

The Harvard Law School Record

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PRICE TEN CENTS

FAILURES THIS TERM ARE FEW First Year Grades Eliminate Only Ten Percent Of Class

Fatalities among men who took the first year examinations in May were fewer than in any other post-war class. Full tabulations and a complete breakdown of grades into their equivalent letter groups were not yet available when the Record went to press.

Of those taking the examinations for the first time, of whom there were 351 students, only 35 failed, which is an average of only 10%. Comparable figures for the other three post-war classes indicate not only the lowest percentage of failures of any of these classes, but also the lowest number of persons who have dropped out.

Along with the 351 men taking their first crack at a complete set of Harvard Law School examinations there were 32 repeaters from the February exams. Of this latter group 19, or 59.4% again were unable to maintain satisfactory averages. Thus, out of the total group of 383 who attempted to get over the school's first major hurdle, 54, or 14.1% were unsuccessful.

The average of this class either alone or in total with all other post-war classes compares very favorably with the pre-war average. Starting with the class which entered in October, 1946, and took first year examinations in June, 1947, a total of 1409 students have completed such examinations. The average of fatalities during this period has been only 12.9%, there being 183 men who have failed. This figure does not include repeaters since there was no plan for allowing those who failed the first time to repeat the first year courses in pre-war years. In a typical pre-war class, that entered in 1938, there were 113 failures from a total of 512 who took the examinations, for an average of 22.1% who were unsuccessful.

Although the number of men who make second attempts in any term is too small to make an accurate evaluation of the operation of this new policy of the Law School, the statistics which are available indicate that in the classes where a large percentage failed on the first attempt, a lower number of repeater failures is recorded. For example, 19.3% failed the June, 1946 examinations, and of the 38 from that group who made a second try, 42% passed. On the other hand, only 11.2% failed the October, 1946 exams but only 35% of the

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A Foreign Student Advises Study By Comparison Of Legal Systems

It has been denied that the legal science is a science at all. However, that may be, if it is true that internationalism is a typical aspect of the scientific mind, those who defend that said theory have a strong case. For no science is so essentially national as is the legal science up to this moment. Or to put it more correctly—for the national borders are not the same as those which separate the different law systems—no scientist is so happily aware and uninterested about what solutions and theories have been worked out beyond the circle of his own legal system, as are most students of the law. And in no field would the confrontation with the foreign solutions probably be so fruitful as it would be in the legal field.

In the recent discussions on reforms in the legal education, time and again stress has been laid on the prime importance of imparting the legal mode of thinking to the minds of the students: that adaptability and mobility of the mind and that keen sense for relations and relativity and for what is essential in a given set of facts, which perhaps is proper to all thinking, but which at any rate is the very essence of legal thought. In the peculiar equilibrium between the conflicting needs of continuity and generality on the one hand, which only can be met by the use of the fixed formula, and those embodied in indi-

BAR EXAMINATIONS

The Record has obtained the following statistics on the April, 1947 California General Bar Examination: 13 Harvard Law School men took the exam, 10 of whom passed. Of the 10 successful men, 6 were taking the examination for the first time, and 4 had failed once before. Of the 8 Yale Law School men, 5 passed; 4 first-timers, and one on the second attempt. Stanford Law School's 7 candidates were most successful with 6 men passing, 5 on the first attempt, and one on the third.

In terms of percentages of men passing: Stanford rated 85.7%; Harvard, 76.9%; and Yale, 62.5%.

The statistics on the last Massachusetts bar examination concerning the Harvard Law School candidates are as follows: 37 men took the exam, 26 of whom passed, for a percentage of 70.3%.

NEW OFFICIALS FOR LAW WIVES

Yvonne Logan Succeeds

Jean Bingham As President

The board of officers of the Harvard Law Wives, elected for the summer and fall terms, was announced at the last meeting before vacation. They are as follows:

President—Mrs. Joseph Logan, succeeding Mrs. Robert Bingham.

First Vice-President (Kendall House Chairman)—Mrs. Jarvis Kellogg, succeeding Mrs. Horace Kalik.

Second Vice-President (Program Chairman)—Mrs. Richard Bush, succeeding Mrs. Robert Cahall.

Third Vice-President (Hospitality Chairman)—Mrs. Charles Barrett, succeeding Mrs. Walter Morey.

Corresponding Secretary—Mrs. Stanley Remelmeier, succeeding Mrs. Richard Bush.

Recording Secretary—Mrs. William Craig, succeeding Mrs. George Gillette.

Treasurer—Mrs. Richard Staples, succeeding Mrs. Ralph Pryor.

Assistant Treasurer—Mrs. Joseph McGrath, succeeding Mrs. Charles Barrett.

The first meeting at which these officers functioned in their new capacities was held Wednesday, June 11th, at 8 P. M. The main feature of the program was a reading of *Craig's Wife* by Miss Ruth Kelly of the Cambridge Library. Miss Kelly took all the parts very skillfully, shining especially in the role of Harriet Craig, the woman whose mania for a perfect house eventually drove out her husband, friends and servants.

The program schedule of the group during this last year has included lectures by child psychologists, poets, and home economists. Any law school wife is eligible for membership.

A Job-Hunting Student Describes His Experience In New York City

Each year along about this time, young hopefuls who have finished their law studies are scouring New York for a job. A report from one of them may be of interest to those who remain, and bring back memories to those who were job-hunting in the years past.

By S. MURRAY

I had a letter from one of our giant capitalists whose commercial wars extend even to European soil and under it. But I was obliged, none the less, to win a secretary's case before I could see the busy person to whom my note ran. He appeared at the end of the passage, a stoutish, well-dressed man, with a face, given a normal nose, like Doyle's figure on the cover of *Punch*. Holding a bundle of papers in his hand, he waved me on, and seemed to be pawing the ground with impatience, so that I had difficulty in keeping from running.

Everyone "runs" in New York, even those engaged in a profession notorious, since Hamlet for its delays. Law clerks have no union; they work day and night. I noticed in one office a switch girl studying stenography with a receiver fastened to her head; a call boy in another would drag like a fire horse from the handwriting he was practicing in his copy book, when the bell sounded. The whole place is at white heat.

The man who grasped my hand and dragged me into his partner Bramwell's office, makes more money than any other lawyer; accordingly he is often called the leader of the New York bar. Not much over fifty years of age, he

OHIOANS TO HOLD BANQUET ON 28TH

Students from Ohio will gather at the Faculty Club, June 28, for cocktails and dinner to discuss the political situation in Ohio and what the young lawyer should try to do about it.

Dean Griswold, who was raised in Cleveland and whose father practices there, Visiting Professor Murray Seasongood, former reform mayor of Cincinnati and local government expert, and Visiting Professor Merton Ferson, former Dean of the University of Cincinnati Law School, will be guests.

Supreme Court Justice Harold Burton, former mayor of Cleveland and ex-senator from Ohio, has been invited.

All students from Ohio or who plan to practice there may purchase tickets at the Record office any time before June 25. The possibility of a permanent organization of Ohio students will be considered at the dinner.

Members of the committee organizing the affair are Robert S. Burton (Cleveland), William A. Geoghegan (Cincinnati), Harvey Karlin (Cleveland), George I. Meisel (Painesville), Charles O. Porter (Eugene, Ore.), and S. Arthur Spiegel (Cincinnati).

PARISER IS GIVEN PROGRESS AWARD

An award of a free subscription to the *United States Law Week* for one year has been made to Daniel Frank Pariser as the student who showed the most advance in legal study in the past year, according to an announcement from the office of the Dean. Mr. Pariser received his LL.B. degree in October, 1946.

This prize is offered by The Bureau of National Affairs, publishers of the *United States Law Week* "to the student who, in the judgment of the faculty, makes the most satisfactory scholastic progress during his final school year."

On the basis of the marks of the student in third year courses as compared to grades in previous years, Mr. Pariser showed the greatest improvement in the third year of any man who received his degree during the past year. His average improved two points in his second year, and in his third year it increased another eight points, giving him a third year average 10 points higher than that of the first year.

has pulled his way up from the bottom by a series of remarkable mental strainings. If the climb is interrupted by breakdowns in health, it is resumed with ferocity after six months of rest. His clerks call this strange perversion of the human species "the wild man" and scatter at his approach; call boys and stenographers duck when he appears, and the whole office force trembles with an increased power put on at his advent.

