that appellant transports only its own products it was held to be "transportation" within the meaning of the statute. The majority considered the due process objection that common carrier obligations were being imposed upon a private carrier as premature because as yet the Commission had issued no order which changed any of appellant's obligations. As to the commerce clause objection the court said: "The power of Congress to regulate interstate commerce is not dependent on the technical common carrier status, but is quite extensive over a private carrier." Justices Reed, Frankfurter, Douglas, and Burton dissented in an opinion by Justice Reed.

RULE 16, FEDERAL CRIMINAL RULES & INSPECTION OF TAX RECORDS***New rule aids defendant only on seized evidence that would have been available to him.

Defendant was indicted for the crime of seeking and receiving money to have his decision, as an employee in the Office of the Collector of Internal Revenue, influenced on matters involving the filing of amended tax returns. Defendant sought an order under Rule 16, Federal Rules of Criminal Procedure, permitting him to inspect certain documents in the Office of the Collector. These were official assignment cards, returns, correspondence, and work sheets. Rule 16 provides: "Upon motion of a defendant at any time after the filing of the indictment or information, the court may order the attorney for the government to permit the defendant to inspect and copy or photograph designated books, papers, documents or tangible objects, obtained from or belonging to the defendant or obtained from others by seizure or by process, upon a showing that the items sought may be material to the preparation of his defense and that the request is reasonable. The order shall specify the time, place and manner of making the inspection and of taking the copies or photographs and may prescribe such terms and conditions as are just."

The court denied defendant's motion for an order based on Rule 16 because it permits discovery of documents in possession of the government belonging to defendant or others. It does not apply to government documents. Rule 16 was designed to help a defendant get evidence which would have been available to him had not government seizures intervened. Section 55 of the Internal Revenue Code provides for the manner of inspection of tax returns and regulations which have been made under it. Defendant cannot get more help from Rule 16 than this section of the Code offers. Motion denied. *United States v. Meller, et al.*, (S. D. N. Y., 1946) C. C. H. 1947 Fed. Tax Service, ¶ 9116.

NATIONAL BANK OFFICERS & UNDERWRITING BUSINESS***Directors of national bank removed for being employees of firm "primarily engaged" in underwriting.

Section 30 of the Banking Act of 1933, as amended, provides that whenever the Comptroller of the Currency is of the opinion that a director or officer of a national bank has violated any law relating to the bank, he shall warn him, and if the violation persists, report the facts to the Board of Governors of the Federal Reserve System. The Board may remove the official from office if after notice and hearing it finds he has continued to violate the law. Section 32 of the Act prohibits any partner or employee of any partnership primarily engaged in underwriting or distributing securities from serving as an officer, director, or employee of a member bank.

Respondents were removed as directors of a national bank for violating section 32. Suit to enjoin enforcement was dismissed by the district court. On appeal the Court of Appeals reversed and ordered that an injunction should issue. On certiorari the Supreme Court reversed the Court of Appeals. *Federal Reserve Board v. Agnew, U. S. S. Ct. Jan. 6, 1947, C. C. H.-S. Ct. Bulletin 447.*

The Court first held that orders of the Board are subject to judicial review even in the absence of fraud. Justices Rutledge and Frankfurter felt that the Board's orders were reviewable only for abuse of discretion.

The controversy turned on the meaning of the words "primarily engaged" in the statute. The Board found that the firm of Eastman, Dillon & Co. was "primarily engaged" in the underwriting business, and so the respondents, being employees of that firm, could not hold national bank directorships. At no relevant time did Eastman, Dillon's income from underwriting exceed 39 per cent of its total income. This led the Court of Appeals to conclude that the firm was not "primarily engaged" in underwriting since that was not its chief business.

