



Harvard Law Record

*America's Oldest
Law School Newspaper*

VOL. 33

CAMBRIDGE, MASS. NOVEMBER 30, 1961

NO. 9

Dean Griswold to Africa

By Clark P. Giles

Dean Erwin N. Griswold left Cambridge Tuesday on a trip to Ghana and Nigeria to attend the African and Middle Eastern Conference of World Peace Through Law. Mrs. Griswold is accompanying the Dean, and they will return December 8.

Dean and Mrs. Griswold will spend several days in Accra, Ghana, as the guest of Ambassador Francis H. Russell, LL.B. '29, and then travel by automobile along a coastal route to Lagos, Nigeria, to attend the conference beginning December 3.

Attending the conference from the United States will be Dean Griswold, John C. Satterfield, president of the American Bar Association, and Charles S. Rhyne, a past president of the Association. Mr. Rhyne is chairman of the A.B.A.'s Committee on World Peace Through Law.

Third of Four Meetings

The conference in Nigeria will be the third of a series of four continental conferences held under the general sponsorship of the Committee on World Peace Through Law. Conferences have been held this year in June in Costa Rica for Latin American countries and in September in Tokyo for Asian and Far Eastern countries. The fourth continental conference for Europe will be held next year in March. A world conference will be held in the latter part of 1962.

These conferences are designed to provide an exchange of ideas on how lawyers of the world can act together to promote greater use of international law and legal institutions and to create new international law. This

world-wide effort of lawyers has as its ultimate objective the replacement of rule of force in international relations by international rule of law.



At the conference in Nigeria delegates from 35 African and Middle Eastern nations will discuss steps which could be taken by lawyers in their countries to encourage the development of international law to meet the special problems of Africa and the Middle East and other areas of the world.

Specific topics to be discussed will include legal measures to promote economic development and regional economic integration, legal obstacles hindering international commerce, methods of promoting international trade and investment which protect interests of importer and exporter, and ways of

(Continued on Page 8)

With JAG programs virtually closed because of a flood of applications, with the six-months program in a state of limbo, with a remote possibility of further recalls of reserve units and with physical, age and marriage (plus children) deferments always subject to change, graduating law students who have not completed their military obligations are faced with an uncertain future.

While the disturbance of job opportunities and personal plans of students takes a lowly second place to the defense needs of the nation, it should rate some consideration. With alternatives to the present Selective Service System ranging from universal military training to the replacement of the draft with a professional military group, those about to be drafted — maybe — seem only to lack vocal support.

While the President and his agents have closed the missile gap which existed during the campaign, have reduced work slowdowns at top-priority space and missile programs and have eliminated wasteful rivalry between the services, no effective action has been taken with respect to possible changes in the draft.

The "cold" war appears to be a difficult, long term operation, and, as such, the institutions our country devises with which to meet and win it must be the best we can produce. The present draft system is needlessly uncertain. The alternatives available indicate it could be improved, but nothing is being done.

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Published weekly on Thursdays during each academic year in the months September through December and February through April by THE HARVARD LAW SCHOOL RECORD CORPORATION, 23 Everett Street, Cambridge 38, Massachusetts. Subscription price: \$2.00 per semester, \$4.00 per year mailed; student subscription, \$2.00 per year distributed at the Law School. Individual copies 15c each at the Law School, 25c each mailed. Business and editorial offices, 23 Everett Street, Cambridge 38, Massachusetts. Telephone UNIVERSITY 8-7600, extension 418.

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COMMENT

By Fenno

With the announcement by the President that he intends to seek from the next session of Congress legislation authorizing lower tariffs, there is the prospect of an all-out battle between protectionists and advocates of lower tariffs.

In general, tariffs are no longer a major source of revenue. With our present tax structure, the function of tariffs has become mainly one of regulation or protection of domestic industries. Thus one of the original purposes of tariffs has been eliminated.

There are also positive reasons for the abandonment of high tariffs. One of these is the benefit that will accrue to American industry as a whole. The latter will be forced to compete — something which it has all too often taken great pains to avoid. This, in turn, should lead to greater efficiency and, perhaps, lower prices. Quality, formerly one of the principal assets of American products, should also be improved as a result of the increased competition.

