

N.Y. Times
Sept. 18 - 1947

Leaves for China Today To Help in Law Revision



Roscoe Pound
The New York Times, 1937

Special to THE NEW YORK TIMES.

BOSTON, Sept. 17 — Roscoe Pound, recently retired dean of the Harvard Law School, is scheduled to leave tomorrow for China, where he will aid in revising and modernizing the Chinese law code.

After thirty-seven years in Harvard's law division and twenty as dean of the law school, Dr. Pound will go to Nanking to become adviser to the Chinese Minister of Justice, Dr. Hsieh Kwan-sheng.

Associated with him in the work will be his former law pupil, Dr. Chao Lung Yang, a graduate of Harvard in the class of 1935, who will depart with Dr. and Mrs. Pound by air tomorrow.

Roscoe Pound may advise China courts

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CAMBRIDGE, Mass. (AP). Dean Emeritus Roscoe Pound of the Harvard law school said Wednesday he had tentatively accepted an appointment from the Chinese ministry of justice.

His duties, he said, would be to work as an adviser to the ministry and aid in the re-organization of the Chinese court system.

DEAN POUND, who was born in Lincoln 75 years ago, was dean of the University of Nebraska law school from 1903 to 1907, serving also on the Nebraska supreme court commission. After leaving here he was professor of law at Northwestern and at the University of Chicago before going to Harvard, where he became dean of the law school in 1916.

HE IS RECOGNIZED as an authority on international law as well as on organization of judicial systems in the various countries. Since retiring as dean he has kept up his work as an instructor at Harvard, utilizing leisure time in making addresses and writing papers on judicial subjects. His last visit to Lincoln was made late in December, when he appeared on the state bar association program.

detriment or loss by his actions.

Roscoe Pound Reaches China

Roscoe Pound writes to his Lincoln relatives from the ministry of justice at Nanking, China, that he and Mrs. Pound reached Shanghai in 10 days from New York City by air.

They were held up three days at Tokyo by a typhoon. They are well located at the International club, 671 No. Chung Shang road, Nanking, and have a car and Chinese driver at their disposal.



Entertainment is "overwhelming," he says, and they have learned to use chopsticks. Dr. Pound, the retired dean of the Harvard law school, is still an active full-time professor there. In China at the request of the Chinese government to serve as adviser in the establishment of Chinese legal and judicial proceedings, he is at work on what promises to be a big, long job. He will return in September for his Harvard classes the first semester, then expects to return to China for a considerable stay in 1947.

1947

Edward P. Keefer.

EXECUTIVE GETS DIVORCE
CHICAGO—(P)—Eugene F. McDonald, Jr., 59, yachtsman and president of Zenith Radio Co. obtained a divorce Friday from Inez McDonald, 38, on grounds of desertion.

hidden



MRS. POUND, DEAN ROSCOE POUND AND DR. CHAO LUNG YANG

Famed legal expert, China's director of criminal affairs, fly to orient

Dean Pound Flies to Orient With Chief 'Sleuth' of China

By ED CRANE

Minneapolis Tribune Staff Writer

Roscoe Pound, for 20 years head of the Harvard law school until his resignation in 1936, cast a worried look at his luggage. "Do you think it will be safe?" he asked.

Mrs. Pound said: "In New York we wouldn't dare leave it for a minute."

Dr. Chao Lung Yang, director of criminal affairs for China's ministry of justice, looked on impassively.

All three were waiting for Northwest Airlines flight to the Orient.

JUST LIKE 1890's

Looking over an impressive judicial paunch decorated by a Phi Beta Kappa key, Pound said that the situation in China legal circles today reminded him of the 1890s when he practiced law in Nebraska.

Settlers came to the west with different philosophies of law, depending on their origin in New England, the south or Europe, Pound said.

Similarly in China, Pound said, judges have been trained all over the world—in Edinburgh and Paris, at Harvard and in Tokyo. And since most cases are decided by a panel of judges, misunderstandings are many, he declared.