SELF-CONFIDENCE

His confidence in himself is as great as his ability. Once he is reported to have said, when the wisdom of his clerks could not burrow the authority he needed, "Gad, I'm not the leader of the bar yet!" But these are better samples of his talk, "Bet you twenty-five, Bramwell, I win Smith v. Jones. Are you on, Bramwell?" and, to his assistant managing clerk, a year's graduate of the law school, "When does the case of— come up?"

"I think it's the tenth, sir."

"You think, you!—You have no business to think. I think; it's your business to know."

He has no social relations with his people. Even his partners are without glimpses of him for days at a time. Half a year after he had taken the son of a client into his employ, he saw the boy in the elevator, and pleased at remembering his face, queried pleasantly "if he was still at Williams?"

The corporation shop of which he is the power and superintendent required two whole floors in a large office building. From the outer waiting room you see boys dashing in all directions, clerks and stenographers laden with papers, issuing here and there from noiseless doors; and all about, piled to the ceiling, great lettered iron boxes, filled with the papers of fruitful cases.

In these particulars the office is no different from say fifteen other offices in New York, almost as large. Sometimes the whole front room is taken up with counters, cages and bars, which make you think you have wandered by mistake into a bank. In some "shops," too, the elevator disgorges into the outer office, adding its continual bang to the rush and confusion.

NOTHING CHEAP

The library in these establishments will be complete and sometimes fitted with leather chairs and even with heavy plush curtains. Private offices of the partners are apt to be in good taste. The great man looks out at you over the highly polished plain of two large desks. The wall behind him may be burlapped, and like as not, hung with old engravings, heavily framed in black, of early English justices.

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PBH PLANS LAW SCHOOL DANCES

Two Events Planned;

First to be Held July 12th

The Harvard Law School Committee of Phillips Brooks House has made the following announcement of social plans for the Law School during the summer term. Tentatively, two dances are planned. One, for July 12th, at Cowie Hall, will feature the usual good music and pleasant surroundings at an inexpensive price, \$2.40 per couple, tax included. Set-ups will be available. Tom Stanton will be chairman of the Dance and will make any further announcements.

The second dance, scheduled for August 9th, will take the form of a moonlight cruise by chartered steamer in the bay. Dancing and both beverage and food refreshments will be available. Further details as to time, price, and number of tickets available will be announced by Alex McMahon, chairman of the Bay Cruise dance.

To avoid disappointment which has occurred in each of the Law School Dances during the past year, it is urged that students buy their tickets early. Each dance has a limited capacity. There will be approximately 225 tickets available for the Cowie Hall dance. If they are completely sold the first week, the Committee will be able to make arrangements for additional facilities. Otherwise, the sale will be closed as soon as the limit is reached.

GROUP TO ANALYZE LEGAL EDUCATION

RECORD ANNOUNCEMENTS

New distribution hours: Starting today, the Record will be distributed throughout Wednesday morning, 9:45 a.m. to 1:15 p.m. Copies may be obtained after regular distribution hours at the Record office, third floor, Austin Hall.

Reduced size: Beginning with the next issue, the Record will appear in slightly reduced size. This reduction is necessitated by the continued rise of printing costs.

SOCIAL CLUBS PLAN PROGRAM

Active Summer Schedule

Announced by Societies

Life at Harvard Law School is not generally characterized as a gay social whirl, but nevertheless three student associations are now fully organized and thriving on a program of activities purely social. The two older groups, the Lincoln's Inn Society, and the Chancery Club, have just completed a semester of full-scale peacetime social functions, such as dances, smokers, and luncheons, after having been previously occupied with reorganization following a temporary suspension during the war. The newest club, the King's Bench, managed to hold a party almost every Saturday night in Kendall House, after incorporating last March, and is planning a socially active summer free from necessary organizational chores.

The oldest and largest of these clubs, Lincoln's Inn, was incorporated in 1908 as a social and eating society for members of the Law School. From that time until 1942 the Society had a clubhouse at 15 Garden Street, next to the Hotel Commander. Since the war, however, the organization has been without a clubhouse and has carried on its activities in the Hasty Pudding Club building at 12 Holyoke Street, where around a hundred of the club's 250 members meet daily to have lunch and dinner together. The Society has arranged for a new house of its own and will be able to move in at the end of the summer. In addition to providing an eating place for members, the Society holds a dance each term, several cocktail parties during the year, and an annual formal dinner just before the Christmas vacation.

The Chancery Club is also a venerable organization, having started as an unincorporated association before the first World War, although it is smaller than Lincoln's Inn, having some 120 members. On July 1, for the first time since before the war, Chancery will be back in its old clubhouse, the grey frame house next to Kendall House on Massachusetts Street.

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Harvard's A.V.C. Unit Reviews A Successful One Year History

One of the largest chapters within AVC, Harvard University's unit of over 700 men and women celebrated its first birthday last month. Behind the names and dates in the history of this initial year lies a pattern of development which may prove useful to campus groups now in formation.

Shortly after the publication of *The New Veteran* at the end of 1945, four students in the Graduate School took the first step. Led by Kingman Brewster, they gathered a group of friends around them and established a Harvard-Cambridge-M.I.T. chapter, setting up makeshift quarters in a spare room in Littauer Center, the University's School of Public Administration. As word got around and scattered AVC members pitched in, the group grew rapidly and within six weeks had rented an office at 77 Mt. Auburn St. in the heart of Cambridge. No one who was looking for AVC could miss making connections now.

During those early months, the chapter developed into a heterogeneous town group, enthusiastically throwing its weight behind the local housing drives and against a proposed state bonus. In the first flush of existence, its energies

Harvard Committee Prepares Paper for Columbia Meeting

With the approach of the July 11-12 date for the National Law Student Conference on Legal Education at Columbia, members of the Harvard student committee, headed by John A. King, fifth term, are busy putting the finishing touches on the paper which they intend to present.

More than 40 law schools have announced their intention to take part in the Conference. These include schools from 23 states and the District of Columbia.

The Harvard delegation is responsible for preparing a lead paper for a panel on "The Lawyer in Larger Urban Centers and Metropolitan Areas," which will include an examination of the needs for legal service in these areas and the relation of those needs to legal education.

In addition to King, the Harvard committee is composed of Kingman Brewster, R. A. Hendrickson, C. D. Aldrich, Jerome Rappaport, David Martin, P. C. Sheeline, Roy Tolles, and James Perkins. The committee was originally headed by Walter Glass, who has been graduated. Another graduate formerly on the committee was Tom O'Toole.

The idea for the conference was conceived in 1946 by students in the Seminar in Legal Education at Columbia. Thereafter, on December 30, 1946, the Editor of the *Columbia Law Review* met with the Editors of the *Harvard Law Review*, *Pennsylvania Law Review*, and *Yale Law Journal* to discuss the plan. The outcome was that a Conference Committee was formed, composed of non-law review members of the student bodies. This Committee has since carried on preparations for the Conference.

The purpose of the conference is to give expression to the student-consumer's viewpoint on current methods of teaching law and the efficacy of these methods to fit the lawyer for his place in society.

The over-all plan for the conference includes panels on the availability of legal education; program planning, including required courses and electives; instruction in practical craft techniques; teaching methods; placement; the relation of legal education to the needs for legal services in urban centers, the international field, the field of labor, and public life.

For each of these panels a paper is being prepared by one or more schools, which will be circulated to all schools participating about three weeks prior to the meeting. These papers will provide a background for discussion at each panel, and the representatives of the school preparing the paper will be responsible for directing the discussion.

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Editorials

A CALL FOR THE RECONSIDERATION OF TEACHING METHODS

As the gradual return to a normal curriculum is begun, the Faculty should investigate what is being taught in each Law School course, and how it is being taught. Perhaps it is the excellence of much of the instruction which emphasizes inadequacies where they do exist. However, student criticism of some courses indicates that it is not sufficient for the school to assume that what should be taught is being taught to best advantage.

The greatest student resentment is aroused by poorly controlled discussion, which often results from an attempt to teach solely by the question method. However, courses presented by lecture alone are equally criticized. The fact seems to be that a few instructors fail to resolve conflicting values of lecture and student discussion. It seems self-evident that where the student's only contact with the teacher is in the classroom, the teacher must utilize both lecture and stimulative techniques. Even the professor who properly balances class discussion with lecture should remember that if he calls on the same student time after time, the class is merely listening to two lecturers instead of one. Surely a class of 200 is not participating in a discussion if only 10 men do the discussing throughout the year.