Reciprocal lower tariffs will be good for labor, too. There will, to be sure, be dislocations among certain work forces, but in the long run labor should benefit from the increased demand which will result from the expansion of markets for American goods. It is to be hoped that the increased competition will impose greater discipline on labor in the matters of wage demands and unwarranted strikes.

It would be naive, of course, to view the prospects as entirely rosy. There will undoubtedly be distress in certain industries; some unemployment will result. But the consequences of failing to reduce tariffs would be far worse. The European Common Market is a fact, whether we like it or not; and there is no reason to suppose that other such regional markets will not be established. We have no choice but to meet this challenge.

Russians Visit Law School

By Clark P. Giles

Two members of Russia's delegation to the United Nations were guests of the Law School November 17 and 18 to attend classes, exchange ideas with Faculty members and address interested students of international law.

Dean Erwin N. Griswold extended the invitation to visit the Law School to His



— RECORD Photos by Charles F. Waite

Professors Tunkin and Katz . . .

Excellency, Mr. Platon B. Morozov, Deputy Permanent Representative of the U.S.S.R. to the U.N., and the Honorable Grigori I. Tunkin, Soviet President of the International Law Commission and Chief of the Treaty-Juridical Division of the U.S.S.R. Ministry of Foreign Affairs. The invitation was a result of an exchange between U.S. Representative to the U.N. Francis T. P. Plimpton, LL.B. '25, and the Russian delegates concerning the merits of legal educational institutions in their respective countries.

Representative Plimpton

and former Law School Assistant Professor Stephen M. Schwebel, presently Assistant Legal Adviser for U.N. Affairs of the State Department, accompanied the foreign dignitaries.

Professor Tunkin spoke Friday afternoon to over 200 students interested in Russia's view of international law. Professor Milton Katz introduced Professor Tunkin and moderated during the question period.

Professor Tunkin said that along with general principles of international law there are specific principles and norms which are binding only on socialist countries. Socialist internationalism and assistance to other socialist countries are examples he cited.

"The very basis of international law has been changed," Professor Tunkin claimed. Present international law developed in European countries, and this foundation has disappeared with the emergence of socialist countries and new nations in Africa and Asia, he said.

An example given by Professor Tunkin is the development of the principle of non-aggression into a principle of "non-use of force" in international relations. Under the former principle, the use of force in international law seemed to be sanctioned in spite of the principle of non-aggression which only tended to limit such use. Each state had a right to use force if necessary to realize its claims; the victorious state was always right and imposed upon the defeated nation any conditions that could be enforced. Thus, the result of war had no connection with the causes which brought about the war. "The



. . . Face an 'SRO' International Law Class

result of war depended only on the fact of who won the war," Professor Tunkin said.

As to possible future development in the field of international law, Professor Tunkin commented, "International law may develop, and has done so, in spite of ideological and cultural differences."

A weak point of international law is that it may not sufficiently influence relations among countries, Professor Tunkin said. International law is less effective than national law because there is no judiciary which might use compulsion to influence the states.

Professor Tunkin expressed doubt that compulsory jurisdiction would solve the problem of effectiveness of international law. Serious reasons, even security reasons, exist which cause nations to refrain from putting an issue before a world court. In some situations, the court is not the best institution to solve the problem, he concluded.

Combined Charities Drive To Begin Monday

Next Monday, December 4, marks the beginning of the annual Law School Combined Charities Drive.

Chairman of the Law School Committee of Phillips Brooks House Combined Charities Drive is Barry L. Keyfetz, 3L, Rochester, New York. Paul Felzen, 2L, Brooklyn, New York, and Paul F. Rosenberg, 2L, West Orange, New Jersey, are serving on the committee.

Contributors this year are urged to select the charity to which they wish to give. However, the committee has chosen five charities among which undesignated contributions will be allocated. The selected charities are The United Fund, National Multiple Sclerosis Society, Phillips Brooks House Association, United Nations International Children's Emergency Fund and the Boston Legal Aid Society.

