

THE  
OCTAGON

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*A Journal of The American Institute of Architects*

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# THE OCTAGON

*A Journal of The American Institute of Architects*

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## The President's Message

THE first phase of the national defense program is coming to a close. The contracts for the major number of the cantonment, base, and similar projects so far authorized by Congress have been awarded and most of those projects are in the construction stage.

The Navy announces that work under its half of the \$100,000,000 housing appropriation is under way. The Army's half was allocated to the Public Buildings Administration. For the Army, that bureau announces it has awarded construction contracts for 2565 housing units in 13 localities, at an estimated construction cost of \$7,559,000, and that 6 projects, comprising 3,350 units, will be built by Local Authorities, as follows: Jacksonville, Fla.—300 units; Pensacola, Fla.—100 units; Boston, Mass.—1,050 units; Philadelphia, Pa.—500 units; Charleston, S. C.—35 units; Bremerton, Wash.—800 units. The projects in Philadelphia and Charleston are for industrial workers; the others are for enlisted personnel.

The Administration also announces it has awarded a contract for 3,000 units in San Diego, at an estimated cost of \$9,070,000, out of the \$150,000,000 housing appropriation. So far only about one-fifth of the units contemplated under the latter appropriation have been authorized.

The United States Housing Authority announces that its original allotment of 10,000 housing units is well under way, under local authorities, and that some of those projects are completed. The Authority also has been allotted approximately 3,500 units under the \$150,000,000 housing appropriation, which will be completed under the local authorities.

Works Progress Administration has done considerable construction work directly from the plans and under the jurisdiction of the Army and the Navy Departments, mostly in connection with airports and stations, armories, temporary housing, etc.

Two significant events have just occurred that will have an important bearing on our relations with Army construction in the future. On December 11, the Secretary of War announced he had delegated to the Corps of Engineers the direction of all work pertaining to all construction, permanent and temporary, at air corps stations (Panama excepted), including those in progress. The Quartermaster Corps formerly had this work under its jurisdiction. The order affects 84 projects. Later, the Secretary appointed Lieut. Colonel Brehon B. Somervell, of the Corps of Engineers, to be Chief, Construction Division, of the Quartermaster General's Office. Colonel Somervell replaces General Charles D. Hartman.

This reviews to date the defense construction which affects our profession.

It is well now to look into the immediate future, to consider what has happened, and to decide what steps we should take from this point on to obtain a greater recognition of the planning professions in future federal building projects.

What is immediately before us?

Undoubtedly the defense measures already taken are but the preliminaries of a larger program. It is stated hereabouts that Germany required war-time sacrifices from her civilians for seven years and approximately 100 billion dollars to prepare herself for the present conflict. Is it probable that the cost

of preparing the United States will be less than that? So far, our civilians have made no sacrifices, and less than 17 billion dollars have been appropriated.

It is rumored that one phase of the enlarged program will be to increase the Army to 4,000,000 men; more than three times the 1,200,000 men now planned for. Events seem to be shaping so fast that Congress may have to consider that phase when it meets in January. Such a program means more construction of every sort, mainly housing and industrial expansion. It should mean better shelter and site planning, more modern construction and much greater protection from attack. The shelters and their grouping in 1941 should not follow those of 1917 if the lessons of mechanization and air raids are to be recognized. When the program is started, it will extend over years instead of months unless accelerated by our own entry into war, and should afford opportunities for the planning professions to serve in ways it has not done heretofore.

All the things we have done during the emergency phase are preliminary and essential for the background of our future efforts.

I hope that members of the planning professions in private practice will not be unduly discouraged because they have not participated in the emergency program to the extent they had hoped. Where they have been excluded, it has been through no default of effort on their part. Their opportunities to participate in the planning of cantonments and bases almost vanished at the moment the Army and the Navy decided to use for the present emergency the shelter and site plans made for the world war emergency more than a score of years ago. Having pre-designed buildings, many of which were of the wood floor and canvas top type, and site plans which they deemed adequate, the two Departments decided that the services of architects in private practice were little needed and that engineers were needed only to plan the utility and other service systems for the sites. The need for engineers was greatest, for architects much less, and for landscape architects almost none at all.

Not much time can be given to well considered planning of individual projects when speed of construction is the only major consideration.

Nevertheless, a considerable number of architects have been employed for the development of the cantonment and base projects, in spite of the un-

favorable circumstances. I have not yet the complete list of those engaged for that purpose, though the number will be noted in a future message. Recognition of the value of architects' services was slow to materialize, but it grew as the program developed, especially in the Army, and the number of architects lately engaged has been encouraging. Within the last fortnight, I am aware that seven important contracts with architects have been made, jointly with engineers, and six of those were for six of the largest construction projects of the program. This increasing favorable consideration of architects' services attests the continuous efforts of the representatives of our profession and its friends in high places who have pressed steadily the idea that the services which architects in private practice can render are valuable in planning and carrying on governmental projects.

The Navy has not ignored the architects. It has not had as many building projects as the Army, and as its program developed it has appeared to rely more and more on its own standardized plans for bases and housing and less and less inclined to call the architects. This attitude latterly culminated in its decision not to employ architects and engineers in private practice to plan its housing projects. None the less it has awarded some important commissions to architects, and I am convinced would have used them more often if it had not feared that the process of calling in outside help would slow its program.

In retrospect, there are two facts which stand out as a result of our effort so far. *First*, our profession has been recognized and permitted to participate in the program of arming the nation in the shortest possible time. If the participation has been limited, it has been made possible by the Army and Navy Departments, which have heretofore been rather reluctant to turn over to private practitioners any planning work which they considered could be done in their bureaus. This recognition of itself would be well worth all the effort that has been put into our program, and yet I feel the *second* fact is even of greater significance; viz., that the architects and engineers and latterly the landscape architects have worked jointly throughout the entire defense program to enhance the standing of the professions in governmental places. More than that, they have worked together as professional men in a professional manner, willing to collaborate for the better-

ment of the professions as a whole without compromising the prerogatives of their individual professions. We have established working relationships which will strengthen our future procedures.

What steps do we propose to take to continue our program of impressing the value of the services of the planning professions on government?