Another irritating fault is a failure to present a planned course. The scope of some courses has evidently not been determined, and important material is skipped over in the last few weeks, or even days, because exhaustive discussions of relatively immaterial issues has consumed the first part of the course. The conflicting values of thoroughness and completeness must be resolved before a course is given, and necessary time limitations adhered to, in order to give maximum value to the whole.

In the past there has been a tendency to relegate classroom teaching to a secondary status in the law school. But the objective of the school is to present a maximum of "learning facilities" to the select group of applicants who are admitted to the law school. The classroom is the most efficient "learning facility." Professor Scott and Dean Pound prove that there is nothing to the rumor that eminent scholars are poor teachers. Indeed a legal scholar could scarcely be a legal scholar if his objective were not to present students with the best tools with which to solve legal problems. The tradition of Harvard Law School is a tradition of great teachers.

It is not within the scope of this editorial to present an exhaustive criticism of legal education. However, this editorial attempts to point out that there are defects in the instruction at the law school which (if the Harvard Law School still aims at perfection) need to be corrected. These defects cannot be corrected without a critical investigation from the student viewpoint of what is actually put across in the classroom.

In the way of constructive suggestions, perhaps introspective consideration by each teacher could accomplish the most satisfactory solution. However, comment sheets by students, filled out at the end of each course, and read only by the instructor himself would certainly seem indispensable to any self-evaluation scheme. Or a more effective solution would be the appointment of a Faculty committee which would several times visit and rate the instruction in a given course. Such a committee could accomplish more immediate good than an exhaustive study of legal education on the planning level. This should not tread on too many toes; and a school which fails a large percentage of its students certainly owes a duty to its students to fail its own courses if they do not exhibit a high standard of excellence.

R. H. W.

Letters to the Editor

To the Editor of the Record:

While I was in Langdell Hall the other day, I saw what I considered a rather shocking commentary on some of the students at Harvard Law School.

There was a petition on your bulletin board asking for signatures to a request that the President of the United States veto the Hartley-Taft Bill. The names of those people who had signed the petition had been crossed out and under this was written "Joe Stalin," "Henry Wallace," and "Eisler."

The kind of attitude which motivates anyone to this disrespect and adolescence is discouraging when it appears in any American, but it is horrifying to find it in men who have supposedly qualified as educated by graduation from an accredited college and have been admitted to Harvard Law School.

Their disrespect for other students' opinions is made more deplorable by bad taste and confused thinking. They have demonstrated their dislike, supposedly, of communism by a flagrant disregard for individual opinions and political rights.

Those of us who have admired the standards of Harvard Law School hope that this type of student expression is

rare and that the kind of thinking that permits it will be counteracted by education and exposure to good manners before these men represent themselves as Harvard Law School graduates.

A CAMBRIDGE CITIZEN

Off the Record

ON THE SUBJECT OF MOOLA!

There once was a young law school student
Who decided that it would be prudent,

In view of the wages
Forecast by the sages,
To earn outside dough, as who wouldn't. (owl)

He became a garbage truck driver
And his earnings rushed up like a geyser.

For unlike the law,
Law? pish tush and pshaw!
He was getting two seventy-five-er.

"Lord love us!", quoth he, "I'm a dunce."
"A lawyer earns one C a month."

As a potato most heated,
He dropped law and beat it,
And reigns like a king in the dumps.

The moral I offer most meekly
To you future twenty-five weekly's
Is to forget about dough.
Community service, you know,
So they say, recompenses completely.

VIRGINIA HILL

We showed this to a McReynolds addict we know who loiters around the basement of Austin. He insisted we include a coda at the end, which (without comment), we quote:

Mrs. Hill shows remarkable vision.
We applied for the job with precision
The cab of our hearse
Have an odor no worse
Than a recent Supreme Court decision.

The Book Shelf

THE INDIVIDUAL, THE STATE AND WORLD GOVERNMENT, A. C. Ewing, Macmillan, 317 pp. \$4.00.

The author combines the grasp of meaning typical of a first rate philosopher with the realism of a journalist. The book is full of brilliantly unconventional reasoning about a subject which has been worked over from every angle. The emphasis here is on the ethical element as being the heart of political philosophy. The entire book is proof of the value of his approach which is philosophical without any unrelated abstractions.

The book is divided into four main chapters, starting with the rights of the individual. He criticizes the view that all individuals have certain definite rights which it is always wrong to violate, as well as the view that the individual has no rights except those which the state gives him. He prefers to take a socialistic utilitarian stand that rights depend on the general good and are "prima facie" to the extent that there is always a strong objection to violating them. "Those who base the duty to obey and serve the state primarily on the notion of contract commit the error of tacitly assuming that an individual has a right to do whatever he likes unless he has explicitly surrendered that right, an assumption for which there is not the slightest warrant. Mixing notions of legality and morality can cause nothing but confusion." Even under a totalitarian point of view that the individual has no legal rights against the state, it still does not follow that he has no moral rights against the state. Although the author seems to imply that we now have a recognized body to enforce international law, he doubts whether legal rights ever depend on the ability to enforce them and contends that the United Nations "will certainly give the individual legal rights against the state."

In the ensuing discussion of the extent to which the end justifies the means in political action, there is an optimistic note stressing the positive value of individuality in the recognition of rights and duties. In this connection he takes up the right to property: "everybody should have bread before anybody can have caviar."

In pressing for free speech, he is pragmatic and decries Professor Hocking for urging social penalties for the free advocacy of unpopular views: "the only penalty their advocate would normally suffer would be the slight unpleasantness of finding that most people disagreed with him." He regards freedom of worship as practically absolute, no reason why the state ought not to provide for compulsory sterilization in certain cases, or regulate the education of children as long as a healthy diversity of opinions is retained. As to freedom from compulsion to do anything which one thinks morally wrong, he says that "the spectacle of good men being punished for acting conscientiously tends dangerously to dissociate law and morality and weaken people's respect for law in general."

ERRATUM

Through oversight the name of David Kallman, author of the review of "A Free and Responsible Press," was omitted in last week's RECORD.

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A REPRINT SEEMED IN ORDER

Gallery

ERNEST J. BROWN

Of the recent additions to the Harvard Law School Faculty, few men have caused as much discussion among their students as Ernest J. Brown. One student was heard to say that there are probably fewer divergent opinions among the Supreme Court Justices on current labor problems, than among first year men on Mr. Brown's teaching methods.

First impressions in Mr. Brown's class are generally not favorable. Well into the third week in the Contracts course, the class is still on the first case. Notebooks are either embarrassingly blank, or else a jumble of unanswered hypothetical cases. Students leave the class wondering what it was all about, arguing violently over "Brown's hypotheticals", and searching for someone with intelligible notes. Though a very healthy respect exists for Mr. Brown's mental prowess, the early feeling is that the Professor is teaching on a *Law Review*, or some such unattainable mental level. By the end of the first month the method in the "madness" emerges when it becomes apparent that students are learning to replace slovenly thought with some reason and precision. Those, however, who await well defined lectures on the law of contracts wait in vain.

For Professor Brown seeks to develop the legal reasoning of his students rather than to fill their notebooks with neat, quotable material. The student quoting the "weight of authority" only invokes visible shudders unless the student can defend himself with the weight of reasoning as well. Mr. Brown believes that the instructor should speak as little as possible. In class he listens to a student state a proposition, and almost invariably says, "Well! Why is that?" Soon the discussion is being tossed around the class with Brown interjecting an occasional comment or "Why not?", until the desired point is brought forth. It is rarely that Mr. Brown answers a question directly. Pacing back and forth, or else perched precariously on the edge of the desk, he listens to a heated question and says, "Is that bothering you, Mr. Webster? What do you think?" Or he may go off into a hypothetical case about a horse named Dobbin, who figures prominently in the Professor's problem situations.

Students who have had both Professor Brown and Professor Seavey say that Mr. Brown often out-Seaveys Seavey with his questions and hypothetical problems, and is even less inclined than Mr. Seavey to "lay down the law" in his lectures. As a result, the student in Professor Brown's class is forced to think the problem through by himself and find his own answer, the classroom work serving as a guide along the paths of legal analysis. By the time the term is half over it is generally agreed that Mr. Brown's methods are invaluable in developing in his students the use of accurate and critical legal reasoning. Accordingly, the Professor's popularity with his classes seems to increase as the course continues.