Solicitation material will include a card to be returned whether or not the student contributes. The card includes an invitation for students to make suggestions as to selections for next year's charities; it also allows the committee to determine which students have been contacted.

The committee will continue to function until all cards are returned in order to avoid

"harassment" and resolicitation. Chairman Keyfetz urges students to return the cards promptly. Sanford B. Ehrenkranz, 2L, South Orange, New Jersey, chairman of the Dormitory Council's Buildings and Grounds Committee, will assist the solicitation.

Professor Haar Serves on Committee

By Paul R. Matia

A White House Regional Conference on "Opportunities for Our Cities" was held in New York City on Friday, November 17. Professor Charles M. Haar of the Law School, an expert on land use and planning, served as a member of the executive committee of this particular session of the conference. Members of three panels discussed "Metropolitan Planning," "Community Facilities" and "Urban Renewal."

Other sessions of the conference dealt with "Full Employment and Economic Growth," "Youth — Problems and Opportunities" and "Opportunities for Senior Citizens."

According to a spokesman for the Administration, which sponsored the conference, it was "one of a series of meetings being held in major cities throughout the country to enable the highest officials of the Federal Government and leaders in state and local affairs to discuss our country's domestic policies."

'Leading Minority Shareholder' Will Address Bull & Bear

Tomorrow at 4 p.m. Lewis Gilbert, widely known as "America's leading minority shareholder," will speak to the Bull and Bear Club in the Meeting Room of Harkness Commons on the topic "The Responsibilities of the Large Corporation to the Small Shareholder."

Gilbert has achieved his reputation by speaking up at annual shareholder meetings of several large corporations in which he holds only a few shares, including New York Central, American Telephone and Telegraph and Remington Rand. His questions have often proven embarrassing to top management, but many of his suggestions, presumably made to protect the rights of small shareholders, have been adopted by corporate officials.

'The Sweet Voice of Reason'

By Peter R. Richards

Dr. Leo Szilard, one of the fathers of the atomic bomb, has proposed a plan to avert nuclear war by forming a minority movement led by distinguished scholars and scientists who would whisper with "the sweet voice of reason" into the ears of official Washington.

"War would seem indeed to be inevitable, unless it is possible somehow to alter the pattern of behavior which America and Russia are exhibiting at present," said Szilard, who with Enrico Fermi developed the first sustained atomic chain reaction for the production of bombs. The physicist and molecular biologist spoke at a Harvard Law School Forum on "Are We On the Road to War?" on November 17. He predicted war within ten years unless affirmative action is taken immediately.

Szilard, who opposed dropping the A-bombs on Japan, received enthusiastic applause and a good show of hands when he asked how many in the audience would be willing to attend two meetings scheduled Saturday to discuss "whether such an experiment could be successfully launched."

Anti-War Lobby

The white-haired scientist's plan involves establishing a "Council for Abolishing War," composed of seven to twelve of his colleagues who would function as a board of directors for an anti-war lobby in Washington. The citizens who support the organization would be asked to endorse a tentative seven-point political program, function actively in grass-roots politics and "spend two per cent of their income in support of the movement."

"I should like to ask those of you who are willing to participate in the experiment to try to see during the Christmas vacation how many people you might find in your own community who would want to participate in such a movement," Szilard told the large audience, composed of students plus a liberal sprinkling of business executive types. He said he will make a similar plea in speeches at Swarthmore, the University of Chicago and Western Reserve University.

"If the result of this experiment indicates that such a movement could get off the

ground, then one might arrange for talks in front of large student audiences," Szilard explained. "If one could find 25,000 students who would go all-out in support of this movement, and if each student would, directly or indirectly, bring in his home community ten other people into the movement, then the movement would attain 250,000 members within 12 months. This would represent about \$25 million per year in political contributions, or \$100 million over a four year period. This is probably as much as one would want to have."

Szilard emphasized that the committee of scientists could not conduct an effective lobby for the abolition of war without the support of a sizeable chunk of the voting populace. In Washington, he said, the scientists "would be heard, but they would not be listened to if they were unable to deliver the votes."