This question has been considered jointly with the engineers and the landscape architects. I think our decision may carry the professions before the next Congress. We have been careful so far to propose nothing to the federal departments or to Congress that in any way would delay the defense program, and are avoiding scrupulously anything that might be considered as upsetting procedures already adopted by the federal agencies to complete their defense projects now authorized within the prescribed times. Under no circumstances will we do anything to delay defense, but will do everything

in our power to forward it.

We all feel the time has come to put the case of the planning professions before those who make our laws, who after all are the ones to decide whether or not the continuance of the professions is to be encouraged, whether or not the well-accepted position of the planning professions between contractors and owners is to be maintained in government contracts, and whether or not it is best that the planning of government buildings in every part of these United States should be centralized in a few bureaus in Washington. We believe that this country does not want such centralization nor such standardization of planning, but rather that its plans for public buildings in every locality shall be placed in the hands of the competent architects, engineers, and landscape architects in the respective localities. To that end we shall continue our efforts.

EDWIN BERGSTROM.

## Funds For Carrying on The National Defense Program For Architects

**I**N October The Institute set out the need of funds to carry on the program for the profession in connection with the national defense work and appealed for contributions to carry on. That appeal went to 14,500 architects. Approximately 1,100 have responded, more than 500 of whom were non-Institute members. The response was helpful and appreciated. The \$3,700.00 contributed was immediately placed against the accumulated expense of the program.

The appeal in October stated,

"The Institute has exhausted its funds available for the work and has borrowed money in order to carry on the defense program for the profession and urgently needs additional funds to carry on from this point."

The Institute must again appeal to the architects for funds to continue the work for the profession in Washington in connection with the national defense program. The ground gained by the profession in six months has been far greater than appears on the surface. That ground must not be lost. A huge enlargement of the national defense program undoubtedly will be authorized by the next Con-

gress, which meets the first week in January. The profession must intensify its efforts to be permitted to participate in the coming program. The officers, directors and various members of The Institute are giving a large amount of their personal time in Washington to this work for the profession. They are doing this without remuneration and because they know that if the profession does not urge its claims for recognition in the defense program to the greatest possible extent in Washington, that the members of the profession throughout the country have little hope for recognition. They are willing to continue to give their time, but unless the profession supports their efforts with financial help they will be seriously handicapped.

The individual architects must realize that those who represented them here have done everything they could properly do in Washington for the profession during the last six months. They must also realize that the only hope for the profession is to have the efforts in Washington continued and intensified during 1941. That effort must have funds to carry on.

The Institute will ask for such funds immediately the new year opens.

## Local Emergency Defense Preparation

EXTRACTS FROM THE REPORT OF THE COMMITTEE OF THE BOSTON  
SOCIETY OF ARCHITECTS\* FOR EMERGENCY DEFENSE PREPARATION

**Y**OUR Committee is presenting a report on the accomplishments to date of the architects of the Boston Society of Architects in the field pertaining to emergency defense measures for the State of Massachusetts. We feel that we have a definite contribution to make, and that we have made progress in this work to a point where we can be useful in the solution of defense problems.

The Boston Society of Architects, acting under The American Institute of Architects, has formed a committee on emergency defense preparation. This committee is made up of six Boston architects, William Emerson, President of the Boston Society of Architects, H. Daland Chandler, Regional Director of The American Institute of Architects, William Roger Greeley, Marc Peter, and John T. Whitmore, with Chester Lindsay Churchill, Chairman. Considerable progress has already been made by this committee, which was formed to aid, through the use of its professional and technical knowledge, the solution of those vital problems of emergency defense, which to date have been little known and mostly neglected in preparing for an adequate and necessary defense for our civilian population and property.

It is, of course, common knowledge that this war differs greatly from previous ones, and that a successful defense means an unusual and unprecedented amount of technical knowledge applied to the solution of all the new problems. Both England and Germany have used technical men, architects as well as others, to help in the success of their aims. Similar technical aid is needed for problems which confront us in Massachusetts and the entire United States.

The Defense Committee has consulted with Washington and with military authorities, . . . . . and in all cases has met with cooperation, and a declaration by these authorities that the work which has been done, as well as that which is yet to be done, is timely and proper and useful, and it has been requested to continue in its efforts. In addition, foreign experts, particularly Canadian and English have been contacted regarding their work and their solution of

defense problems, in order to get information first hand.

The matter of defense classifies itself into two main divisions:

1. Combatant
2. Non-combatant

It has been stressed to this committee, by the military authorities, that its contribution in a war like the present is particularly timely and helpful in the *non-combatant* division. They state that while the military has done work in the combatant division, very little, they feel, has been accomplished effectively by civilians in the non-combatant division.

. . . . .

1. *Civilian Shelters.* Military authorities state that the safety and morale of the non-combatant is as important as that of the military forces. Both the knowledge and results in taking care of non-combatants in the face of bombing raids, is of first importance. The United States Government is attempting to collect certain data relative to the dynamic force of bombs, their acceleration and impact, and other such data. The practical use of this, however, as worked out and applied to actual shelters, will depend greatly upon what is done by civilian groups in their particular district, to make use of any such information plus additional data which must be worked out by the district group.

Following is a study of the possibilities for shelters, either temporary or permanent.

(a) *Existing structures above ground.* It has been found because of the quality of the construction of certain new buildings, that either in their present condition or with some practical alteration, they can be made to serve properly as shelters. A study and listing of these is part of the aims of the Committee.

(b) *Subways.* Certain subways may be utilized as at present constructed. Others will require further construction in order to be proof against bombs. In every case at least some alteration will be necessary to properly provide the necessary services for large numbers of people who might use them

\* BOSTON CHAPTER, A.I.A.



over a period of many hours. This involves considerable planning study.

(c) *Underground Shelters.* Some thought has been given to the study of underground shelters which would have a practical use if and when not used as bomb shelters. For instance, they might feasibly be designed for use both as underground parking spaces as well as air-raid shelters.

(d) *Overhead Shelters.* The construction of overhead roads such as through thoroughfares might also be designed to answer the function of shelters under them.