China has never had a judicial code, Pound said. "Justice was based on the ethical principles of Confucius, he said. "If you spell that 'confusion' you'll be nearer the truth." The Chinese spent from 1916 to 1935 drawing up a code, but the Japanese invasion prevented them from putting it to use.

SURVEY SCHEDULED

Pound intends to help them do that.

He will make a survey to compare law in practice with that in the statute books, arrange conferences among judges and law teachers and foster organization of bar associations.

He will also push for uniform interpretation, like that achieved for common law in this country, and work for improved legal education.

Pound, who for the past 11 years has been a "roving professor" at Harvard, empowered to teach anything he felt like, gave several capsule verdicts last night:

- In China, the reactionary is the man who's trying to get law and order re-established. The liberal is the man who wants a government job—and can't get it.
- Law is based on the values we give things. Rights are reasonable expectations. In China, this means laws must recognize that graft is a part of peoples' way of life.
- Russians, just like the Japanese earlier, are waiting to march in, telling the Chinese: "Your central government can't protect you. We will."
- The trouble with bar associations is that lawyers who belong to them don't need their scrutiny and those who do need it can't get it.

Arrival of Harvard law dean expected in China

CHUNGKING. (P). A dispatch from Nanking Monday reported Dr. Roscoe Pound, dean emeritus of Harvard law school, is expected to arrive in China next month to assume his post as legal adviser to the Chinese ministry of justice.

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The dispatch added that Dr. Pound is expected to make important contributions to law reforms in China.

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Roscoe Pound To Go to China in His 76th Year

In token of the admiration, affection and deep respect in which Roscoe Pound is held by the lawyers, jurists and leaders of thought in virtually all lands on all continents, our cover portrait this month is that of the beloved Dean Emeritus of the Harvard Law School—preeminent legal scholar of the world today and sagacious adviser of many who seek to find and follow the sound and statesmanlike course in government.

This manifestation of the esteem of the American Bar Association for him will remind our readers that Roscoe Pound is in his 76th year, and that at a time of life when most men of his eminence and intensity of activity have laid down most of their tasks, he is still lecturing and teaching at the Harvard Law School, still eagerly following the trails of ripe scholarship in the law, still writing prodigiously and authoritatively for the law reviews, and still making his advice freely available to those who seek him out for guidance as to vexed problems in his own country or for the practicalities of reconstruction in other lands.

Indeed, it was announced on February 15 that the Government of China had invited Pound to go to that far country to advise and help in reorganizing its courts and system of justice. Although details have not been received at this writing, this seventy-five-year-old statesman has tentatively accepted, and expects, as soon as his teaching for the present term ends, to return soon to the Orient which his catholic personality has long loved and to the China which he has visited and advised in less fateful days.

Most appropriately, the current issue of the *Harvard Law Review*—for

November but long delayed by the printing difficulties which beset law reviews and journals—is dedicated to Roscoe Pound, “teacher and friend”, in recognition of his seventy-fifth birthday. “The world will remember Pound’s preeminence in legal thought and his effect upon it,” his colleagues justly say. “To these thoughts, immortalized through his many books and articles, the alumni of the Harvard Law School will add a grateful memory of the integration of qualities which characterized Pound’s teaching.

“Among the memorable qualities of Pound’s teaching has been a breadth both of legal erudition and of general knowledge which has been the astonishment and delight of generations of law students. Whether in personal conversation or on the lecture platform, his illustrations and examples have been taken from so wide a range that they have given the principles he has expounded a universal pertinence. With the entire corpus of human law at his command, and with a long and extensive acquaintance with history, metaphysics, ethics, sociology, literature, and philology, he may well stand as an unparalleled exemplar of the humanistic credo of the Latin writer, Terence: ‘I am a man, and consider nothing human to be foreign to me.’”