Rebellion Against Fate

In explaining how the movement would function, Szilard said, "I, personally, find myself in rebellion against the fate that history seems to have in store for us, and I suspect that some of you may be equally rebellious. The question is, what can you do?"

The solution, Szilard hopes, lies with a dedicated minority which would employ political action "to attain political objectives which would alter the course of events, cause the present danger of war to recede and open the door to a constructive effort to abolish war." He theorized that the group could bring about a change in the attitude of the American government which, in turn, would bring about a similar change in the attitude of the Russian government.

Here is Szilard's seven-point draft of what the political program of the "Council for Abolishing War" might be:

1. The United States should resist the adoption of a "first strike if necessary" armament policy in which America develops her strategic forces as a "deterrent" to war. The threat of dropping bombs on Russia is believable only if American forces are able to cripple most, if not all, Russian rocket and bomber bases in one single first strike,

Szilard explained. Such a policy leads only to "an atomic arms race, with the sky as the limit," he added.

"If we intend to drop our bombs on Russia in case of war, and expect Russia to drop her bombs on us, so that both countries would be wholly devastated, then our threat to drop bombs on Russia is tantamount to a threat of murder and suicide," Szilard said.

He said America's striking force should function as insurance only, retaining the ability to deliver a major counterblow in the event Russia attacks first.

2. America should proclaim unilaterally that she would not resort to any strategic bombing of cities or bases (either by means of bombs or conventional explosives), except if American cities or bases are attacked by Russia or if there is an unprovoked attack on cities or bases of an American ally. The U. S. also should proclaim that if she uses atomic bombs against troops in combat, she will do so only defensively on her own side of the pre-war boundary.

3. This country should resolve unilaterally that atomic weapons which are supplied by America and positioned in Europe shall remain in the hands of American military units under American command, rather than under NATO control.

Meaningless Battles

4. America should stop trying to win meaningless battles of the cold war, such as her "success" in ruining the possibilities of cooperation in the International Atomic Energy Agency by insisting that a Swede instead of a Russian be placed at the agency's head.

5. The Secretary of State should find some other assignment for those who have handled (or mis-handled) the East-West cultural exchange program, and the President should issue an executive order to the CIA to refrain from trying to recruit tourists en route to Russia for "spy assignments."

6. The Administration should give its blessing to discussions and negotiations conducted by private groups to help — or prod — the work of the new Disarmament Agency. "The Soviet Union's attitude in this regard might change overnight, however, if it became apparent that America was becoming seriously interested in general disarmament," Szilard said.

7. An influential private organization should tackle the problems of underdeveloped nations, such as in devising special forms of democracy for particular areas.

In the question and answer session which followed Szilard's speech, one cynic posed the possibility that the leaders of any such movement would be branded as "Communists" and "dragged before the House Committee on Un-American Activities."

"It is very possible," Szilard replied. "It would be a nice spectacle, and I have no doubt who would come out on top."

Forum To Probe 'Fate of the City'

The Harvard Law School Forum will present a panel program on "The Fate of the City" Friday at 8:30 p.m. in the Ames Courtroom of Austin Hall. Professor Charles M. Haar, noted zoning expert, will moderate the forum, which will feature Edward J. Logue, head of the Boston Redevelopment Authority, Professor Lloyd Rodwin, Chairman of the Faculty Policy Committee of the Joint Center for Urban Studies of MIT and Harvard, and Professor Oscar Handlin, Pulitzer prize-winning social historian on the Harvard faculty.

Edward Logue is presently engaged in the large and controversial undertakings of Boston's redevelopment program. Prior to this experience, he gained a national reputation for himself for his similar endeavors under Mayor Richard Lee in New Haven. A graduate of Yale Law School, Logue served as a member of Chester Bowles' staff both when Bowles was Governor of Connecticut and when he was U. S. Ambassador to India.

Lloyd Rodwin, Professor of Land Economics at MIT, is the author of *British New Towns Policy, Housing and Economics Progress* and *The Future Metropolis*. He has done extensive consulting work for the U. N. in land economics in foreign countries.