(e) *Trench Shelters.* Open shelters in the form of trenches in fields and parks have proven very useful in Europe, and should be given extensive study here. The planning and development of these for civilian execution and use is a service for which architects are particularly suited.

All the foregoing types of construction which help solve the problem of shelters are distinctive planning jobs and building problems. The assembling of data for this work, the working out of the design from this data, the planning and detailing of construction, and the specifications—all of which are necessary to make this information of proper use to the authorities—is distinctly a function architectural in character.

Following along these lines, the National Resources Board has had made for the Committee a map of New England, showing all the vulnerable spots which it is believed would be targets for an enemy bomber. These are most all in proximity with large civilian populations, and consist of production plants or depots of vital supplies or munitions, in every case, making them objectives. With a proper handling of these problems by dissemination of technical data to the architects in these districts, a solution could be brought about by building shelters within them, thus fulfilling both a psychological and real need.

2. *Housing.* Data on the populations of cities and towns, together with the data on the movement of this population because of changes due to war industries, are all matters which pertain to and effect the housing problem. The need of the study and execution of good housing is obvious, and architects of experience are particularly necessary.

Under this same item of *housing* comes another problem of locating either existing structures, alter-

ing existing structures, or building new structures for the formation of supply depots for the vital necessities of life. Bombing and other war measures may seriously interrupt and disrupt supplies. The outlying districts which take care of such areas should have at central points suitable housing for supply depots, to overcome this difficulty of disruption of supplies from larger centers of population.

3. *Camouflage.* The science of camouflage has changed greatly since the last war. There is no doubt that photographic and other data giving accurate information concerning our terrain and cities and towns is in the hands of potential enemies. Studies show that to counteract this, camouflage can be successfully used, so that the aspect of a city or town is changed from the air, and landmarks and targets are lost, with the possibility of vital damage being much less.

Camouflage should also be applied to moving objects such as trains.

As camouflage involves largely a plan layout of areas and values of color, this is another field in which the architect is well qualified.

4. *Re-zoning.* Because of the requirements in taking care of industries and other necessities under the stress of war, this work has been found to conflict to a great extent with the zoning regulations. The study of how they shall be changed or altered to allow for war conditions, together with the best results during the time of war and the least detriment afterward when peace comes, becomes another field of study, and it can be best approached by those who are familiar with the architectural requirements and methods.

5. *Building Code Changes.* In order to erect economically and effectively new structures and temporary structures, either emergency or permanent, legislation should be enacted which would revitalize and make flexible a great many of our antiquated building codes. . . . .

6. *City Planning.* . . . A thorough study should be made of the entire matter of proper circulation under war conditions in cities and towns and between them, either in relation to the location of war industries or military units or movement of civilian populations. Problems arise of both centralizing and decentralizing population. In order that communities may not be hurt from the standpoint of economics when peace again arrives, the relation of city

changes to the planning problem is vital. Expert studies will need to be made of locating new structures, or of relocating existing structures, both commercial and private.

*7. Preservation of Historical Structures. . . .* There are many structures of historical importance which are within areas subject to bombing. As to the best methods of their protection, the matter is structural and pertains distinctly to the architectural handling of the problem, and studies are being made within this field. France and England have both done a great deal in this field, which is worthy of study.

*8. Advisers on Building Problems.*

(a) *Government Buildings.* At the present time, a very large building program is being undertaken by the Government, in many cases without the help or advice of architects. . . . . The committee has been told that the offering of its services in a consulting capacity would be welcomed. This should be correlated under some general committee.

(b) *Loss of Private or Public Structures.* In vital areas, surveys are necessary of existing unoccupied buildings, to have ready data on their availability for temporary use to replace bombed or otherwise destroyed structures under war conditions. In many cases it may be necessary to speedily erect structures to replace those destroyed, and it is the thought of the members of the committee that the architectural planning and layout of such required new structures can be done on a unit basis which would make them economical as well as useful. This is distinctly within the province of the architect.

(c) *Supervision.* Where a defense committee has some control of the construction within their communities, the expert advice of the architect can very readily prevent hasty building with bad results, and prevent the adding of cost and overburdening of the community in the field of finances as well as real estate, both during war times and in the times of peace to follow.

*9. Consultants on Organization Measures. . . .* It is felt that this committee can be of service to the various civilian organizations in other parts of this state or New England, because of the advice and

counsel which the architect, as a professional technical man can give. It is the intention of this Committee to make available the facilities of the architect within these communities for making studies and drawing plans, which definitely are needed for proper defense operation.

*10. Rehabilitation.* Because the military authorities state that there is a possibility that communities may be damaged if we go to war, the problem of rehabilitation has also been considered. This is a planning problem where the architect is of great assistance. Rebuilding should not take place until the proper plan has been considered. This plan should embrace the most advanced ideas, so that, by proper rehabilitation, there can result a most modern city, which will have a greater use and a greater economic advantage. By such an attitude, rehabilitation may prove to be a means of some gain, to offset the ravages of war.

. . . . .

Arrangements are now being formulated for representation on the Defense Committee for Massachusetts, as appointed by the Governor of Massachusetts. By having representation on such a committee, it is felt that:

(a) the efforts of the Defense Committee of the Boston Society of Architects can be better coordinated and vital studies can be better made in consultation with other groups;

(b) that duplication of effort will be avoided;

(c) that the results of the work of this Committee, and its usefulness will be made more broadly available to all;

(d) that its usefulness will be enlarged because the sources of information will be greater;

(e) that it can better serve all concerned by studies made, and being made, and by drawing plans for all the various technical phases of defense work.

From time to time further reports will be given by your Committee, as to their progress and as to the further work in which they will cooperate in expanding the activities of this work to the entire New England area.

CHESTER LINDSAY CHURCHILL.