Brown was born in Louisiana in the year 1906. After graduating from Princeton where he won Phi Beta Kappa honors, he went to work for a New York bank. A year of banking, and Mr. Brown decided to come to Harvard Law School. Here he compiled an enviable scholastic record. In his second year he was elected to the Legal Aid Society, and in the following year he served on a *Law Review* staff that included Professors Freund and Katz.

Receiving his LL.B. in 1931, Brown joined the firm of Kenefick, Cooke, Mitchell, Bass & Letchworth in Buffalo. Here he started out chiefly doing trial and appellate brief work. Mr. Brown recalls that one of the most important features of a convincing brief is precision of phrase and choice of words, that the mere statement of facts expertly done may convince the court of the merits of your case. Today in the classroom Professor Brown discourages the reading of abstracts, and insists that they be told in an alive and interesting manner. "The main part of an argument," says Mr. Brown, "lies in the statement of facts, and I can tell just how well a student has grasped the reasoning of the case from his statement."

In 1932, Professor Brown returned to Louisiana to manage a cotton plantation in connection with his father's estate. During the summer of 1933 he returned to the legal fold by going to work on the legal staff of the Agricultural Adjustment Administration. In Washington, he worked on the preparation of regulations under the AAA Act, and on marketing agreements for various industries.

The following year saw a return to the law firm in Buffalo, where Mr. Brown now handled a good deal of the tax and security work. His experience in the tax field led to a request from the University of Buffalo Law School to originate a taxation course there. Professor Brown started the course in 1937 and gave it for the next two years. At the end of that time, he joined the Buffalo Law School Faculty, continuing at the same time his association with the law firm. During the next three years he taught courses in contracts, corporations, and taxation.

With the outbreak of the war Brown joined the War Production Board. As a result of Professor Brown's knowledge and experience, he was appointed as WPB counsel in charge of pending litigation and, when that was concluded, counsel for the Power Branch, work dealing with gas, electric and other public utilities. In October, 1942, Mr. Brown put on a private's uniform to proceed to Chanute Field, Ill., for training as a Link Trainer instructor. From Link Training the Army sent him to Wright Field, Ohio, to work in the Contracts Termination Division of the AAF Materiel Command. From there the paths of duty took him to OSS in Washington, where he traded in a corporal's chevrons for a commission in the Military Intelligence. From the latter part of 1944, until his discharge as a Captain, Mr. Brown worked with Military Intelligence in the China-Burma-India Theatre.

After leaving the Army, Professor Brown returned to Buffalo where he became Assistant Dean of the University of Buffalo Law School. In October, 1946, he came to Harvard as Visiting Professor of Law. This term Mr. Brown is teaching contracts and trusts, and he is scheduled to teach future courses in taxation and constitutional law. Students finding it hard to accustom themselves to Mr. Brown's teaching methods might do well to bear in mind the Professor's belief that one of his primary objectives in teaching law students is "to develop to the fullest extent critical and analytical faculties, habits of accuracy, and at the same time, imagination in handling problems." One student with a touch of Kipling in his blood (a very small touch), offered his reaction to a course under Professor Brown by saying:

Sub Judice

WAY DOWN UPON THE SUWANNEE RIVER

In affirming a conviction under Sec. 52 of Title 18, U.S.C.A., Circuit Judge Waller, of the 5th Circuit, recently had this to say: "The beautiful Suwannee River—the mention of which calls to memory a plaintive melody of strumming banjos, humming bees, childhood's playful hours, a hut among the bushes, and a longing to go back to the place where the old folks stay—was the scene of the cruel and revolting crime that provoked the gesture of dealing out justice that is this case."

"The defendant, although guilty of a cruel and inexcusable homicide, was indicted and convicted merely of having deprived his helpless victim of a constitutional right, under strained constructions of an inadequate Federal statute, and given the maximum sentence under that statute of one year in prison and a fine of \$1,000."

"Sam McFadden—'Puddin' he was customarily called—was missing for some time from the little village of Branford on the banks of the Suwannee River in the county that bears the river's name. Some knew that he had gone away but none knew where until his bleached and putrescent corpse was discovered by fishermen against the overhanging willows at the edge of a little island in the middle of the river."

"It would have been better for the county's reputation for law and order among justice-loving men had this piece of decaying flotsam drifted out into the sea and into oblivion and the facts of its venomous and vicious slaying had never come to light. But the willows arranged otherwise and held it until the fishermen came." (The court sketches in the history of the case, which involved a prior arrest of McFadden by Crews, the county constable, and a failure to obtain from the County Judge the requested conviction on a charge of assault with a dangerous weapon. Then followed threats on both sides, coupled with the attempted purchase of a pistol by McFadden, plus more curses and threats. McFadden was a Negro.)

"Riding with his nephew in an automobile belonging to the latter, on the night of September 21, 1945, [Crews] stated, according to that nephew, that he was 'going to get McFadden if he was drunk.' Later that night he located the Negro, took him by the arm, guided him without effort or resistance to the nephew's car, and had him take the rear seat. The nephew, who testified that McFadden 'looked like he was drunk,' declined to swear positively whether he was or not. Other witnesses saw no evidence whatsoever of inebriation on the part of the deceased."

"We shall skip the shocking details of the beating that Crews administered with a bull whip after the taking of McFadden into custody and come to the ultimate act of personal venom and hate, or of the vicious exercise of official despotism and cruelty—depending upon how one views the evidence."

"Instead of placing McFadden in jail when they reached Live Oak, the defendant directed his nephew to drive to a highway bridge several miles west of the county site and some thirty miles up the river from Branford. Before reaching the bridge the defendant stated that he was going to give McFadden a fifty-fifty chance, but notwithstanding McFadden's protestations that he could not swim, the Constable forced him to jump from the high bridge into the deep, swift current of the river, from which he never came out until he was taken from the water and the willows by the undertaker."

"An officer of the law undoubtedly knows that a person arrested by him for an offense has the constitutional right to a trial under the law, and if the jury should believe from the evidence beyond a reasonable doubt that such an officer willfully failed to accord to one arrested by him the opportunity for such a trial but substituted instead his own trial by ordeal, such jury would be justified in finding that such a denial of such constitutional right was consciously and willfully made. One is generally presumed to have intended the normal and reasonable consequences of his acts." (Crews v. U. S., 160 F. 2d 746, April, 1947)

AT 18, A GIRL IS FREE TO FOLLOW HER OWN PROFESSION

Juanita Thelma Sweeden was adjudged a delinquent minor in November 1945 and was committed to the State Industrial School for White Girls on April 18, 1946. She became 18 years old on January 18, 1947, and thereupon sought release from her irritating environment through a habeas corpus proceeding. The Superintendent of the Industrial School, relying on a 1909 statute, sought to continue Juanita's confinement until she attained 21. The difficulty in the case arose from the fact that the Legislature had adopted a new statute pertaining to the operation of the Industrial School and hidden away in its paragraphs was the sentence "Such commitment shall continue in force and effect until the girl so committed shall have arrived at the age of eighteen (18) years, unless sooner discharged as provided herein."

The Criminal Court of Appeals of Oklahoma announced its familiarity with the "oft announced rule that repeals of statutes by implication are not favored", but went on to say that the legislative intent may be expressed in any form and where, as here, two statutes cover the same subject and the statute last adopted is repugnant to and irreconcilable with the provisions covering the same subject in the first statute, the latest expression of the Legislature will govern. In ordering the issuance of the Writ of Habeas Corpus, the court said, "The Legislature in the exercise of its wisdom and discretion has fixed the age of eighteen years as the time when a female attains her majority. She then is no longer subject to parental control. She has freedom of action and subject to the lawful restraints placed on all other citizens may engage in any profession she sees fit to follow. Being an adult, she can no longer be tried on a charge of juvenile delinquency; although, she might commit acts which would result in her prosecution under the criminal law with a consequent more serious penalty than would have been entailed under the statutes pertaining to juveniles." Ex parte Sweeden, (Okla., April 16, 1947) 179 P. 2d 695

Though he's quizzed us and confused us
By a thousand questions to us,
It is thinking he has taught us,
Has E. J. Brown!