Characteristically, this “birthday issue” of the *Review* is not given merely to his colleagues’ tribute. Its leading article is one of his monumental and classic expositions: “Individual Interests of Substance — Promised Advantages”.

Great Services Through the American Bar Association

It is an honor and pleasure for the

JOURNAL to be able to recall and recount how many and how staunch have been the services which Roscoe Pound has rendered to his profession, his country and the world, under the aegis of the American Bar Association. Nearly forty years ago he was the militant Chairman of its Section of Legal Education; through the Section and the Association he was long in the forefront of the fight for high standards of legal and pre-legal education and fitness for the Bar.

His great services to uniformity of state laws were headed up under the auspices of the Association. His many and outstanding contributions to the improvement of the administration of justice, in this country and other lands, were vitalized under the standards of the Association. He has been the unwavering champion of independent courts, competent and courageous judges, and adequate judicial review.

More than other citizen of the world, Pound’s instinct for what his colleagues called “fundamental principles and primary values”, the “philosophic significance” of learning and its search for “the ultimate and universal truths” and for rejection of “the accidental, the local and the transitory”, led him to comprehend clearly the reasons for the devising and multiplication of administrative agencies, the practical needs they serve, and the serious dangers presented by the flagrant abuses which have been permitted to flourish unnecessarily in their wake. Against “administrative absolutism” in every form, he has worked and spoken unceasingly.

His Untiring Efforts for Practical Reforms

As Chairman and as member of the Association's Committee on Administrative Law and as untiring adjutant and adviser of the Committee when not a member of it, he has struck great blows for practical reforms in administrative law and procedure. In perfecting the Association's bills and the advocacy of them, and in opposing measures (such as the Treaty with Mexico) which threatened to take backward steps, Pound has given his time and skills without limit and without reckoning consequences, and has done it all in a generous, self-effacing way that has kept the extent of his assistance from

being known to more than a few leaders and workers in the Association. When occasion has arisen, he has spoken boldly and authoritatively before Committees of the Congress or before the Association; but his utterances have been pervaded with a kindliness and a catholic good sense that left no resentments among honest-minded men.

The bestowal of the Association's Medal for conspicuous and constructive services to American jurisprudence was recognition that he belonged in the galaxy of the great teachers and jurisconsults; but neither the Association nor the profession can ever express adequately their debt to this intrepid son of the Nebraska plain, this hardy pioneer in

the improvement of law and justice.

There is something heartening, perhaps reassuring, in the universal respect and admiration in which this gallant exemplar of the American tradition of law is held. He has no backing of government; he has developed no militant ideology; he leads no large bloc of votes; he has eschewed the histrionics of popular crusades. His authority has been and is only the power of reasoned ideas, of intellectual insight and tempered wisdom, of conscience and lofty patriotism in his objectives. American lawyers are proud of him and grateful for him, and wish him Godspeed on his new journey and long life for his great adventures in the realm of ideas.

Rules for Junior Bar Membership Contest

I. Eligibility:

All members of the American Bar Association who are members of the Junior Bar Conference, excepting National Officers and Council Members.

II. Duration:

February 15, 1946, to August 31, 1946, inclusive.

III. Objective:

To increase the membership of the American Bar Association, and the activity and influence of younger lawyers therein.

IV. How to Obtain Credit:

One credit to be given to each member eligible for this contest whose name is written across the back of an application for membership which is

marked "JBC" or, if no name is on the back, whose name appears as sponsor, submitted during the above period, upon election of the applicant named to membership in the American Bar Association.

The allocation of credit by the American Bar Association headquarters shall be final.

V. Awards:

1. To the eligible member who obtains most credits for new members during the contest period—an engraved gold wrist watch with gold wristband.
2. To the eligible member securing the second highest number of credits—an engraved gold wrist watch.
3. To the eligible member who obtains most credits for new members in his state, during the

contest, in proportion to the number of lawyers, in states with over 2,000* lawyers—an engraved gold wrist watch with gold wristband.