## Sir Raymond Unwin Memorial Meeting

THE influence of the late Sir Raymond Unwin on American Town Planning and Housing Practice, his beneficent work in our schools and his delightful relations with the profession involved, were the principal subjects referred to at a meeting held in his memory at the Architectural League rooms in New York on Tuesday afternoon, November 12, under the auspices of The American Institute of Architects, Columbia University School of Architecture and the American Institute of Planners. The occasion was a deeply moving one to many in the audience. Charles D. Maginnis, Past President of The Institute, gave expression to the two-fold inspiration for this memorial in the opening words of his scholarly address when he said:

"We meet here under circumstances of peculiar poignancy. In an hour when his country still lies anxiously in the shadow of war, we have come to honor a great Englishman who was not to be vouchsafed the spectacle of its triumph. Those whose privilege it was to know him might well have wished for that gentle spirit the vision of a smiling England on its passage to the stars. In this emotional crisis no finer symbol of the British character was needed to vindicate the direction of our own national sympathies. There was no hint of challenge, no arrogance in the patriotism of Raymond Unwin. Pride of country was with him a tender sentiment. The genius of England was exemplified not by its imperial might but always by its happy domesticities. The hope of a just and ordered society, shaped to the benevolence of the democratic concept, was the compelling principle of his thought. And we must account it a rare felicity that this ideal should have engrossed both the architect and the man to the large benefit of life everywhere."

After reviewing Sir Raymond's career, Mr. Maginnis ended with these words:

"It is my high privilege, on behalf of The American Institute of Architects, to express for the whole American profession our reverend acknowledgment of a great talent which, in a long and gracious exercise, has added luster to the cause of architecture and made a contribution beyond estimate to the art of living."

The Hon. George McAneny mainly devoted his address to praising the assistance Sir Raymond had

afforded the governmental and semi-public organizations in this country, interested in the planning and re-planning of our cities; mentioning among other services his aid to the Regional Plan Association of New York. "We learned to appreciate him not only as a great leader in his own field", he said, "but as a great citizen of England and one we would have gladly adopted as a citizen of our own land."

Dean Leopold Arnaud spoke of Sir Raymond Unwin's four years as visiting Professor of Architecture at Columbia University, a period of service which was only one "in a long life of noble and varied services to this and other Schools—M.I.T., Cornell and others—to which he had devoted an enthusiastic and sustained interest. "His lucid manner of expression, together with his unflinching tolerance made him a great teacher. Although reared in the history and culture of England, Sir Raymond also had a clear and sympathetic understanding of the very different background and requirements of this country, and he could judge and advise, therefore, with detachment and perspective."

Representing the American Institute of Planners, Russell Van Nest Black, its past president, particularly stressed Sir Raymond Unwin's help to the City Planning movement in America at a time when it was most needed. Many of the audience had been privileged to know Sir Raymond personally and surely it must be their desire to pick up the flag he bore so well and carry it forward. Mr. Black said that:

"No man during his lifetime can do much more than set a pace, make a break in opposing lines through which others may pass. All in this room know how many urban problems would have been removed, and how much more satisfactory and better balanced the lives of our people would be, had the city builders of the past observed those simple principles of urban organizations so often and so clearly stated by Sir Raymond. None know better than we the frail rooting of these principles in current practice. None have better reason to believe that these principles can and must be more firmly established."

Before closing the meeting the Chairman read brief tributes to Sir Raymond Unwin from Dr. William Emerson, former dean of M.I.T., Dean Rudolph Weaver of the University of Florida, and

extracts from a personal tribute from Sir Ian MacAlister, Secretary of the Royal Institute of British Architects. Many of the audience, which consisted of about two hundred representatives of city, state and national housing and planning agencies, architects, city planners, educators and social workers, who had an opportunity thereafter to speak with Lady Unwin and her son-in-law and daughter, Mr. and Mrs. Curtice N. Hitchcock, found them very appreciative of the spirit that had animated all of the addresses. There was a very general agreement that the meeting had been able to evoke something

of the genuineness and force of character of the man and the scholar, Raymond Unwin, as he remains in the minds and hearts of his friends and associates in this country.

ROBERT D. KOHN.

*Note:* Plans for this memorial meeting were carried out by the New York Chapter, A.I.A., acting for THE INSTITUTE. The Chapter committee included Frederick W. Ackerman, Carl Feiss, Harvey W. Stevenson, Richmond H. Shreve, in charge of invitations and program, and Robert D. Kohn as chairman.

## New York Court Awards Architecture To Architects

RULES NO ONE BUT REGISTERED ARCHITECT CAN CONTRACT TO PERFORM ARCHITECTURAL SERVICES

A FAST-GROWING PRACTICE—that of building, planning, and remodeling concerns performing architectural services—has been effectively spiked by a recent decision of the New York Court of Appeals, affirming a decision of a lower court which had held that only an architect can contract to perform architectural services.

This history-making case—the American Store Equipment and Construction Corporation vs. Jack Dempsey's Punch Bowl, Inc.—has the distinction of being the first involving the practice of architecture as a profession to go to the highest court in New York State.

The case developed out of a refusal of the restaurant to pay for architectural services for which it had contracted with the building company. Although it conceded that the services had been rendered, it refused payment on the plea that the builder was not licensed to perform them.

The builder countered that it had performed various services, such as planning, designing, and decorating the restaurant—which is located in the Times Square region in New York City—and that it was entitled to its stipulated fee. When it was brought out at the trial, however, that at least a part of this alleged work, labor, and services was architectural, Supreme Court Justice Rosenman dismissed the complaint, holding that the illegality was injurious to public health and morals.

The plaintiff then appealed the case, first to the Appellate Division, then to the Court of Appeals,

which affirmed the court of original jurisdiction without opinion.

Although few architects were aware of this litigation, each of them had an important stake in its disposition. For on the outcome of these appeals rested the future status, in New York at least, of the profession. In a number of cases involving other types of licenses, the Court of Appeals has allowed recoveries even though the plaintiff has been unlicensed, holding that the act was merely "malum prohibitum," or not a crime against public health and morals. If the Court had so held again, architecture would have been stripped of its status as a profession, equal with law and medicine, to become the foil and hand-servant of every building contractor.