The verse may be bad, but the thought appears to predict an enviable reputation at Harvard for Professor Brown.

The Witness Stand

Question: Should musicians, entertainers and artists be judged solely on the basis of their artistic abilities or should their political activities be considered also?

1. James F. Bell, New Orleans, La., 4th Term.

The answer to this question should depend on the individual case. If the artist is actively working for the overthrow of the government, his artistic abilities should be no defense to a treason trial. But anything less than this should have no bearing on the right of the artist to display his talents and to be appreciated or rejected solely on his artistic abilities. To do otherwise would be a restriction of the civil liberties which form the basis of democracy. Until a court of law or similar authoritative body declares that Madam Flagstad actively aided or abetted the Nazi cause, her voice alone should be the criteria of her acceptance in a concert hall. One who disapproves of her returning to her Quisling husband in Norway has the right to forego any pleasure he may obtain from her singing by staying away from the concert hall. But it would seem that he has no right to interfere with the enjoyment of others in her singing until an authoritative body has declared her alleged disloyalty to be a fact.

2. Theodore G. Metzger, New York City, 2nd Term.

Individually we have the right to judge on whatever basis we choose. The values on which we reach a decision may leave us open to the scorn, pity, antagonism, or sympathy of others. It is another question, however, how far we can go in enforcing that judgment on others and against the judgment performer. Undoubtedly we can use whatever means is lawfully in our power to persuade people to believe and act on our point of view. But, in the absence of a law to the contrary (and even more strongly where there might be such a law), it would not only be a moral violation of our civil liberties to prevent an entertainer or artist from performing because of a political belief but also an attack on our cultural tradition which has been so greatly enriched as a result of persecution for political beliefs in foreign countries. We should resist any attempt to prevent talent or genius from performing as we would resist an attempt to prevent a performance of the musical works of Prokofiev, Shostakovich, or Richard Strauss because the composers were Russian or German.

STUDENT —(Continued)

sity would probably be of greater benefit in the field of law than in most other departments. Nevertheless, while in all other fields teachers, universities and governments are now fully aware of the paramount importance of bringing students to foreign centers of science, hardly any interest has been expressed for such exchanges in the field of law (an exception to be made of course for the international law). Symptomatic of that was the recent announcement by the Institute of International Education in New York that a number of scientific and vocational institutes and associations have pledged their support for furthering the exchange of students in their different fields. No institute representing legal studies was mentioned.

Visit to a foreign university, though of course the best way to get acquainted with the spirit of a different law system, is not the only way. After all it is only a relatively few students who will have the opportunity for that. But the teaching of foreign law can be adequately given at American universities, at least at those which have in their libraries the essential foreign law material at their disposal. Such courses, I believe, could be of still greater value for the development of legal thinking in the students, than a perfunctory jurisprudence, though that is perhaps difficult to maintain in a school where the latter subject is so closely linked up with the name of Professor Pound.

As far as students of this country and other common law countries are concerned, it would moreover offer the direct advantage of making them acquainted with the way written law is construed by continental courts. This might be a stimulus for a fuller integration of the statutory law within the common law, the lack of which lately has been criticized by such outstanding admirers of the common law as the late Chief Justice Stone and Professor

Alumni Notes

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

LL.B. '07—Arthur Herbert Damon, Boston lawyer, and ninth generation descendant of John Damon, who settled in Scituate in 1628, died May 19. He had been chairman of the board of selectmen and board of public welfare in Scituate; and a former trustee of the South Scituate Savings Bank, Norwell, and trustee and treasurer of the Home for Aged Couples in Boston.

LL.B. '11—Howard L. Kern, since 1941 general counsel of the Central Railroad of New Jersey, died May 12 in West Orange, N. J.

Ex-'14—Judge Charles B. Zimmerman, of Springfield, Ohio, was awarded the honorary degree of doctor of juridical science at the Bowling Green State University Commencement on June 12. Judge Zimmerman is a member of the Ohio Supreme Court.

LL.B. '16—Adolf A. Berle, Jr., former assistant secretary of state and ambassador to Brazil, has been asked by leaders of the Liberal party to become New York state chairman.

LL.B. '27—Brooks Potter of Boston has been elected a member of the board of directors of the Cleveland Alleghany Corp. at the annual meeting on May 7.

LL.B. '34—The engagement and approaching marriage of Mrs. Eunice Burdick Gettelf of Washington, and Richard H. Demuth of New York City, has been announced. While at Law School Demuth was an editor of the *Law Review*.

After graduation he served as law clerk to Federal Circuit Judge Julian W. Mack, and as special assistant to the Attorney General. During the war he was with the Army Air Forces and spent a year in Germany as legal adviser to the Industry Branch, Office of Military Government. He received the Legion of Merit, and was released with the rank of lieutenant colonel. Demuth is now assistant to the vice-president of the International Bank of Reconstruction and Development in Washington.

LL.B. '38—Harold E. Magnuson of Arlington, Mass., has been appointed as assistant district attorney of Middlesex county. During the war he served as gunnery officer on a minesweeper in the Atlantic, and in the judge advocate's department. He has been associated with the Boston law firm of Hale, Sanderson, Byrnes and Morton.

LL.B. '43 (47)—Richard Louie Hirschberg is with Burgess, Fulton & Fuller, 1250 Terminal Tower, Cleveland, Ohio.

LL.B. '43 (47)—Alvin Seymour Lane is with Davis & Gilbert, 1 East 44th St., New York City.

LL.B. '46—George H. Fraser passed the Oregon bar in January, and is associated with Hart, Spencer, McCulloch & Rockwood, Portland, Oregon.

LL.B. '47—John Frederick Hoffman is associated with Bohrer, Blackman & Loman, 33 North LaSalle St., Chicago, Ill.

LL.B. '47—The engagement of Miss Mildred K. Jonathan, of Philadelphia, Pa., and Mallory R. Smith, has been announced. Smith was an editor of the *Harvard Law Review*.

Pound, and constitutes a more basic distinction between common law and civil law.

Next year, I have been told, the Harvard Law School will have a comparative law course in its curriculum. With its unique collection of foreign laws and legal treatises on the one hand, and the numerous graduate students from foreign universities, to whom the Law School has offered its hospitality, on the other hand, this school has an opportunity to create a center of comparative law studies, which universities over the world will envy. But extremely important as such a center of research will be for the legal science, a far greater significance would be given to this innovation by making the teaching of a foreign legal system a general requirement for the legal education. Revolutionary as it would be, it would set an example which the other law schools in America and Europe would sooner or later have to follow.

Rereading these remarks I rather doubt whether it is up to a student from abroad, who has spent here only half a year, to give his unasked for opinion on questions of American legal education. I may offer two excuses for this behavior: the problem, as posed here, is not one peculiar to American law schools, but to those of all countries. Moreover it was prompted by my feeling of immense gratitude of having myself the opportunity to see the wonderful "terra incognita" which for a continental student is the American law.

H. DRON, Netherlands
College, formerly named Dean of Harvard College, College Counsellor for Veterans,

Philadelphia Alumni Participate In Organizing Brandeis Society

In January, 1938, a small group of Philadelphia lawyers and judges met and discussed the idea of forming a society different in its approach from the usual run of lawyers' clubs and associations. Among the group were such prominent members of the bench and bar as Judge Joseph Sloane, Judge Nochem S. Winnet, LL.B., '23; Judge Louis E. Levinthal, Arthur W. A. Cowan, LL.B. '30, LL.M. '36; Arthur G. Connolly, LL.B. '30, and J. S. Richman. These men felt that for the lawyer there exists a sort of "orifice pressure," and his energy goes down a single vent. When a lawyer specializes in taxation, insurance, or administration he directs all his energies and all his interests into one narrow field. "Actually," said Judge Sloane, "law is not a specialization—certainly not without anatomy and without brain cell and without heartbeat—and it is a good thing sometimes to go from the subjection to the concept." In order to stimulate interests in philosophical concepts these lawyers formed a society and, with his permission, adopted the name of Supreme Court Justice Louis D. Brandeis as the name for the society.