In the Supreme Court's view the underwriting activities were substantial and a "primary" activity. The brokerage business would be another primary activity of the firm. Mr. Justice Douglas said in part: "Moreover, the evil at which the section was aimed is not one likely to emerge only when the firm with which a bank director is connected has an underwriting business which exceeds 50 per cent of its total business. Section 32 is directed to the probability or likelihood, based on the experience of the 1920's, that a bank director interested in the underwriting business may use his influence in the bank to involve it or its customers in securities which his underwriting house has in its portfolio or has committed itself to take. That likelihood or probability does not depend on whether the firm's underwriting exceeds 50 per cent of its total business."

The Witness Stand

Question: On policy are you opposed to the appointment of military career men to civilian government positions?

1. Edwin S. McKeown, Winnetka, Ill. 1st Term.

Yes. Certain government departments, especially the Department of State, would be more efficient and command better talent if top positions were filled by men trained by a career within or closely related to the particular department.

2. Laurence P. Corbett, Dedham, Mass. 2nd Term.

I would not be opposed to the appointment of an exceptionally well-qualified military career man to a civilian governmental position if there was a firm basis of belief that he best could do the job.

Yet historically, successful military leaders accustomed to dealing with highly organized war machines have shown too specialized a background of education and experience to assume the roles of statesman with equal achievement.

It is a question as to when and how the professional soldier could acquire the necessary understanding of peoples, political ideologies, economic conditions and foreign trade—which would be, of course, in addition to his other duties.

3. Haskell Grodberg, Worcester, Mass. 2nd Term.

Yes. Such appointments tend to weaken the democratic safeguard that the military should be kept subject to the civil government, and not equal or superior to it. The training, background, and career of a military career man is not the type of preparation that should be desired for civilian governmental office. Only very rarely and for extraordinary reasons should military men be removed by appointment from the field of their specialty.

4. Louis Paslawski, Detroit, Mich. 1st Term.

Yes. As a policy I am opposed to the appointment of military career men to government positions. I believe these men have had imbedded in them a militaristic and disciplinarian attitude and are therefore too regimented in their outlook.

The appointment of such men in key positions in the government would tend to make the domestic policy of the government more authoritative than it is which I do not believe to be a desirable trend in a democratic form of government. It would also have an impact upon our foreign relations in that the nations we would be dealing with would have a constant suspicion that what we are bargaining for is a military advantage.

5. B. Treacy, Brookline, Mass. 3rd Term.

Yes. The general policy of this country has been subordination of the military to the civilian and if we permit this entering wedge then we will shortly be traveling down the road to fascism. Even at the sacrifice of some good leaders, although a great exception could be made, it would be better to refrain from such appointments. I don't think the world situation warrants our continuing the military display we are so continually parading and certainly military careerists in positions traditionally civilian should not become a habit.

6. B. Eisen, Philadelphia, Pa. 4th Term.

No. I disagree with the gentleman you just interviewed. Despite the general subordination of the military to the civilian we have elected numerous military careerists to the presidency and other executive positions in the past. I believe our foundations are stronger in the domestic tradition than those countries that have fallen prey to the leadership of the military and thereby plunged themselves into despotism. We should take advantage of every possible leader available and mere prior military service, professional or otherwise shouldn't be a hindrance.

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Alumni Notes

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

LL.B. '01—Frederick W. Huxford, first judge of the Fairfield County Juvenile Court from 1935 to 1940, died December 21 in Stamford, Conn. For many years Huxford had been a member of the law firm of Fressenden, Carter & Cummings. He had served as both prosecutor and judge of the Fairfield County Court of Common Pleas. His political activity included terms as Representative from Stamford, Speaker of the House in the Connecticut Legislature, and State Senator from the 27th District.

LL.B. '11—Merill Griswold has been appointed associate chairman of the building fund committee of the Browne and Nichols School. The Cambridge Trust Company is repository for contributions, which the committee hopes will reach \$450,000. Mr. Griswold is chairman of the Massachusetts Investors' Trust.