The decision of the court, however, restores the practice of architecture to architects. No firm or other organization can contract to perform architectural services, other than a registered architect. *In addition, such organizations that do contract to perform architectural services may not recover for their services.*

Nor may such firms agree to provide "free" architectural service as a part of their contract. In Mr. Justice Rosenman's opinion, published in the New York Law Journal, March 4, 1940, he wrote as follows:

"The plaintiff contends, however, that even if it did perform certain architectural services, nevertheless it can recover for all those portions of the contract not involving such services, and that the archi-

tektural services, if any, amount only to about 5% or 10% of all the services undertaken to be rendered. However, there is no means of segregating the good from the bad portions of the contract in this case. The contract was entire and indivisible: to plan, contract, and furnish a complete unit. If the plaintiff had sold the interior furnishings and decorations, the contract could have been separated at least to the extent of permitting recovery for the merchandise sold. Here, however, were only services, ideas, and supervision. They cannot be separated into different classes—legal and illegal. . . .

"To sustain the legality of the balance of the agreement would lead to widespread disregard of the licensing statutes. It would be easy for any construction contractor to thwart the purposes for which the licensing of architects was enacted by merely providing in his contract that architectural services would be given gratis, so long as the contractor were awarded the contract itself."

This decision came at a propitious time. The growing assumption of architectural responsibility by corporations and other unlicensed organizations is a vicious, dangerous threat to the ethical and economic structure of the profession. It not only deprives architects of business to which they are rightly entitled, but relegates the function of architect to a new low in subservience.

The Jack Dempsey instance is only one of a string of hundreds of such jobs. On almost every Main Street in New York State—and in increasing numbers across the entire country—combined building and architectural corporations have planned and erected structures, such as stores, restaurants, markets, and similar commercial buildings. To "comply" with the law, many have employed their own architects. Others, however, have flipped the archi-

tektural service to a co-operating architect after having contracted to provide it.

Justice Rosenman's decision in this case helps round out a growth that has been developing since 1927. Prior to that year, Article 7-A of the General Business Law was the only statute relating to architects. This merely prohibited a person from assuming the title of architect without first securing a certificate of registration. Any one, under this law, could practice architecture as long as he did not call himself an architect.

In 1927, Article 7-A of the General Business Law was repealed and was superseded by Article 56 of the Education Law. This, however, also permitted architectural practice by unlicensed persons.

In 1929, the practice of architecture was given the legal status of a profession. In that year, Sections 1475-1484 of the Education Law required that the very practice of architecture required a license. Section 1476 of this law provides that "In order to safeguard life, health, and property, no person shall practice architecture in this State . . . unless such person shall have secured from the regents a license as architect. . . ."

There are several exceptions, however. It does not prevent licensed engineers from performing architectural work, nor does it apply to new building costing less than \$10,000, nor to remodeling jobs costing no more than that when no structural changes are involved. Some corporations may also practice architecture. These are limited to architectural corporations incorporated prior to 1929 which have licensed architects as their chief executives. None of these exceptions, however, applied in the Jack Dempsey case.

J. R. VON STERNBERG.

(Reprinted by courtesy of *The Architectural Record*)

## The Francis J. Plym Fellowship in Architecture

By authority of the Board of Trustees of the University of Illinois the committee in charge announces the twenty-eighth competition for the award of the Francis J. Plym Fellowship in Architecture. The value of the Fellowship is twelve hundred dollars to be used toward defraying the expenses for one year in Europe (or the United States, depending on conditions abroad) for the study of Architecture.

The competition will be held in two parts, the preliminary during January and the final probably during February and March, and will be open to all graduates of the Department of Architecture of the University of Illinois.

Persons wishing to take part in the competition must notify Professor L. H. Provine, Department of Architecture, University of Illinois, Urbana, Ill., not later than *January tenth 1940*.

## The Fair Labor Standards Act ITS RELATION TO ARCHITECTURAL PRACTICE

THE Institute is aware that architects are questioning whether or not any provisions of the Fair Labor Standards Act apply to their practices. No definite general answer can be given to the question.

The Institute, through Counsel, addressed a series of specific inquiries to Commissioner Andrews, Administrator of the Act, concerning the application of the Act to employees of architects.

It now appears that the Commissioner will not rule on specific requests if that can be avoided, but prefers to issue general advice under the titles of "Interpretative Bulletins", in which he will set out his view of what the law means.

Based on such bulletins as have been issued, Counsel advises as follows:

"Under section 13-A1 of the Act professional men are excluded by the terms of the law. The Administrator has defined his understanding of profession and professional, as describing exempted parties, by regulation 541.2, as follows:

*The term 'employee employed in a bona fide—professional—capacity' in Section 13 (a) (1) of the Act shall mean any employee*

*(a) who is customarily and regularly engaged in work*

*(i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work, and*

*(ii) requiring the consistent exercise of discretion and judgment both as to the manner and time of performance, as opposed to work subject to active direction and supervision, and*

*(iii) of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and*

*(iv) based upon educational training in a specially organized body of knowledge as distinguished from a general academic education and from an apprenticeship and from training in the performance of routine mental, manual, mechanical or physical processes in accordance with a previously indicated or standardized formula, plan or procedure, and*

*(b) who does no substantial amount of work of the same nature as that performed by non-exempt employees of the employer.*

Counsel continues:

"You will see from this excerpt that it covers substantially all the professional employees of the usual architect's office holding certificates as architects with the exception of draftsmen, stenographers, telephone operators, office boys, etc."

"In those cases where an architect is engaged on a particular job outside his own state or where he has a varied and interstate practice, we recommend that he carefully segregate the office work between intrastate and interstate duties and contracts, so that no intrastate employee has any contact with the interstate business. On the other hand, the interstate employees, if they have any time over, can work on intrastate business without any effect one way or the other.

"There is no requirement under the law that goods (*drawings, documents, etc.*) be labeled to show conformity with the law."

\* \* \* \* \*

Architects who practice in one state only are not affected by the Act, but they may find their own state has enacted wage-hour laws that affect their offices and employees. Architects who are engaged in any architectural practice, or what may be ruled as such, in two or more states, should consult their attorneys as to their liabilities under the Act.

\* \* \* \* \*

Related to the effects of legislation of this sort is the development of employee classifications and wage scales. Every architect should be constantly alert to these, for they vitally affect the costs of conducting his practice.

Attention is called to the recent method of classifying employees both in terms of the italicized matter herein, and whether or not the average monthly earnings are more or less than \$200. If less than \$200 the Commissioner would regard an employee as covered by the Act.