4. To the eligible member who obtains most credits for new members in his state, during the contest, in proportion to the number of lawyers, in states with under 2,000* lawyers—an engraved gold wrist watch with gold wristband.
5. To each of the runners-up under paragraphs 3 and 4, an office pen set with engraved plate.

Duplicate awards will be awarded in the event of a tie. Winners to be announced and prizes awarded at 1946 convention.

* Based on 1940 census as contained in Table 2 to Report of American Bar Association 1944-45 Special Committee on Membership.

China Calls Noted Dean of U. S. Law

Pound Criticizes Court Procedures

By Donald B. McCammond
Staff Writer of
The Christian Science Monitor

After nearly half a century of molding the law and lawyers of his own country, Roscoe Pound, Harvard University Professor and former Dean of Harvard Law School, is heading for another continent to reconstruct the legal side of its war-torn civilization.

In June, the venerated dean of American law leaves Harvard for China where he will serve for two or three years—it is a little indefinite—as advisor to the Ministry of Justice. He was there only a year ago, enjoyed his work, his life and his associates. What is equally important to Dean Pound, so did Mrs. Pound.

Not all the problems besetting the American bar have been solved in the 48 years since Dean Pound began teaching. One—violating principles that were imbedded almost as soon as he took over as Professor of Law at Nebraska University in 1899—is perplexing him now.

Act Like Judges

"The Supreme Court (of the United States) should quit acting like statesmen and act like the judges they are supposed to be," he said in an explosive presentation of this problem.

"Political changes should have nothing to do with the Court," he continued, "except as resulting in legislation. Their duty is to administer justice and not keep their ears to the ground to see what the electorate wants.

"When laws are upset by judicial decisions, then the economic structure is upset. A court decision affects the past, Legislative change affects only the future."

Then this respected patriarch of the law, one of the few attorneys who would dare to criticize so openly and unrestrainedly the highest court in the land, continued:

"The portal-to-portal pay suits, and the confusion after that decision, were the result of somebody jumping at something, instead of sticking to the statute. There was nothing in the statute to bring that about."

Turn to Congress

"Judges turn to Congressional debate to prove anything. They should do so only in cases of ambiguity.

"We must put lawyers on the Court and not statesmen."

Organization of the legal profession and transfer to the courts of rule-making powers and administrative work are two other prominent issues on which the eminent legal scientist has decided views.

The substantive law—dealing with the rights and duties of the individual—is in good shape, according to Dean Pound. "The administrative law badly needs to develop some ethos," he said. He is convinced that integration of the bar would provide the necessary respectability and personality or character.

"Everything that is done to improve justice is done through bar associations," Dean Pound said, "but only a fraction of the profession belongs to the associations. An organized bar would be more effective.

Clerical Work

From behind the desk piled high with lawbooks and letters from former students and associates all over the world, Dean Pound critically discussed the clerical work of the courts under the county and courthouse rings.

"Emancipation of the clerical work of the courts from politics and patronage, and putting control of it right where it ought to be, namely in the courts themselves, must be an important item in any program of improving the administration of justice.

"Changing the law or the administration of it is a slow procedure," he acknowledged. "You can see why when you attempt to change the courthouse ring. You are up against the Legislature. In some States it is very strong.

"Litigation costs more than it ought to," he went on. "It always will cost money to sue someone, but the trouble is that the mere



By a Staff Photographer

Wearing his distinguishing green eyeshade, Roscoe Pound, Harvard University Professor and former Dean of Harvard Law School, who leaves for China in June, fits naturally into the background of textbooks he has written, used, and revised during a half century of teaching.

cost of litigation is so enormous. Every time you turn around somebody wants to copy something.

But the former Harvard Law School Dean, Harvard's first full University Professor, would rather talk about his students—many of them occupy leading positions throughout the world today—his friends or his books. Questioned on almost any phase of the law, he can pull out a monograph, pamphlet or textbook on the subject.