LL.B. '18—Howard S. Le Roy, of Washington, D. C., was elected Secretary-General of the United Nations League of Lawyers at the First Annual Conference recently held in Washington. Representatives of some twenty-eight countries were in attendance, and the Right Honorable Sir Hartley Shawcross, Attorney General of England, was elected president.

LL.B. '20—Joseph D. Peeler, of Los Angeles, has been named a director of the Tide Water Associated Oil Company. He is a member of the law firm of Miller, Chevalier, Peeler & Wilson of Los Angeles; and of Miller & Chevalier of Washington, D. C. He served in the Air Corps as an officer in both World Wars.

LL.B. '26—Dr. Waitstill Sharp of Wellesley, Mass., discussed conditions in Czechoslovakia at a meeting of the Boston Executives Association. Sharp recently returned from Czechoslovakia, where he had served as overseas field director of American Relief.

LL.B. '27—E. Kendall Bragg died suddenly of a heart attack on December 26 on his way home to Needham, Mass. He was born in Cambridge and lived there until 1940. He was proud of being the product of a completely Cantabrigian education, having attended Harvard College, class of 1923, where he majored in Chemistry under Hans Peter Koehler and James Bryant Conant. A brief sojourn at M. I. T. decided him to turn from engineering to the law, and he became a member of the class of 1927 at the Law School where he took part in the Ames Competition.

After a period of association with the firms of Sherman L. Whipple, and Goodwin, Proctor, Field, and Hoar, he set out in private practice in 1929. During 1935-36 he worked on the Bituminous Coal Code in Washington, D. C. During 1943-45 he was legal counsel to Lybrand Ross Brothers and Montgomery in Boston, and he maintained an office at 10 State Street.

At the time of his death, he was eagerly looking forward to the course in Equity which he had been asked to teach at Northeastern Law School, and was engaged in reviewing his notes from Professor Chafee's Equity course. A close friend and faculty member has spoken of him as being a man whose life was in every respect a credit to the Law School.

Ex. '27—Edward O. Lamb is the attorney who won the now famous Mount Clemens Pottery Company case, with the resultant snowballing in portal-to-portal pay suits.

LL.B. '28—Governor Horace Hildreth of Maine delivered his inaugural address to the 93d state legislature. In his address the Governor advocated a 4-year term for the governor instead of the existing 2-year term, declaring that he governor must spend more than half his term of office campaigning for re-election. Along with the 4-year term, the Governor recommended that legislation prohibit any governor from succeeding himself. Hildreth also urged that the cost of all veterans' benefits awarded by the new legislature be met

HALL—(Continued)

Does the fact that we had only 11 men with A averages (75 or better) out of the selected group of 436 men entering the School last February and taking examinations in October, show that we have raised our standards for high grades? (As a matter of fact, your correspondent has mistakenly assumed that an A is required for graduation with honors; the degree *cum laude* is given to all men with 72 or better, and there were 48 such men, or 11% in this class.) I do not see any evidence that we have raised these standards, either. Certainly we have all endeavored to apply the same standards we have used in the past, and the fact that there was only a small percentage of high honor men is not conclusive. At the end of my first year in 1924, out of a class of 447, there were only 6 men with A grades. The present classes are much more carefully selected, but it may well be that 4 or 5 years away from scholastic work has exercised a depressing influence upon top performance, and this may account for the fact that there is no large increase in percentage of A grades. If this is the reason, it appears likely that as time goes on there will be an improvement at the top. We have already recognized the likelihood that this factor may have caused trouble for some men returning to school after such an interruption, by permitting men who fail at the end of their first year to repeat the second term. But whatever the causes of the small percentage of A grades at present may be, I do not think that raising of standards at the top is one of them.

There is one other very serious question which your correspondent has raised. He feels that it is unfair to stake a man's entire legal career "on his ability to write the equivalent of 50 perfect essays on 50 legal problems in a total of 20 hours;" that too much "has been made to hang on the viewpoint of the instructor;" and that our examinations are designed to fail "the men with talents least resembling those of Shakespeare or Browning." He is confident that many of our failures and near-failures have the abilities needed, on an overall basis, to make good lawyers.