## Members Elected Effective November 15, 1940

<i>Chapter</i>	<i>Name</i>	<i>Chapter</i>	<i>Name</i>
ALABAMA.....	Brendon A. Bond	NORTH CAROLINA.....	Eccles Dewey Everhart
BUFFALO.....	Mortimer J. Murphy	PHILADELPHIA.....	William Nicholson Taylor
	George Dick Smith, Jr.	PITTSBURGH.....	Paul Francis McLean
CHICAGO.....	Ambrose Coghill Cramer	RHODE ISLAND.....	Rockwell King DuMoulin
	Lawrence E. McConville	SAINT LOUIS.....	Kenneth E. Wischmeyer
FLORIDA SOUTH.....	Anton Skislewicz	SPOKANE.....	George M. Rasque
KANSAS CITY.....	Harry L. Wagner	UTAH.....	*Miles E. Miller
MONTANA.....	Edwin George Osness		
NEW YORK.....	Ernst Payer		
	Charles Magill Smith		

\* Re-elected.

## New State Association Member

THE Secretary is gratified to announce that The North Carolina Association of Architects was elected a state association member of The Institute, effective November 7, 1940.

The officers of the Association are:

President: S. Grant Alexander, Asheville, N. C.

Secretary-Treasurer: Luther Lashmit, 602 Reynolds Building, Winston-Salem, N. C.

Directors: Thomas W. Cooper, Raleigh; J. B. Wilder, Greensboro; Anthony Lord, Asheville; J. B. Lynch, Wilmington; Eric G. Flannagan, Henderson.

## Necrology

As reported to The Institute from October 31 to December 31.

### Fellows

Chester H. Aldrich  
William J. Dilthey  
Thomas H. Morgan  
William G. Nolting

### Member

Alfred S. Alschuler  
Philip Hiss  
Clarence E. Wunder

### Honorary Corresponding Member

Dr. Wilhelm Dorpfeld  
Honorary Member  
Col. Geo. B. McClellan  
Dr. Livingston Farrand

## Department of Technical Services—Notes

By THEODORE IRVING COE, *Technical Secretary*

1940 Report of the Joint Committee on Standard Specifications for Concrete and Reinforced Concrete.

For the past ten years the work initiated over thirty years ago by a Joint Committee, composed of representatives of national engineering and technical organizations interested in the sound development of the use of concrete, has been carried forward by a third Joint Committee.

The reports of the first two committees, issued in 1916 and 1924, indicated broadly the progress and developments in recommended practices and specifications during the periods covered by the activities of these committees.

The 1940 report of the third Joint Committee records many notable advances related to design, construction and specification practice for concrete and reinforced concrete structures.

The report provides a practical handbook of interest and value to the architect and engineer, and is available in two forms: (1) the report proper, 160 pages, heavy paper cover, with appendices and index, \$1.50 a copy; (2) the report complete with 26 A.S.T.M. Standards related to the text of the report; 290 pages, heavy paper cover, \$2.00 a copy.

For the convenience of those who may prefer,



the 26 A.S.T.M. Standards are available in a separate binding, with heavy paper cover, at 75c a copy.

Copies may be obtained from The American Society for Testing Materials, 260 South Broad Street, Philadelphia, Pennsylvania.

#### **Safety Rules for Radio Installation.**

Handbook H35, Safety Rules for Radio Installation, comprises Part V of the fifth edition of the National Electrical Safety Code. The various sections of the Handbook cover the classification of radio stations, antenna and counterpoise installations, lead-in conductors, construction at building entrance, protective devices, protective and operating grounding conductors, grounds and ground connections, connections to power supply lines and batteries.

Copies may be obtained from the Superintendent of Documents, Washington, D. C., at 10c each.

#### **Dust Explosions.**

Since records have been kept dust explosions with reported losses total 549 with 487 persons killed and 1,080 injured and the natural losses in excess of \$51,000,000.

The dust accumulations of many materials provide explosion hazards and the National Fire Protection Association has recently issued, in a single 135-page volume, "National Fire Codes for the Prevention of Dust Explosions," as sponsored by the N.F.P.A. and the U. S. Department of Agriculture, and approved by the American Standards Association.

These Codes are of interest and value in preventing dust explosions in the planning and operation of many types of industrial occupancies, and copies may be obtained from the N.F.P.A., 60 Battery Street, Boston, Mass., at 75c each.

#### **National Bureau of Standards Research on Building Materials and Structures.**

To the list of those previously mentioned, the following reports may be obtained from the Government Printing Office, Washington, D. C., at the prices indicated:

- BMS33—Plastic Calking Materials. Price 10c.
- BMS34—Performance Test of Floor Coverings for Use in Low-Cost Housing. Price 10c.
- BMS36—Structural Properties of Wood-Frame Wall, Partition, Floor and Roof Constructions with "Red Stripe" Lath. Price 10c.
- BMS37—Structural Properties of "Palisade Homes" Constructions for Walls, Partitions and Floors. Price 10c.
- BMS38—Structural Properties of Two "Dunstone" Wall Constructions. Price 10c.
- BMS39—Structural Properties of a Wall Construction of "Pfeifer Units." Price 10c.
- BMS40—Structural Properties of a Wall Construction of "Knap Concrete Wall Units." Price 10c.
- BMS41—Effect of Heating and Cooling on the Permeability of Masonry Walls. Price 10c.
- BMS42—Structural Properties of Wood-Frame Wall and Partition Construction with "Celotex" Insulating Boards. Price 10c.
- BMS43—Performance Test of Floor Coverings for Use in Low-Cost Housing: Part 2. Price 10c.
- BMS44—Surface Treatment of Steel Prior to Painting. Price 10c.
- BMS45—Air Infiltration Through Windows. Price 10c.
- BMS46—Structural Properties of "Scot-Bilt" Prefabricated Sheet-Steel Constructions for Walls, Floors and Roofs. Price 10c.
- BMS47—Structural Properties of Prefabricated Wood in Frame Constructions for Walls, Partitions and Floors. Price 10c.
- BMS48—Structural Properties of "Precision-Built" Frame Wall and Partition Constructions. Price 10c.
- BMS49—Metallic Roofing for Low-Cost House Construction. Price 10c.
- BMS50—Stability of Fiber Building Boards as Determined by Accelerated Aging. Price 10c.
- BMS51—Structural Properties of "Tilecrete Type A" Floor Construction. Price 10c.
- BMS52—Effect of Ceiling Insulation Upon Summer Comfort. Price 10c.
- BMS53—Structural Properties of a Masonry Wall Construction of "Munlock Dry Wall Brick." Price 10c.
- BMS54—Effect of Soot on the Rating of an Oil-Fired Heating Boiler. Price 10c.
- BMS55—Effects of Wetting and Drying on the Permeability of Masonry Walls. Price 10c.
- BMS56—A Survey of Humidities in Residences. 10c.
- BMS57—Roofing in the United States—Results of a Questionnaire. Price 10c.
- BMS58—Strength of Soft-Soldered Joints in Copper Tubing. Price 10c.
- BMS59—Properties of Adhesives for Floor Coverings. Price 10c.