To carry out its primary function the Society invites men prominent as great thinkers whether their field be, law, letters, or science, to speak at its meetings from time to time. These speakers have included Roscoe Pound, Andre Maurois, Harold J. Laski, Justice William O. Douglas, Max Radin and Walton H. Hamilton. "These men," says Judge

Sloane, Chairman of the Society, "are asked to talk on broad subjects so that members can hear them think and, to paraphrase Emily Dickinson, listen thinking, and perhaps capture some fugitive essence."

According to Mr. Cowan, Secretary of the Society, he is trying to arrange for talks by Albert Einstein, Learned Hand, Walter Lippmann, and Professor Mark De Wolfe Howe. "By rubbing minds with the best," says Mr. Cowan, "the members of the Society strive to knock out a few pigeon holes in which lawyers so often find themselves." Such an organization, Mr. Cowan believes, is unique among lawyers at the present time even though the idea may spread.

The Society has at present about 100 members. Other lawyers may be brought in by a vote of the group. But it is not necessary to be a member of the organization in order to hear the speakers which the Society brings to Philadelphia, for after the dinners, which are attended by members, the meetings are thrown open to the public. "Young lawyers recently out of law school have an excellent chance of being invited into the Society," says Judge Sloane. But whether or not they are members, the Judge feels that recent law school graduates have much to gain from listening to the speakers. Law school is by its nature confining and specialized, and the young lawyer especially should have an interest in the world of life and letters which he has had to forego while grinding away at the books.

A.V.C. —(Continued)

conduct a program appropriate to its own surroundings.

First chairman of the Harvard group was Richard G. Axt, with Stanley Geller as vice-chairman. Growing pains for the most part over, it was after the delegates returned from Des Moines, that the chapter's main story unfolded. Here are the highlights.

1) When the OPA crisis reached its peak early in July, the chapter joined with lesser groups in the college to organize consumer resistance to price increases. Backed by the *Crimson*, the group led boycotts against merchants who overcharged, and graphically conveyed that veterans at college would be unable to withstand a greatly increased cost of living.

It was the Harvard AVC which sparked the nationally publicized "Second Boston Tea Party." Eight painted "braves" and two young "squaws" climbed aboard the fishing smack *Evelina* Goulart at Boston Harbor and set at her prow the sign: "1773, no taxation without representation; 1946, save the nation from inflation." As the two girls struck figurehead poses on the bowsprit, the eight veterans of the tribe threw overboard cartons carrying large-print legends which read: "Pappy O'Daniel flour, \$500 a barrel," "Wherry bread 50 cents one loaf"—"Taft Apples \$1 one apple."

2) Faced with a Harvard college ruling banning national organizations, the group sought a charter from the Provost of the University. Membership was to include students in the several graduate schools. On August 6, the authorities granted formal recognition to the Harvard AVC, and the unit's position had become securely and legitimately entrenched.

3) Active participation in student affairs was now in order without tongue in cheek. In addition to the Buyer's Strike, the chapter took a leading role in the formation of an undergraduate committee to consider revision of the undemocratic Student Council constitution. Composed of elected representatives from the student body at large and delegates from interested organizations, the committee's findings are now bearing fruit in vast demand for a "new deal." At the moment, AVC is co-operating in the Council's work toward a national students' organization.

4) It is difficult to spend a week at Harvard and not know in certain terms that AVCers are everywhere. At registration each incoming veteran is personally contacted. Dormitories known at Harvard as Houses, are continually canvassed by House captains. Posters are constantly spreading the word about forums on foreign and domestic policy featuring leading experts of the Faculty. Before the election information tables with complete absentee voting facts were stationed strategically at outdoor locations. Hundreds of men have filed their Terminal Leave applications through AVC.

The newly named Dean of Harvard College, College Counsellor for Veterans,

Wilbur J. Bender, is a member of AVC who belongs to the nearby Cambridge group only because of his position and a chapter ruling which denies membership to these employed full-time by the University. Official friendship runs high, and the group has been provided permanent office and conference room space in Phillips Brooks House, student activities center. Recently, at a New England conference on problems of the student veteran sponsored by the chapter and well attended by 74 delegates, many from colleges without AVC units, Dean Bender served as host and publicly praised the AVC program.

Under the leadership of Reginald Zalles, newly-elected chairman, heavy activity looms. New membership always remains a top goal: "Make it 1000" is the mark AVC shoots at today, but with 9000 ex-GI's on the enrollment books the sky's the limit.

SELIG S. HARRISON,
Harvard College

EDUCATION —(Continued)

A record will be made of the discussions, which combined with the papers will form the basis of a final report which will be edited by the Conference Committee and circulated to the Law Schools. The hope is that the report will be of assistance to the faculties of the various schools as an expression of student opinion.

Sponsors for the Conference include Young B. Smith, Dean of the Columbia University School of Law; E. N. Griswold, Dean of the Harvard Law School; Earl G. Harrison, Dean of the University of Pennsylvania Law School; Wesley A. Sturges, Dean of the Yale University School of Law; and William J. O'Shea, Chairman of the Committee on Legal Education, Association of the Bar of the City of New York.

The Conference will meet in the building of the Bar Association, New York City. The program will include plenary sessions and panel discussions each morning and afternoon, and dinners at night. Invitations have been sent all accredited Law Schools in the country, and while active participation in the discussions will be limited to students, in keeping with the tone and purpose of the Conference, members of the Bench and Bar will be invited to attend the meetings.

The Harvard Committee does not pretend to represent Harvard student opinion in the sense that their views were obtained by a scientifically accurate poll. The committee was formed of those who expressed an interest in the project when a call was made for volunteers at the beginning of last term.

When the committee began its work several months ago, it issued a call for participation by all students interested in working on the report.

At a meeting last Tuesday night, the group announced that it is no longer able to accept additional members, since plans and schedules for the Conference have been completed.

BOOK SHELF—(Continued)

In rounding out his detailed discussion of rights, the author notes the tyranny of social conventions, the shortcomings of "paternal legislation and the advantages of socialism. "It may be plausibly argued that the present peacetime economic system is based on the principle of selfishness, its mainspring is the motive to get as much profit as one can for oneself or one's family." He admits, however, that full socialism once set up would be practically irrevocable.

Democracy

Turning from individual freedom to political rights, the author shows his ability to use words in their proper meaning. There is no confusion or wishful thinking in his dissection of the elements of a democratic government. He goes through the various arguments pro and con, as he does in every subject with which he deals, and points out that "a non-democratic form of government that encouraged education and liberty in every sphere of life except politics would be better than a democracy that encouraged them in politics only."

Nevertheless, his support of democracy is devastating to its opponents, especially in exploding the myth of the "expert". The relative desirability of ends is the province of the representative while the means of achieving the selected end may be safely left to the expert. Warning that "irresponsible power corrupts," he goes on to point out the fallacy of making efficiency the supreme object of government. "The best remedy for administrative inefficiency is to be found in the complaints of those adversely affected thereby." The right to free speech removes the need for violent revolution and that is one of its chief advantages. The conclusion of this thorough debate on democracy however is disappointing because the main argument in its favor is "the impossibility of finding a less unsatisfactory alternative."

The Concept of the State

Warning up to tackle the main theory of the book, the author devotes a short chapter to clearing up some misconception about the philosophy of government. Perhaps the most significant point is that states are capable of making binding promises according to ethical standards. Too many opponents of international government base their reasoning on the absence of a state "conscience" while in fact the difficulty is that there is no government above the state. The author agrees with Bosanquet that the normal relation of states is "cooperative" and that service to country need not conflict with service to humanity. "No state is absolutely sovereign in relation to its own subjects or absolutely independent in relation to other states." It is refreshing to read such a convincing attack on the idea of

"sovereign states" without deprecating the possibility of a workable association. *International Law and the Prevention of War*

Although the book was written during the height of anti-Nazi feeling, the author does not approve of punishment of Germany. He favors reparations to the extent of damage done and he is emphatic in asserting that Germany must not be allowed to re-arm. But the whole approach is tempered by a refusal to be satisfied with an *ad hoc* scheme for preventing war. He points out that either the deterrent or the retribution theory of punishment would justify taking it out on the German people. "There is a radical difference between punishments inflicted by courts of justice in an organized society and punishment inflicted by the victors after a war."

Although this section is well thought out, the discussion is somewhat lengthy in view of the shorter space in which he discusses nationalism and its insidious influence. He sees the link between national feeling and the idea of absolute political independence as the fertile cause of wars, which is not a new idea, by any means.