Written Many

He has written so many since the first was published in 1896 that no longer does he remember all the titles. A "Bibliography on the Writings of Roscoe Pound" is nearly an inch thick.

Surpassing all kudos and acclaim, the remembrance of his friends on a recent anniversary touched him deeply. They combined a group of 38 essays and treatises on the law and on the Dean himself and dedicated it to their mentor and friend.

The legal mantle had a natural

fit for Roscoe Pound. He was reared in a legal atmosphere with his father serving as a judge of the Nebraska equivalent of Massachusetts' Superior Court. His sisters are well-known in Nebraska, and the Dean points out that Louise, a writer, educator and athlete, merited as much space in Who's Who as he did. "In fact," he added, "in Nebraska I'm known as Miss Pound's brother."

He graduated from the University of Nebraska in 1888 to go to Harvard Law School. Back in Nebraska as Professor of Law at the university there, he took a two-year break in 1901 and 1902—the only pause in a lifetime of teaching—to serve on the Supreme Court of that State.

In 1907, he joined the faculty of Northwestern University, and in 1909, the University of Chicago. It was in the next year that he came to Harvard. Six years later he was named Dean of the Law School, an honor he wore with distinction until 1936.

All Brookline To Get Aid Vote Machine

Voting machines will be used in all Brookline precincts for the first time tomorrow when voters go to the polls in the many town elections in Massachusetts counties this week.

Used in some precincts of Brookline for November elections, voters will be in universal use to compute the results of the men, School Committee, Tree Board, and only office contests.

Chief Justice of the court term on Daniel F. O'Connell, a veteran Citizens Campaign for John F. Kennedy II vote.

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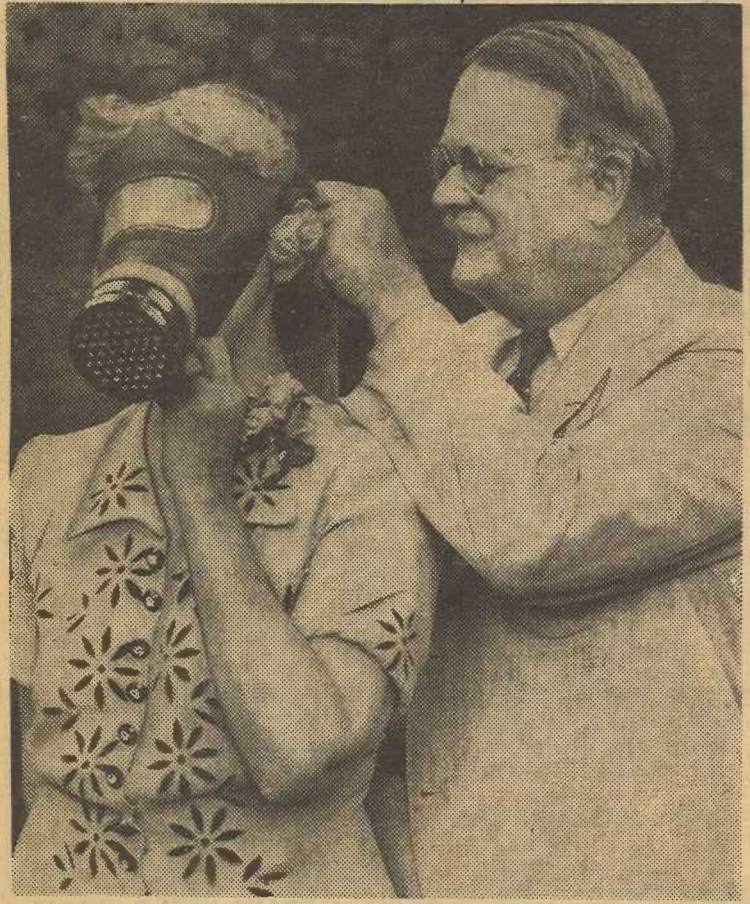
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GAS MASK FROM LONDON—Roscoe Pound, former dean of the Harvard Law School, adjusts gas mask on Mrs. Pound at their home in Watertown. Mrs. Pound brought the mask from London when she arrived with her husband yesterday.