## With the Chapters

### NEWS NOTES FROM CHAPTER SECRETARIES

#### Albany.

At a meeting of the chapter early this past summer we admitted to student membership eighteen members of the Architectural School of Rensselaer Polytechnic Institute, Troy, N. Y. The young men have since shown a keen interest in the A.I.A., attending our chapter meetings as often as their work permits and entering into the general discussion of the problems confronting men about to enter the profession and the somewhat similar problems facing those already practicing. As a result, we believe, of this addition to our membership several of the students were able to secure work during the past summer in local architectural offices and there is talk of forming a student chapter at R.P.I.

At our first fall meeting last week we welcomed to Albany the new director of the New York District, Mr. Clement R. Newkirk of Utica.

AUGUST LUX, *Secretary*

#### Brooklyn.

A joint meeting of the Brooklyn and New York Chapters was held for the first time at the Architectural League on October 29.

Frederick G. Frost, president of the New York Chapter presided. Both he and Robert F. Schirmer, president of the Brooklyn Chapter, addressed a large meeting on current architectural topics.

Clement R. Newkirk, our new Regional Director, discussed some of his ideas in connection with regional problems.

The following architects were approved by the Mayor's Committee to select a *Panel of Architects* for Municipal Work for the year 1941: Messrs. Ralph M. Rice, Harvey Stevenson, Matthew W. Del Gaudio and Louis E. Jallade, Alternate.

Ralph M. Rice is a member and the past president of this Chapter.

ADOLPH GOLDBERG, *Secretary*

#### Central New York.

In compliance with a suggestion, by letter, from Edwin Bergstrom, relative to reserve officers among the architects in the Chapter territory, President

Hueber appointed the following Committee on National Defense:

Egbert Bagg .....	Utica
William G. Kaelber.....	Rochester
Melvin L. King.....	Syracuse
John N. Tilton.....	Ithaca
George B. Cummings.....	Binghamton

Mr. William G. Kaelber of Rochester represented the Committee on Registration and Education, and he requested that the members of the Central New York Chapter should cooperate to the fullest extent with the State Board of Examiners in the way of suggestions relating to the examination in Design.

C. C. DILLENBACK, *Secretary*

#### Chicago.

Mr. Paul Gerhardt, Jr., and President Loebel of the Chapter reported on the second Mid-West Regional Conference held at Cranbrook, Bloomfield Hills, Michigan. Following this, Mr. Meyric Rogers, Curator of Decorative Arts at the Chicago Art Institute and author of a book on Carl Milles, gave a charmingly informal outline of the development of Cranbrook and the parts played by Booth, the donor; Saarinen, the architect, and Milles, the sculptor. Very beautiful, colored motion pictures by courtesy of the Cranbrook Foundation were shown. These gave a most lifelike impression of the architecture, sculpture and landscaping of the various school groups and were made still more interesting by Mr. Rogers' comments.

W. LINDSAY SUTER, *Secretary*

#### Pittsburgh.

The Pittsburgh Chapter's November meeting was devoted mostly to a "Photographic Night" and turned out to be a very interesting affair. Many almost forgotten faces, scenting and unusual evening, put in an appearance and by the time the meeting was called to order thirty-five members and guests were present.

After a short and snappy business meeting, Chapter President Stotz introduced Mr. Luke Swank, our guest speaker for the evening. Mr. Swank, who has an enviable reputation as an architectural

photographer, gave an instructive talk on the mechanics of taking a picture and the composition and printing of same, both black and white and colored. Then the avid amateurs in the Chapter took over and amazed and delighted the assemblage with some wonderful colored slides, covering all sorts of subjects. Mr. Swank then showed some larger colored transparencies on his viewer (similar to an x-ray viewer) and made the boys gasp. The latter is indeed the best way to show colored pictures.

ALLAN H. NEAL, *Secretary*

#### Spokane.

The first regular meeting of the newly formed Spokane Chapter was held at the Spokane Hotel. Twenty-five were present for the dinner meeting, which was nearly 100 per cent of the architects of Eastern Washington and Northern Idaho. Much interest was shown in the program that was outlined for the year.

E. J. PETERSON, *Secretary*

#### Utah.

The Utah Chapter of Architects attended the dedication services of the Weber County and Ogden City Court House Building on November 8.

The Architects of the building were Leslie S. Hodgson, A.I.A. and Myrl A. McClenahan, A.I.A.

Lewis Telle Cannon, A.I.A., vice president of the Chapter and representing the Chapter, made the presentation of award of honor to the architects of the building, in recognition of their work.

WILLIAM E. NELSON, *Secretary*

#### Virginia.

Two years ago during a survey of all registered Architects in the State, the Virginia Chapter issued a questionnaire which had as its prime function the gathering of data towards the unification of professional fees throughout the State. Almost as an after thought an apparently insignificant question was added: "Would you be interested in the formation of a State-wide group of Architects?" The answers to this question were so positively affirmative that a meeting was sponsored by the Virginia Chapter of The Institute which resulted in the formation of the Virginia Society of Architects which at the outset represented nearly 90 per cent of the registered practitioners in the State. After a year and a half of cautious deliberation, the State Society by unanimous vote has applied for affiliation as a state association member of The American Institute of Architects.