Oscar Handlin is a graduate of Brooklyn College and of the Harvard Graduate School of Arts and Sciences. He is presently a well-known professor at Harvard University. Among his works on American economic and social history are *The Uprooted*, Pulitzer Prize winner of 1951, *Commonwealth, This Was America* and *Boston's Immigrants*.

Conservative Congressman To Talk Twice

By William J. Graham, Jr.

One of the young, conservative congressmen who won their initial terms in the same election that saw a junior senator from Massachusetts triumph in the race for President will deliver two addresses at Harvard this Saturday.

Congressman John H. Rousselot (R-California) will speak at 1 p.m. to a luncheon meeting of the Harvard Law and Graduate Schools Republican Club in Harkness Commons. At 2:30 p.m. he will address members of the Harvard-Radcliffe Young Americans for Freedom in the Leverett House Old Library on the Harvard College campus.

Rousselot was the center of controversy last spring when he revealed that not only did he support, but was also an active member of the John Birch Society. More recently, his name has appeared in the news due to rumors that he may oppose Senator Thomas H. Kuchel in the California primary election next June.

The young congressman, a management consultant prior to his election, won his seat in the 87th Congress as representative from the 25th District of California. He served this past session on the House Banking and Currency Committee, the Post Office Committee and the Civil Service Committee.

Since his election, he has been outspoken in his conservatism and in his criticism of the new Administration.

Federal Tax Panel Will Feature Casner

Associate Dean A. James Casner will head a panel of legal experts who will discuss federal tax aspects of estate planning Saturday at a forum on current developments in federal tax law at John Hancock Hall in Boston. The forum will be sponsored by the Federal Tax Institute of New England.

Serving with Dean Casner on the panel will be Casimir de Rham, Jr., of the Boston law firm of Palmer, Dodge, Gardner and Bradford; William M. Glovsky, of the Boston law firm of Mintz, Levin and Cohn; and George Keller of the John Hancock Mutual Life Insurance Company.

LEVITY WITH LEVERETT



Senator Leverett Saltonstall (R-Massachusetts), right, enjoys a moment of mirth with Harvard Law and Graduate Schools Republican Club President Sheldon A. Taft, 3L, Columbus, Ohio, during the Senator's visit to the Law School earlier this month.

In addition to estate planning, topics planned for discussion at the all-day forum include pension, profit-sharing and deferred compensation; outlook for 1962 tax legislation; current regulations and rulings policies of the Internal Revenue Service; and corporations and stockholders.

President of the Federal Tax Institute of New England is Harvard Law School Dean Erwin N. Griswold.

Young Demos Hear Presidential Assistant

Richard Goodwin, Special Assistant to the President for Latin American affairs, spoke to about 350 Young Democrats on Friday, November 17. He categorized as unfounded recent criticism of the Administration to the effect that there is no over-all strategy in foreign affairs. He stated that the President has a very clear view of what the long range U. S. policy should be.

Talking about the Alliance for Progress, he said that it envisaged the formation by 1970 of a stable community of nations which, along with Europe, would form the core of the democratic world. If the Alliance were to fail, "it would mean a Communist empire stretching from the Rio Grande to Tierra del Fuego," he said. In response to a question concerning a common market for the Western Hemisphere, Goodwin replied that it is being actively considered now.

SPORTS

HBS-Law Soccer Squad Ends Season, 5-2-0

By Derek L. Driemeyer

The Harvard Business-Law soccer team concluded its season with a 3-1 loss to the Harvard Varsity recently. This made the record for the year 5 wins against 2 defeats, both of the latter to the Harvard Varsity.

The final game got off to a fast start when, a few minutes after the opening kickoff, Tony Bryan made a beautiful pass from his right wing position to Derick Driemeyer, who put it in the Harvard goal and put the HBS-Law team ahead 1-0. In spite of pressure by each team on its opponent's goal, a second score did not come until late in the second period when a Harvard forward eased the ball into an upper corner of the HBS-Law goal and evened the score at 1-1.

Varsity Dominates

The third period was dominated by the Varsity as they added two goals on low shots by their forwards to put them ahead 3-1. The HBS-Law defense of Tom Forbes in the goal; Hal Taylor, Ned Weld, and Bob Travis at full-backs; and Bruce Walker, Charles Steele, Barton Kilcoyne, J. J. Smith, Bob Hall, Wood Moyle and John Bliss at the halfbacks then tightened up to hold off the Varsity attack.