Dean Pound Snores, Wife Quaffs Tea in London 'Raid'

All Londoners scurried for their dug-outs and bomb-proof shelters when an air raid siren pierced the dawn's hush a little more than a week ago, but not Roscoe Pound of Watertown, Mass., former dean of the Harvard law school.

He slept through it. "The horns and the whistles made a terrific racket, but I managed to roll over and get to sleep again," the heavily-set legal authority recalled yesterday with a deep chuckle. "At that time, there didn't seem to be much to worry about."

Dean and Mrs. Pound were among the American refugees arriving in New York Saturday on the liner Aquitania. Interviewed at their Watertown home, they graphically described wartime life in London, with its air raid drills and genuine bombing scares.

They told of climbing over sandbag fortifications to enter London shops and hotels and of being fitted to gas masks, which have become mandatory equipment for every one in England. Mrs. Pound brought her mask home. She carried it in a blue suede case fitted with compartments for cosmetics.

TELLS EXPERIENCES

Their experiences in London, covering a 24-hour period, are ably told by Mrs. Pound in a letter to a friend in Indiana. With Mrs. Pound publishes the letter in part:

"Not a glimmer of light peers through the London black-out," she writes. St. James' park, Green park, Hyde park are a tangle of trenches, dug-outs and raid shelters. Buckingham palace is unlighted, looking severe and determined.

"The hotel where we always stay (the Park Lane) would be in the center of the danger zone. Sidewalks and windows for miles are piled high with sandbags. Roofs of great buildings also are burdened with them. Business is at a standstill and skeleton forces are left in charge of all banks.

"Thousands of huge white balloons float in the sky. They are held in space by wires, many capable of soaring 1500 feet upward. The view of an enemy plane is confused by them, and if the plane is once tangled in the wiring death and destruction comes to the invader.

CALLED TO WAR

"There are few policemen; fewer taxicabs. Everyone has been called to war service and only a score of guests are at the hotel.

"Practically every person on the street carries a gas mask. You would not think of eating without your gas mask setting on the spot the cherished teapot once occupied.

"A newspaperman's wife and I went shopping today. We started out, gas masks over our shoulders in little paper boxes, the size of Girl Scouts' cookie boxes. When we entered the shop, the manager, a Frenchman, says:

"Madame, why carry our gas mask in that abominable box? Behold my invention. Best silk or suede. I pop in the gas mask. Voila! See the tiny purse, mirror, powder puff and lip stick."

"When I protest about the utility of powder puffs and lip stick in an air raid, the manager rewards me with a look fit to slay me and says: "Oui, madame. A woman must

our way to the street at 7:30. Blessed sunshine! People looking like a nudist colony, walking around. All asked where the air raid had struck, and an American with an irrepressible sense of humor, said:

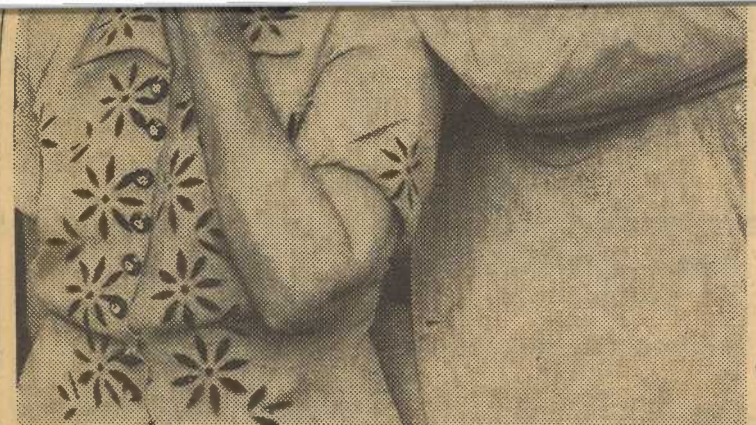
"2 GROUSE ESCAPED"

"Someone sighted two grouse escaping from the shooting in Scotland and sounded the air raid warning."