Another activity of the Virginia Chapter which has met with unexpected success is its work among the students of the architectural schools of the State. The entire membership of the Architectural Club of the Virginia Polytechnic Institute enrolled as student associates of the Virginia Chapter, and some thirty odd members of that club were guests of the chapter at its last meeting and luncheon. A similar club of approximately seventy students is being formed at the University of Virginia. The enthusiasm of these clubs has prompted the executive committee of the chapter to move for some recognition by The Institute.

MILTON L. GRIGG, *Secretary*

## New Books

**Money in Motion.—The Social Function of Banking.**  
By Arthur C. Holden—Harper & Bro.—\$2.50

This book demonstrates how the crisis in re-employment in industry is forcing a changed attitude toward the principles and methods of long-term credit. It shows how greater emphasis on methods of amortizing long-term credit can have the effect of reducing rates of interest and putting money in motion once more.

Departing from traditional economic theory, the author discards the premise that capital goods are

the most sensitive index of business conditions and declares that the slump in building trades is the result of credit stoppage and not the cause of it.

"There is growing recognition today," says the author, "that some fundamental corrective in our credit system is needed to balance the operations of production and consumption. This book is a plea for the analysis of the credit problems of the capital goods industries in the belief that through understanding they may be more wisely handled in the interest of economic stability."

The author is an architect whose personal experience in city planning and large-scale housing, both public and private, has brought home to him the shortcomings of our system of long-term finance.

This book is written for the banker and the public. It will have special significance to architects, credit association executives, building trades officials and students of our banking system generally.

(By the Publishers, Harper & Brothers.)

#### Housing for Defense.

*A survey of the role of housing in America's armament program, with recommendations for action. The Factual Findings by Miles L. Colean, F.A.I.A.—The Program by the Housing Committee—(208 pages, 10 charts, 17 tables)—Twentieth Century Fund—330 W. 42d St.—New York—\$1.50.*

#### From the Prospectus:

##### TODAY AMERICA IS ARMING FOR DEFENSE.

Industrial workers, no less than soldiers in training, must be adequately housed. How seriously the lack of housing crippled America's war effort in 1917-1918 has been suggested. . . .

##### HOW CAN WE DO THIS?

The Twentieth Century Fund has investigated the problem. The Fund's Housing Committee was already engaged on a long-range survey of the whole field of housing, and out of its broad background the Committee concentrated its attention on the immediate emergency question. This special report gives an authoritative, impartial analysis of defense housing needs . . . and offers concrete recommendations.

##### HERE ARE THE FACTS:

about what kinds of housing will be required. Government policies are analyzed; as well as the crucial question of the part housing should play in the location of defense industries. A full program of community cooperation is presented. The World War experience is reviewed and its mistakes pointed out.

##### THE BASIC QUESTION

are dealt with directly: Who is to build the houses, government or private industry? How will they be financed? What is labor's part in the problem? What materials and type of construction should be used? What role should existing government agen-

cies play? What is sound real-estate policy? How can we make the present emergency work toward a better housing policy for the future?

##### A SAMPLING OF CONCLUSIONS.

On the basis of its factual analysis, the Housing Committee includes recommendations that:

- private industry, not the government, be the main source of supply of housing for defense workers
- defense housing be of permanent, not temporary construction
- existing facilities be used to the fullest before creating new projects
- emphasis be placed on low-priced housing, where lies the greatest emergency and long-term need
- the government provide stimulus and help to private industry but do the job itself if private interests are not fully effective

If you are concerned with any phase of the defense housing problem, this book will provide factual data and authoritative analysis. . . . .

##### Washington Doorways.

*By Annabel Paxton—The Dietz Press, Publishers, 109 East Cary Street, Richmond, Virginia—\$1.50.*

Collectively, the doorways of Washington (D. C.) probably have more of interest to offer to more people than those of any other city in America. This is so because they not only record every important phase of architecture in this country during a period of approximately two hundred years, but are also intimately associated with the most colorful personalities and events in the nation's history.

"From the pen of Annabel Paxton Betts has come *Washington Doorways*. Here you may read of romance, tragedy and comedy—events, significant and commonplace, and activities of social and political bigwigs are recalled. Imagination runs rampant for the historically-minded who may transport themselves back to other days and scenes.

"But to the architecturally-minded the proportions of the doorway and its relation to the composition of the façade are judged. The eye sees in the well executed sketches subtle refinements of surfaces and mouldings, recesses and reveals *nuances* in design and detail unnoticed except by the practiced eye. The initiated see in the doorway *motif* a record of society and testimony of the ever changing taste of a fickle public.

"... Each illustration occupies a full page in the volume of one hundred and fifty pages."

*(From the Prospectus.)*

Domestic Architecture of H. T. Lindeberg.

*With an Introduction by Royal Cortissoz—William Helburn Inc., New York—\$15.00.*

"The publication of a monograph on the work of H. T. Lindeberg has long been awaited by the architectural profession, as well as by all who take a critical or personal interest in domestic architecture in America. Certainly no one architect has made so important or significant a contribution to country house design, or done so much to preserve its finest standards and traditions.

"To quote from the introduction by Royal Cortissoz: 'I have, frankly, unmeasured admiration for Lindeberg's work. I admire it not only because it discloses a definite and original personality, but because it is distinctively American. A typical Lindeberg house has a fresh, new-minted quality,

delightfully unspoiled by derivative influences. . . . Classical balance and restraint constantly play their parts in Lindeberg's hypothesis. But they have never diverted his creative energy into anything like a formula or taken the bloom off the essential originality of his art. All over the United States that art has left its singular impress . . . I have been fascinated by the buildings which here partly represent some thirty odd years of happy labor, labor making a constructive contribution to American architecture. They exhale so much ability and taste. They exhale so much beauty.'

"The volume will contain upward of three hundred illustrations, from photographs, of exteriors, interiors, furniture and details, six plates in full color; and plans of the houses illustrated, as well as Mr. Lindeberg's designs for United States foreign buildings. The size of the book will be eleven by fourteen inches and it will be handsomely bound in cloth." (Ready December, 2, 1940)

*(From the Announcement)*