I do not believe that men fail our examinations because they are neither Shakespeares nor Brownings. Our regular questions do not call for essays, but for solutions of legal problems. Further, in the last year we have given a number

by the legislature when the benefits are wanted. He termed deferring payment or veteran's aid to future generations cowardly dodging."

LL.B. '30—Jarvis Hunt of North Attleboro, Mass., President of the Massachusetts Senate from 1942 to 1944, and for the past two years Legislative Counsel of the Associated Industries of Massachusetts, has been elected General Counsel of that organization. Mr. Hunt is a member of the Advisory Council of the Harvard Law School Association.

Ex. '34—President Truman set up an informal advisory group of six officials to help him with the labor section of his State of the Union address. One of the six was Paul M. Herzog, Chairman of the National Labor Relations Board.

LL.B. '40—Miss Frances S. Perkins and Howard Kellogg were married in Bryn Mawr, Pa. on December 28. Kellogg during the war served as a captain in the Army Air Forces.

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of short-answer examinations calling only for checking the answer—obviously no literary ability is required. Statistical research has shown that these short-answer examinations correlate about as well with the overall Law School average as do the regular type examinations. For instance, in the June 1946 examinations in Contracts the coefficient of correlation between each student's grade in the regular portion of the examination, and his Law School average in all courses, was .78. It was .77 between the short-answer portion of the examination and the Law School average. The coefficient of correlation of the combined mark was .88. The short-answer questions used in Judicial Remedies had similarly high correlations. We thus see that a number of our students have in fact had their grades based to a substantial extent on short-answer examinations in which literary ability can have played no part, and that in general the short-answer examinations produce approximately the same results as our regular type.

Any type of examination requires the ability to think under pressure. (I find myself unable to agree with your correspondent where he appears to make a serious distinction between those who can think under pressure, and those who can as he puts it "think, write, and edit" under the same pressure. I have had excellent examination papers which were long, and others equally good which were short. I have given good marks to men who did not write like Cardozo, and have given poor marks to men whose literary style was excellent.) I do not think one can deny that lawyers must have a certain amount of ability to think under pressure if they are to succeed. There is nothing in the pressure of Law School examinations more exacting than the pressures of trying cases, of thinking quickly in negotiating or of giving legal opinions against a deadline. Men who habitually "go all to pieces" under pressure should not, in my judgment, be graduated here with our certificate that we believe they are fit to perform the important work that lawyers are doing in these difficult years.

But I have a very strong suspicion that most of the men who fail do not do so simply because they "go to pieces" while writing examinations. Nor do I believe that any of them have come to grief because they did not "subject their thinking to the philosophical background of the man on the rostrum," as your correspondent puts it. We do not require of our students that they agree with our varying philosophical backgrounds. We do require that they understand our points of view. (The same problem faces practicing lawyers. Unless they can understand the point of view of the court, the administrative tribunal, the opposing party, or even of their own client, they cannot do a good job of practicing law.) But there is a wide difference between requiring such an understanding in order to do well in an examination, and requiring agreement with it. I am confident that this difference is understood and adhered to by all of our Faculty members.

Your correspondent was absolutely right in emphasizing that character, integrity, ability to argue verbally, ability to negotiate, and sympathy for the problems of other men, are important qualities to a practicing lawyer. So far, we have been unable to construct any legal examinations which would fairly test them, or to devise any formula for

weighting them in with the results of our present tests. If present in a large degree, these qualities will largely make up in actual practice for a mediocre record in handling the legal materials tested by our examinations. If they are completely absent, technical legal ability is not enough to insure success at the bar. Each of us could give the names of men with outstanding Law School records who have failed to achieve preeminence. And we could match them with the names of other men with poor Law School records who have come to the top of the profession. But we feel there is a certain minimum standard in handling legal materials which should be required of all lawyers, and that no man should get our degree who does not at least come up to that minimum standard, no matter what his other talents may be.