"Even the imperturbable English standing near allowed themselves to laugh aloud. Later we learned that enemy planes were sighted over the North Sea.

"Two days we wait on the Aquitania for the two big guns to be adjusted. They test the ship to see that not a ray of light will show. Troop ships are being loaded beside us, carrying splendid young Britons to the battle front.

At last, we start, only to proceed a few miles. All night we remain in the safety zone. Torpedo boats guarding us. Morning comes and we make a dash for it. Good old friendly torpedo boats and destroyers stick with us and mine sweepers clear the way. Home to America. Goodbye, brave old England!"



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"Oui, madame. A woman must think of her appearance in an air raid or not."

TERRIFIC TOOTING

"As we walk down Picadilly to Bond street, climbing carefully over barricades and sandbags, there is a sudden, terrific tooting of horns. My friend and I adjust our masks and for the nearest shelter, only to find it empty. My gas mask comes from under my pillow, electric torch in my stocking, thermos bottle of tea and tin of biscuit by my side.

"The siren shrieks at 6:30 A. M., and no one need to knock on my door. Jumping into scanty clothing, one shoe on and one shoe off, I run down to the air raid shelter in the ballroom. Not bad surroundings, anyway, and we all have tea and biscuit.

"A few of us intrepid souls grope

our way to the street at 7:30. Blessed sunshine! People looking like a nudist colony, walking around. All asked where the air raid had struck, and an American with an irrepressible sense of humor, said:

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Aquitania Is Armed As It Arrives With American Passengers

Yankees Scared After Hearing Kennedy Warning That Ship Might Be Sunk

NEW YORK, Sept. 16—(AP)—The British liner Aquitania, the first armed merchantman of a belligerent nation to reach New York since the European war started, arrived today with 1,625 passengers, 669 of them Americans.

Their nerves were ragged after the cautious crossing and many of the Americans expressed resentment over a warning they said Ambassador Joseph P. Kennedy had sent them before the ship sailed. The message, said Gilbert Miller, theatrical producer, "scared the gizzard out of us."

Miller said G. K. Donald, American consul at Southampton, summoned the Americans to the lounge just before sailing and read the following message from Ambassador Kennedy:

Passengers Warned.

"Ambassador Kennedy feels that in addition to the other statements he has made, it is his duty to warn American citizens taking passage on vessels of belligerent nations that when such vessels are being convoyed, the opposing belligerent may take this opportunity to sink them without warning. This does not mean that convoyed vessels are more unsafe than unconvoyed vessels, but it is made purely to acquaint American passengers with the contingencies that might arise."

Miller said "this very negative message" left the assembly "most irate and resentful."

"The spirit of the ship up to that time was very high," he explained. "That (the message) scared the gizzard out of us. Hearing that, many people became panic-stricken."

The ship had a destroyer convoy for one day and then sailed alone.

In reply to a protest which passengers sent to Kennedy, he said, he was sorry he had caused any alarm, but that he felt constrained to warn the passengers.

Roscoe Pound Chuckles.

The high state of jitters reached by the passengers was attested by a former Nebraskan, Dean Roscoe Pound of Harvard law school.

"A waiter dropped a tray of dishes the second night out," chuckled the dean, "and it frightened everybody. For a moment everyone thought we had been hit."

Mrs. Pound added that the passengers got another fright when a school of porpoises swimming along in a phosphorous glow was immediately identified by excitable voyagers as a submarine.

Meanwhile, the departure of three American vessels,—the Scanstates, American Traveler and American Trader—ordered by the state department to pick up stranded Americans in Europe, was held up by a strike of seamen demanding a cash bonus for entering war zones.