The HBS-Law forward line of Tony Bryan, Scott Custer, Hack Hewson, John Mudd, Bob Ackerman, Pete Bennett, John Kurland, Hab Ladjevardi, Jack Bluestein, and Derick Driemeyer was missing two of its scoring threats, George Harley and Sunday Dankaroo, who were out due to injuries. George Conner was missing from the halfback line, and Bruce Walker was injured in the second period to further deplete the halfback line. However, the Varsity were missing their scoring ace, Chris Chiri, who was injured in a game several days before.

Victories Named

During this past year the HBS-Law team had victories over Boston University, Brandeis, Tufts, MIT Grads and the Harvard Frosh, but lost to the Harvard Varsity in the first and last games.

Next year the team will be directed by Charles Steele of the Law School and Bruce Walker of the Business School.

Gala Dance Tomorrow

A gala affair to which all Harvard Law School students and their wives or dates are invited has been planned for Saturday evening. The event is a semiformal dance, "Writs v. Rhythms," to run from 8 p.m. to midnight and sponsored by the Harvard Law Wives.

The dance will be held in Harkness Commons, which will be decorated "in a most professional manner for the occasion," according to a Law Wives spokeswoman. Music will be provided by the very danceable Don Quinn Orchestra, with a range of dance tempos designed to appeal to all.

Set-ups will be provided for the "BYOL" affair. In addition, other refreshments — including a non-alcoholic punch for those who care enough to drink the very best — will also be served.

Tickets for "Writs v. Rhythms" are on sale now at the receptionist's desk in Langdell Hall and can also be purchased at the door on the night of the dance or from any Law Wives officer. The price for an evening of dancing and merriment is only \$2.00 per couple.

Griswold

(Continued from Page 1)

strengthening the United Nations. In addition, delegates will consider establishment of regional courts of international law, greater use of the World Court by the United Nations and by individual nations, disarmament, laws governing the use of outer space, submission of some current disputes such as Berlin and nuclear testing to the World Court, and a permanent world-wide organization of lawyers to carry on a program for research, education and action towards achieving world peace through international rule of law.

AMES GAMES

Third year members of the Casner Equity and Law Clubs will face each other next spring in the Ames Competition Final Argument. The two clubs emerged victorious over their competition in the two rounds of the Semifinals Arguments held on November 21 and 28.

FEATURES SECTION

Law School Admissions: An Analysis

By Stephen F. Robertson

How did *you* get into Harvard Law School? Was your admission the result of long and careful analysis, based on objective tests? Or was it a fluke? If any two people know the answers — which is doubtful — they are Vice Dean Louis Adelbert Toepfer, the Law School's Admissions Director, and Mr. John A. Winterbottom, the Educational Testing Service's Program Director for the Law School Admission Test.