LIVINGSTON HALL
VICE DEAN

FORUM—(Continued)

deep distrust of organization imbedded in the middle-class to retreat to a re-affirmation of principals of laissez-faire which no longer have any value.

In spite of these shortcomings, Professor Lynd was optimistic about the future of the United States. He believes that full political and economic democracy has never been given a try in this country. To face the issues squarely, and recognize that all power is political, and cannot be divided into economic, social, and political, is the first step. Once this is realized, full political democracy can be utilized to bring about full economic democracy by turning monopoly capital to the benefit of the ing the use of our fully developed nation as a whole, rather than a small class.

The Forum was broadcast by WHDH as a public service. During the broadcast portion of the evening Professor Coon contributed some pungent sentiments on the relation of theories to various cultures. His remark, "I don't think the ordinary Arab thinks much about philosophy," was greeted with such hilarity that the presence of a great number of Arabs among the audience was indicated.

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Calendar

THE LEGAL WORLD
Travelling Fellowships

The Sheldon Travelling Fellowships for purposes of investigation or study either in this country—away from Harvard—or abroad are awarded to qualified persons who are now members of the University and who are holders of a degree from Harvard University or candidates for a degree in February or June, 1947. All students interested in this fellowship may obtain further information from Miss Conlan in the Dean's office. Recommendations for a Sheldon Fellowship must be made in February so any man interested should see Miss Conlan at once.

Class Changes

Fourth Term, Equity: The class scheduled for Saturday, January 18 will meet Thursday, January 16. Section (1) will meet at 9 A. M. in LN and Section (2) will meet at 12 noon in LSM.

Fourth Term, Trusts: The classes scheduled for January 22 and 23 are cancelled.

Law Wives

Meeting, Tuesday, January 21, at 3 P. M. Dr. E. T. Glueck, wife of Professor Glueck, will discuss her research in Criminology.

Meeting, Wednesday, January 29, at 8 P. M. Dr. Charles G. Lund, director of the American Cancer Society, will talk on *Prevention, Treatment and Current Research in Cancer*.

Exam Copies

Copies of the examinations given at the close of the Summer, 1946 term are available for distribution at the West Wing door. This booklet contains samples of Professor Morgan's True-False questions in both Judicial Remedies and Evidence.

Law School Lapel Pins

Harvard Law School lapel pins are on sale at Kendall House Monday through Friday, 12 to 2 P. M. Price, \$1.25 each.

THE OUTER WORLD

Music

Guimar Novaes, noted Brazilian woman pianist, will give a concert at New England Mutual Hall, Wednesday, January 15, at 8:30 P. M.

The Boston Civic Symphony Orchestra, Paul Cherkassky, conductor, will perform at Jordan Hall, January 16, at 8:30 P. M.

The Boston Symphony Orchestra, Bruno Walter conducting, will give its 13th concert of the season this Friday afternoon, January 17, at 2:30 P. M. The program will be repeated Saturday evening, January 18, at 8:30 P. M. at Symphony Hall.

Jan Peerce, leading tenor of the Metropolitan Opera, will be at Symphony Hall, Sunday, January 19, at 3:30 P. M.

Plays

John Loves Mary, a new play by Norman Krasna, opens a two weeks engagement at the Plymouth, Monday, January 20.

Apartment 17-B, with Martha Scott, starts a two-weeks engagement at the Wilbur, on Tuesday, January 21.

Kilroy Was Here, a comedy farce, will be presented by the Boston Stock Company at Brattle Hall on Monday, January 20.

All My Sons, a new play by Arthur Miller, staged by Elia Kazan, is now at the Colonial through Saturday, January 25.