The rest of the book, in which the author assumes a facile optimism and academically analyzes the difference between a league and a federation as though both were workable solutions, is disappointing. It is difficult to say what it is that is missing at this point, but the reader is left with an unfulfilled expectation. Perhaps the shift from critical analysis to proponent of internationalism is too sudden. At any event, the comparison between the League of Nations and the United Nations is too conjectural, too hopeful about the success of the latter to be convincing. His thesis seems to be that federation is the answer, but, as it is not presently practicable, there are advantages to a loose league. We have heard this before and will probably hear it again, but it is not a worthy conclusion for such a profoundly positive analysis of government and society. He lays his stress on the spirit rather than the legal organization, but he does not explain how states are to develop that spirit of collective action.

As a whole, this book represents one of the greatest contributions to contemporary political thought to appear since the war. The arguments are often irrefutably adequate and his calm philosophical point of view shows the sort of clear thinking that marks a great statesman.

WILLIAM S. BARNES

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Calendar

THE LEGAL WORLD

The New York Practice Course

The optional course in New York Civil Practice is to be given on Mondays from 4:00 p. m. to 5:40 p. m. in Langdell North commencing on June 30.

Fourth Term

Professor Bordwell will meet his class in Property II (2) in Langdell South Middle at 10:00 a. m. on Mondays instead of 12 noon as originally scheduled.

Non-Veterans

A set of casebooks is available for loan to a first or second year non-veteran. Inquire at the Record office.

Law Wives

On Wednesday, June 25, at 8 p. m. Mrs. Donald McKay will speak in Kendall House on *Modern Irish Poetry*.

Commuters

The Boston and Maine Railroad is making available reduced monthly rates to student veterans who commute on its lines. An application form may be obtained at the receptionist's desk in Langdell Hall.

Southern Students' Club

The first meeting of a new organization, the *Southern Law Students Club of Harvard* will be held tonight, June 18, at 7:30 P. M. in the main lounge of Kendall House. The subject for discussion will be "Federal Grants In Aid of Public Education."

Softball League

Attention softballers—The Law School Committee of Phillips Brooks House intends to organize a softball league this summer. It is hoped that teams representing the various terms and organizations at the Law School will compete. Persons desiring to organize an independent team can also compete in the league. An organizational meeting will be held at 3 p. m., Thursday in Austin North. For further information call Thayer Drake, TRO. 0139.

THE OUTER WORLD

Summer Theatre

The Boston Summer Theatre opens its season on June 23 in the air-conditioned New England Mutual Hall with a production of Maxwell Anderson's *Joan of Lorraine*, starring Madge Evans. This is the play in which Ingrid Bergman was so successfully starred in the New York theatre season just ended. It will play at the Mutual Hall for two weeks.

The Cambridge Summer Theatre in Brattle Hall opens its season on June 30 with Tennessee Williams' prize-winning play, *The Glass Menagerie*, featuring Julie Haydon who starred in the original New York production and Helen Mackellar.

World Law Group

Students interested in joining the Harvard World Law Study Group should mail their schedule by postcard to H. F. Shattuck, 499 Mt. Auburn St., Cambridge, so that a time for its meetings may be fixed.

Foreign Films

Old South Theatre, Washington St., opposite Milk St. station. Double feature, Harry Bauer in "Poil de Carotte," and Maurice Chevalier in the British made "Beloved Vagabond."

Exeter Theatre, Exeter St., off Copley Square. "Stairway to Heaven," British made film with David Niven, Raymond Massey, and Roger Livesey, is in its fourth week.

Kenmore Theatre, 777 Beacon St., off Kenmore Square. Tagliavini in the Italian motion picture version of the opera "The Barber of Seville."

Adult Education

The Cambridge Center for Adult Education, 42 Brattle St., Cambridge, which has just begun its eight week summer term, offer such courses as Outdoor Color Photography, Geology, Current Affairs, Psychology in Everyday Life, Public Speaking, Piano Playing, Cartooning, Pottery, Contract Bridge, Interior Decorating and Tailoring, which may be of interest to students or their wives. Course fees are reasonable. For information call Kirkland 0314.

Art Exhibitions

The Institute of Modern Art, 138 Newberry St. (near Copley Square), Boston, is currently featuring an exhibition of paintings produced in France during the years from 1939 to 1946. This showing will continue through July 25.

The Museum of Fine Arts, Boston, is showing through June 29, the photographic exhibition circulated by *Life Magazine* on the Medieval World. The Museum is also showing contemporary European paintings; etchings and lithographs by Goya. Museum hours: 9 a. m. to 5 p. m. daily; 1:30 to 5:30 Sundays; closed Mondays.

Job Hunting In New York

(Continued from Page One)

"This is Mr. Murray, Bramwell, who comes highly recommended by Mr. Merger; of course, anything we can do for Mr. Merger and Mr. Murray we shall want to do"—and Bramwell's partner was gone.

"Does your father live in New York?" asked Bramwell. This is always the opening question. Rents are high, and business from any source is acceptable. As a friend who had been indifferently successful and is correspondingly cynical said to me, "Nothing is cheap in New York but brains. If you can bring them business well and good; if not—bah! Goldsmith meant New York when he spoke of the 'place where wealth accumulates and men decay.'"

After some talk I reminded the great attorney that I had known him by correspondence over an intercollegiate debate. Now notice the genius for time saving. Instead of "Ah, indeed, when was that?" he replied, "I remember it well," although as I recalled later it was a lawyer of the same name but with different initials to whom I had written.

ABOUT PAY

Bramwell is a great, shaggy man, whose talk takes the form of very personal questions in such rapid succession as to make satisfactory replies impossible. "He goes into court," said a disgruntled clerk, "and without saying a word there, sends a whacking bill for glaring at the judge and musing papers." Every few minutes while I was being cross-examined and looked over, the telephone on his table would buzz and allow him to vituperate or cajole the other end of the wire.

Question: "Do you have to live on what you are going to make here?"

Answer (evasively, because imagining a replication of "Impossible" to an affirmative reply): "I should like to."

Q. "But do you have to?"

Ans. "No."

"Well, that's bad! I always had to, and there's nothing'll drive a man like earning the drachmae he lives on. Don't come to New York at all," he continued.

"It is and has to be a heartless place. No one is important here, and we simply haven't time for the amenities. You boys come down from the schools and we lead you a dog's life; and what seems to distress you most, is that there is no kindergarten to make things pleasant. The humanity in a man is jammed out of him when he comes down in the cars; we contribute our youth and our dreams and turn out—a corporation brief."

The fact that there are so many very large offices to absorb business, results naturally, in many small ones to subsist on the leavings. The latter are the more discouraging. In one, I met a fellow who ten years ago had been the most prominent undergraduate at New Haven. He apologized for offering no salary and thought the law "laborer worthy of his hire." The work he could offer was of uncertain character; often there might not be much of anything to do. An hour or two each day must be devoted to keeping the office record; work which, though wearying, might be excellent instruction; then, there were errands to the clerks and courts.

UP THE LADDER

Someone has suggested that it is hard to get up the ladder, because of old fellows near the top who block the way coming down. There are many lawyers in New York who give not more than half the six hours daily which Sir William Jones advises for the law. Pride and bitterness of leaving so much legal wisdom and cunning, make them lag after their force is spent. One of our great legal writers, at seventy-five and blind, learned, as I know, all the French irregular verbs because he came upon one which confused him. Judge D., long past the good Book's three score and ten, as much the law on his subject as a text writer can be in a common law country, has an office somewhat removed from the furious rush of the main streets. It is fitted with the dingiest of furnishings—a setting in which one would picture Sergeant Buzfuz. This tenant, however, has better work than the defense of unfortunate Pickwicks; some of the most powerful corporations in the country would refuse an instrument on the strength of his *imprimatur*.

"I can't learn that wretched code," said one of these old gentlemen. "To try, is a prostitution of the human intellect."

TIME SAVER

His son had taken me into the room where the learned counsel was occupied with the signing of checks his secretary placed before him, and with having his shoes polished at the same moment—the time-saving habit still a part of him, though needless now as a horse's fifth toe.

"Father, this is Mr. Murray and—"

"I don't give a damn if it is," he burst out with the peevishness of an old man. "At least," he went on more mildly, with a charming smile, "until I've finished this business." Then to his secretary, in reference to his writing, "Pretty shaky, today, ain't it?"