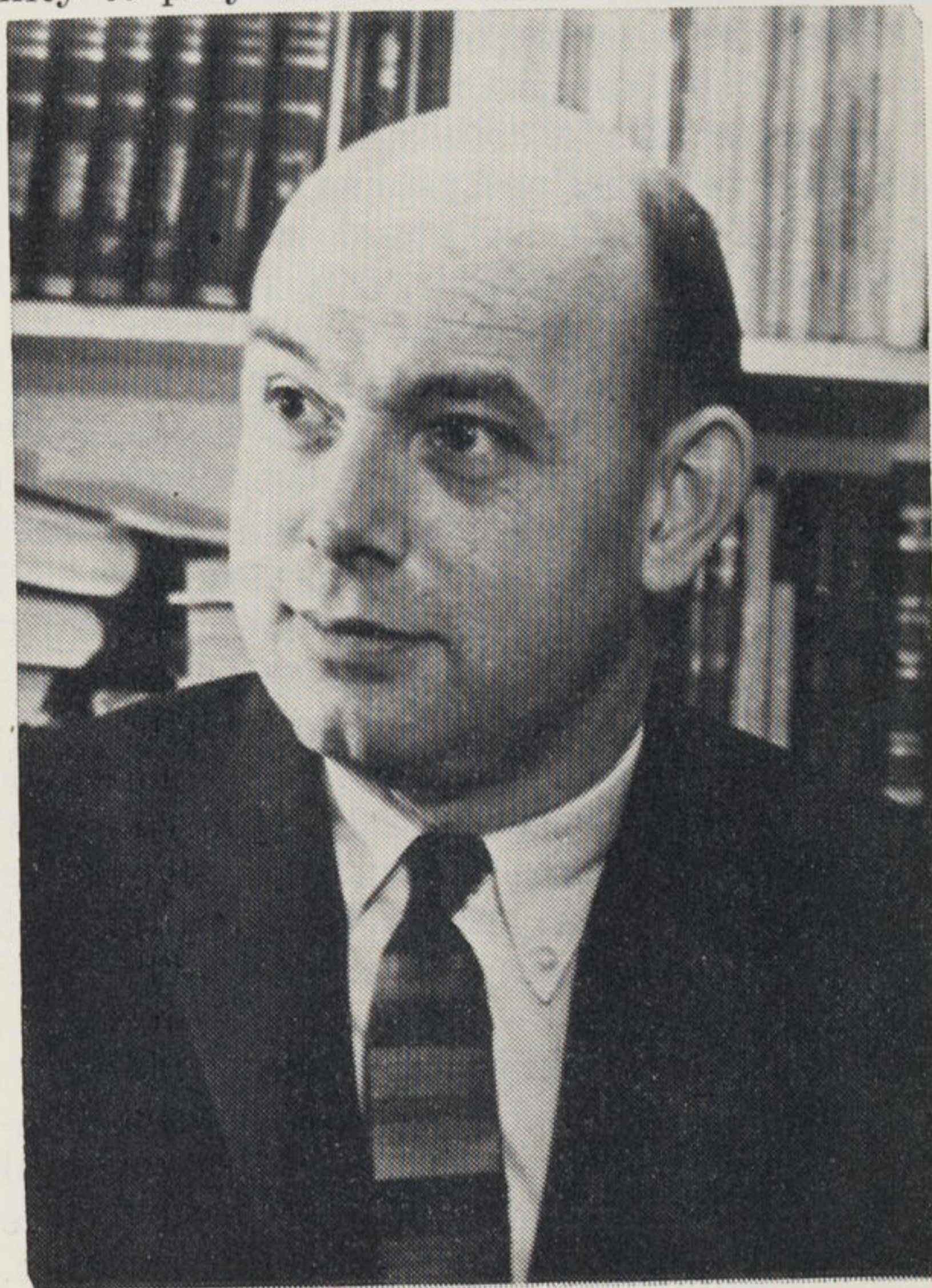
The process of deciding who will be accepted at Harvard Law School and who will have to settle for an inferior institution is, of course, an extremely complicated one. It is not as objective a system as some would like to think, nor is it as imprecise as many rejects no doubt believe. But the whole affair is a very interesting one, and if you really are wondering how you got in, now is your chance to find out.

The Law School Admissions Committee is made up of two law professors (Richard Hinckley Field, the chairman, and Derek Curtis Bok) and Dean Toepfer. Its membership varies every three to five years, with the exception of Dean Toepfer, who is an *ex officio* member. It is this committee which is responsible for the final decision on each applicant for admission. They in turn are answerable to the Faculty for whatever errors are made. Dean Griswold has no direct personal control of admissions policy or of the admissions of particular individuals.

Through the years successive Admissions Committees, guided since 1948 by Dean Toepfer, have devised a system whereby they can, with at least some objectivity, analyze the qualifications of Law School applicants. In the late 1930's then Professor of Law James A. MacLachlan directed a study which indicated a definite correlation between scholastic achievement in undergraduate school and success in law school. Until that time, the Law School had no program for selectively choosing from its perennial flow of applicants. As a result of Professor MacLachlan's study, the Faculty gave the Admissions Committee authority to develop a selective admissions program. The Commit-

tee worked out a so-called "deadline," which was the minimum college grade average with which a student stood a fifty-fifty chance of squeaking through the Law School. The deadline varied from college to college, depending upon its academic standards.