WITNESS—(Continued)

cific responsibilities. J. V. Gonzalez, Manila, P. I. strongly urged that Congress should and felt that labor had done a great disservice to America in the eyes of foreign countries. S. M. Redstone, Boston, Mass. thought that there was room for such legislation but that it should not be passed in a vindictive manner and that it should be done to give labor its proper responsibilities without cutting down its social gains.

The state of Germany and our future policies toward that nation called for unanimity of opinion. There was no offer of compassion and the student attitude was aptly expressed by L. Kusek, Hasting, Nebraska who said, "The beaten Germany of today will surely seek revenge if given half a chance." It was the consensus that Germany be kept in a subject state until the evils of Nazism were gone.

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Report Of Library Committee

This is the last half of the Library Report, the first half of which appeared in last week's RECORD.

Personnel

Supervisory personnel seems competent and familiar with the location of materials in the Library. But the five supervisors, all of whom have worked for the Library since 1929, are too preoccupied with non-supervisory tasks, such as the routine issue of books at the main desk, to have the opportunity for supervisory perspective. There is also a diversion of the force to non-library activities; distribution of seating assignments and mimeographed material, posting bulletin board notices, etc. Consequently, continuous reassessment of performance in reference to the smooth functioning of the Library is somewhat lacking, and improvement of service has been retarded. Lack of experienced basic personnel and the present year-round Law School schedule are contributing factors. It is recommended that the supervisory staff be relieved of non-supervisory and non-library duties as far as possible.

Problems concerning basic personnel are complicated by the fact that possibilities of advancement are negligible and that for most of these employees library work is a temporary job. During recent years there has been a heavy turnover of basic personnel. This may be expected to abate somewhat with a return of economic and social stability. Basic employees are not sufficiently familiar with book arrangement. Occasional discourtesy on their part has been complained of, despite adequate "staff instructions" in that regard. There are too few basic employees at this time to keep up with the volume of work now imposed on the Library. As a result, such activities as book checking and rearrangement and posting of advance sheets have had to suffer. The Committee believes that the present method of procurement of basic personnel is adequate, and does not think improved service would result from pay increase above the 55-60 cents per hour now paid. With the rapid turnover, it is recognized that training of such personnel presents a heavy administrative burden.

Book on Open Shelves. The Committee reported to the Director its belief that books available on the open shelves did not accord completely with student demand, especially in the field of public law. In response, the following materials have been made available in a book shelf next to the card catalogues, and more are to be brought from the stacks:

Commerce Clearing House, Prentice-Hall, and Bureau of National Affairs; Loose Leaf Services
NLRB Decisions, 1-65
NLRB Court Decisions, 1-4
Labor Arbitration Reports, 1-3
Wages & Hours Manual, 1940-45
War Labor Reports, 1-28
SEC Decisions and Reports, 1-13
BTA 1-47
Tax Court 1-7
FCC 1-9
FTC 1-38

Decisions and Orders, U. S. Dept. of Int., Bituminous Coal Div. 1

We believe, however, that more continuous effort should be made to coordinate book arrangement with changing student requirements. Changes in the curriculum would accentuate the need for flexibility of book arrangement. A periodic check of books most called for at the Reading Room desk is recommended. In addition, the Director should periodically and systematically request the faculty to suggest books which are likely to be in frequent demand. Increased shelf space in Langdell Reading Room is needed for more adequate coverage. The selection of books available in seminar

rooms merits more frequent consideration. At present some seminar rooms contain books brought there to meet a special need that no longer exists.

Books on Reserve. Where books on the shelves are likely to be subject to temporary excessive demand, rationing by placing them on reserve is desirable. Advance warning from faculty members to the Library staff and prompt action in placing books on reserve would help to avoid the mad rush and tendency to monopolize books that are likely to occur when outside reading assignments are made to large classes.