I supposed he had forgotten my presence, but in a moment he whirled about and astonished me by telling my home city and the minutiae of my college and law school courses. Here was the nearest approach to the kindergarten for law students, the existence of which, in New York, Bramwell had denied. It is his greatest pleasure to have fellows from the Harvard Law School consult him about an office. As a matter of fact, he has placed many of the now prominent attorneys in New York; even Bramwell and his brilliant colleague are "his boys." And the firm which bears and will bear his name is hardly worse than the best in New York. (This custom of keeping an old firm name, by the way, led a student on one occasion to ask to see a partner who had been dead some fifteen years.)

FAME OR MONEY

If you chance to look through the Supreme Court reports of the past forty years, and into the reported cases in State courts of highest resort, you will find one name constantly recurring in the list of counsel. Its owner is one of say three men, of whom you could say none is leader of the New York trial bar—because of the others. The great barrister must have won judges and juries entirely by his remarkable intellect; he has used the cross-bow argument, in the famous comparison of Lord Bacon, and not the long bow of persuasion, which depends on the man; for his manner is cold and austere. A smile that should have been charming is hardened by cynicism, and the great advocate speaks with indifference and sometimes with bitterness.

"What do you want," he said, "fame or money?"

I expressed a desire for a judicious combination of the two; in fact, I supposed one a concomitant of the other. "No, there are lawyers who have made single fees of a million without going into court, and there are attorneys who appear every day in the court and in the public prints—but not in the banks."

"Don't go into a large office either. If you come in here you will probably never get to see me about your work and you will certainly not argue any of my cases or even motions. People want me; they don't pay to have someone else. Besides everyone starts in this office as a student and grows to be a clerk." (The difference between these stages of advancement is a salary.)

"What I wish to know is, can a man work his way up into the firm?"

"Well, a man once got to be managing clerk here in three months—and then quit with nervous prostration. But I don't mean to answer your question that way. 'Alderson,' he shouted. 'Alderson,' he said when his young partner appeared, 'this is Mr. Murray who wishes to run things as soon as possible in our office. I called for you as the best answer to his question whether a man can work into a firm if he deserves to get there.'"

DIVISION OF LABOR

In looking into so many offices I was following the usual student method of making a choice. In some, division of labor is so planned that you may be given one sort of work and kept at that. A classmate of mine spent his summer vacation with the *Federal Reporter*, abstracting every case in them relating to Admiralty; this, because his employer hoped to find an authority, although none appeared in the indices. Of course, then, there is no fixity of term for office positions. If a man sees himself sinking into a rut, he pulls out.

The annual flood of students has not swept away from some few lawyers their interest and consideration. Three men, all at the top of their profession, I met with no other introduction than my card. Two of them offered me openings, and the third, entirely of his own volition, tried to help me with the men at his club. But altogether it was a disheartening search. There is little professional spirit or pride in New York; the place is too big for that. A student will generally get advice, but no encouragement; and pay, after the plunge, such as East side stenographers would sneer at. To put on a brief the name of the man who drew it, is quixotic. In one of the most important cases ever decided in New York, the clerk whose suggestion moved the Appellate Division, received not a title of recognition or praise for his brilliant thought.

IN CONCLUSION

The whole practice of the law is warped, too, by the brutal mass of business. The successful lawyer detests trial work, partly because affairs of great moment cannot wait two years to get into court, and then be bandied about for possibly ten more; partly also, because there is no telling which way judge or jury will move. They have certain fixed ideas and habits of thought that one must accept, and which no argument can overcome. Frequently a judge's opinion is written for him by the successful litigant; otherwise, like as not, by the judge's secretary. Juries disagree outrageously where corporations are defendants; clerks of courts and sheriffs often own real estate that three times their salary could not have bought. No one has time or inclination to disbar a "shyster," and the practice of the law, losing the semblance of a profession, is being distorted into the appearance of a very sordid and money-worshipping business.

(The above article was written in 1904, but what difference does 43 years make? See *The Green Bag*, Vol. XVI, p. 312 (1904). The author is Murray Seasongood, LL.B. 1903, who went to Cincinnati to practice, and who is teaching Municipal Corporations here this summer.)

HEMENWAY TO STAY CLOSED

Hall Announces Results Of His Investigations

Maintenance of Hemenway Gym during the summer would necessitate the hiring of additional help since the present caretaker will be employed in repair work of other gymnasium facilities and in taking over the duties of other employees when they are on vacation.

The regular university gym on Holyoke Street is expected to be adequate for indoor athletic requirements during the summer session. In the course of the regular school year this gym meets the demands of 5400 undergraduate students, and there are only 1600 enrolled for the summer term. All facilities except squash courts are available here.

In addition to the regular outdoor athletic grounds, Radcliffe has opened its six tennis courts on Linnean Street to the public. No university athletic card is required for use of these courts, but there will be a charge of 25 cents per hour. Reservations may be made in advance by calling ELI 8807.

Protest against the closing of Hemenway Gym for the summer on the part of a number of students has caused inquiry into the matter by Vice-Dean Livingston Hall. According to the Harvard Athletic Association the paramount purpose for this action has been to reduce facilities in accordance with the reduction in the number of students with the attendant saving of money. Secondly, it was pointed out by the Hygiene Department that the policy of the University is to place emphasis on outdoor activity during the summer months.

CLUBS —(Continued)

chusetts Avenue. Eighteen members will be able to live in the house and three meals a day will be served for other members desiring to eat there. From the time of its reorganization after the war, Chancery has held weekly luncheons at the Hotel Continental with various members of the faculty as guest speakers.

The founders of King's Bench decided last fall that with almost two thousand students in the Law School, the two existing social clubs, with a combined membership of about 320, could hardly accommodate all the students who would want to join such organizations. The new club was formed this spring and has taken in 125 members. This summer, in addition to picnics and smokers, the members will have lunch together every Tuesday at the Hotel Continental.

All three of these clubs are planning to form soft-ball teams this summer and compete among themselves and against the Business School teams, and also run off tournaments—tennis, golf, etc.—within their own groups.

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Liquor And The Law

This is the second half of Mr. Grinnell's article. The Record apologizes for its delayed appearance.

From the time when Francis Bacon attributed a sharp attack of gout to his removal from Gray's Inn Fields to the river side, to a time not many years distant when Sir Herbert Jenner Fust used to be brought into his court in Doctors' Commons and placed in the judicial seat by two liveried porters, lawyers were not remarkable for abstinence from the pleasures to which our ancestors were indebted for the joint-fixing, picturesque gout that has already become an affair of the past. Throughout the long period that lies between Charles II's restoration and George III's death, an English judge without so much as a symptom of gout was so exceptional a character that people talked of him as an interesting social curiosity.

Among eighteenth century lawyers there was considerable difference of opinion and taste on questions relating to the use and abuse of wine. Though he never, or very seldom, exceeded the limits of sobriety, Somers enjoyed a bottle in congenial society; and though wine never betrayed him into reckless hilarity, it gave gentleness and comity to his habitually severe countenance and solemn deportment—if reliance may be placed on Swift's couplet—

"By force of wine even Scarborough is brave,
Hall grows more pert, and Somers not so grave."

"The Whigs had only one opportunity of making a Scotch judge; and they made Charles Hay, a man famous for law, paunch, whisk, claret, and worth. His judicial title was Newton, but in

GRADES —(Continued)

repeaters from that group passed the second time.

In total, the percentage of failures among repeaters has been discouraging from the point of view of the students who have fallen under this category. Of the 110 men who have so far elected to repeat the second term courses, 67, or 60.9%, have failed twice.

Criminal Law grades for the spring term show that 23 from the group of 310 men who took the examination failed, an average of 7.4%. By far, the great majority of first termers, 258 men, received C or D averages. Of the remaining 29 men, 16 received A's and 13 B's.

While past statistics for criminal law grades are unavailable for drawing comparisons between the present second termers and those who previously took the Criminal Law examination, it may be noted that a considerably higher percentage of students were successful in their first encounter than usually manage to pass the first year.

Although the number of failures was small, the number of "high grade" students was also rather small. While the number of A's and B's usually is about the same as the number of failures, it will be of interest to those who think that professors are bound to mark on a curve to note that there are more A's than B's in the Criminal Law grades.



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