The books on reserve at the desk are classified by author and subject matter in the small card catalogue now at the Reading Room desk. It is suggested that the use of these materials might be facilitated if some sort of visible index were provided showing the texts and casebooks classified by subject. In addition, the card catalogue should be plainly marked to indicate that it contains both author and subject-matter classifications.

Book Pick-up. More frequent pick up of books left on Reading Room tables was suggested to the Committee. We believe that the advantages of increased service of such a kind by the Library staff would be more than offset by the disadvantages of increased noise and confusion. Students should be urged to remove only a limited number of books from the shelves at a time, and to replace books promptly when they have finished using them.

Overnight Withdrawals. The general Library rule for overnight use of books is that books may be charged out at 8:00 P. M. on weekdays and 12:00 noon on Saturdays. This works some hardship on a number of married students living at considerable distance from the School. The Library staff has been making exceptions to this rule upon request, allowing students to take out books at 5:30 or 6:00 P. M. on weekdays if their need is sufficiently great and if the books are not in too great demand. This practice of making exceptions is not generally known and should be publicized by the Library.

North Room. The Committee considered the use of the North Room in Langdell as a place for study and increased shelf space during the temporary expansion of the school. This cannot be done without great expense, as the room is now dismantled. Furthermore, a C. P. A. permit for the building of a permanent Treasure Room there will probably come through before a permit for temporary repairs could be obtained.

Access to the Stacks

The problem of access to the stacks for men writing third-year papers is intimately connected with the problem of book availability. When the Committee first met, lack of access to the stacks seriously hampered some men in the writing of third-year papers, but did not affect others, depending on the subject of their papers. A questionnaire answered by third-year students revealed that most of them felt handicapped in writing their papers by a denial of the opportunity to use the stacks. Delay in delivery prolonged the time necessary for writing papers and tended to discourage thorough research. In addition, the demands of those writing papers placed an extra burden on the facilities of the delivery desk.

Objections of the Library staff to general use of the stacks for the purpose of writing third-year papers were: (1) The number of users would be greater than the capacity of the stacks;

(2) Such use would result in greatly increasing the confusion caused by misplacement of books; (3) Increased use would result in added noise and confusion hampering the work already going on there.

The faculty has recently voted to suspend the third-year paper requirement for students graduating after June, 1947. In the meantime, the following students will be admitted to the stacks: S.J.D. and L.L.M. candidates; Law Review editors; quarter-finalists and above, in the Ames Competition; three Law School Record editors; and third-year paper writers. Writers of third-year papers may now obtain their stack permits upon application to the Director of the Library.

The committee regrets that any comment upon student behavior in the library is called for in this report. Nevertheless, the fullest possible utilization and availability of facilities of the library have in the past been restricted by reason of certain abuses on the part of the students themselves.

Most of these objectionable practices are due to thoughtlessness or laziness. In this category are unnecessary, loud conversation, and general noisiness. There is a tendency to use the Reading Room as a passageway when other routes are available. By failing promptly to return books to the shelves, students make it difficult for others to find them. Books on reserve at the delivery desk are sometimes retained by students after they have finished using them. Frequently, slips requesting books from the stacks are either incomplete or illegible, resulting in much waste motion.

There have also been offenses of more serious nature. In the past, books have been obtained at the delivery desk by the use of fictitious names. In some instances entire articles have been cut out of law reviews and other volumes. Popular works have been so underlined and marked up by generations of users as to be almost illegible and to make their replacement necessary. And instances of student discourtesy to employees of the Library have been reported.

We believe that an improvement to student behavior can be achieved by publicizing the more common offenses through the Law School Record and other channels. If current abuses are brought to the awareness of the students themselves, unofficial discipline of students by students can greatly lessen objectionable practices, thus supplementing more official corrective measures and resulting in better conditions for all.

In submitting its report, the Committee wishes to express its appreciation to the Director of the Library and his staff for their cooperation in assisting the Committee in its study.

Robert R. Bowie, Chairman
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