The Committee had only a brief opportunity to play with the deadline device before



The Vice Dean

the outbreak of World War II, which decimated the Law School population as no admissions program could ever do. But in 1946 the number of applications jumped to such unprecedented heights that deadlines alone could not cull out all of those for whom there was no room. A breakdown was made of those applicants who passed the initial deadline test. Five categories were developed — outstanding, excellent, good, fair, and acceptable — again based on the relationship between law school grades and undergraduate marks.

Thus the selection method was based entirely upon academic achievement. There are difficulties with this system, and they have been pointed out by Dean Toepfer in an article he wrote for the *Law School Bulletin*:

There are always students who work solely for the sake of grades. . . . Or a person can apply himself so doggedly that diligence more than ability is reflected in his good marks. On the other hand, it is also true that hard courses, or tough grading standards, or a lack of challenge, or poor companions, or the temptations which come from being away from home, or a million and one other depressing influences can affect college marks. Furthermore, the infinite variety of grading systems, not to mention the range of standards between institutions, makes any effort to equate grades from one school with those of another a rough guess at best.

Thus in 1947 some of the Ivy League law schools banded together in an attempt to develop some sort of objective admission test by which all applicants could be matched against some sort of uniform standard. The drawback, of course, was finding the standard which bore some correlation to the applicants' law school capabilities. The idea was not new. As far back as the 1880's the Law School had experimented with an admissions test involving Latin and Greek and such. But the need for a test was greater than ever before.

Feasibility of Test

Officers of the College Entrance Examination Board (now called the Educational Testing Service) were sounded out as to the feasibility of a law school admissions test. When the law schools agreed to provide initial financial support (since repaid from examination fees), the officers decided that such a test would be of great value to admissions officials.

The test was developed and administered to first year law students early in 1948. A comparison with these students' June grades gave an indication of which combination of the various types of questions used on the test provided the best correlation with law school grades. The idea was that the test would be "a measure of aptitude for the study of law," as Mr. Winterbottom put it in a recent survey of the test. As for the

utility of the test, the survey maintains that "the scores represent describable and, within known limits, constant levels of ability. As a basis for admissions they provide an objective criterion by means of which all applicants to a given school can be compared. Used in combination with the undergraduate record, the scores can be shown to produce better prediction than can be obtained from the undergraduate record alone."

"Validity studies" are constantly made of the admission test to determine which types of questions give best results, how the overall test fares, and so on. These studies show that the correlation between the Law School Admission Test (more familiarly known as the LSAT) and first year law school grades is closer than that of undergraduate grades and law school grades, and a "best weighted combination" of both test scores and undergraduate grades gives an even higher correlation. Statistics is a tricky and rather esoteric field, but for those in the know, here are the correlation coefficients for the three relationships:

Undergraduate grades alone	.36
LSAT alone	.45
Best-weighted combination	.54

A statistician tells us that these figures mean the predictive value of the criteria is none too good. Mr. Winterbottom has written that the Policy Committee of the LSAT (which is composed of admissions directors from various schools using the test) "has frequently expressed the belief that much of the unmeasured variance among entering law school students lies in the area of personality, particularly insofar as personality is expressed through 'motivation' or 'drive.'" The ETS once even went so far as to conduct a study of personality tests for use by the law schools. Fortunately, nothing came of it. One wonders what the proper personality for a law student — or a lawyer — should be.

Two New Sections

In November, 1961, the LSAT was expanded to include two new sections: one to measure writing ability and the other to gauge students' general background (humanities, natural and social sciences). The scores on these two sections of the test are reported separately. The theory is that law students and lawyers should know how to communicate effectively in writing and that to "take his proper

place in the community" a lawyer "should have an informed awareness of the world about him and its relation to the past." Furthermore, if a student has a liberal arts background, as a majority of applicants do, he might be expected to score better on the general background section of the test than students with some other sort of background. If he does not, and his grade average is high in these areas of general background, then it might be suspected that his grades do not reflect a real comprehension of the material he has studied and that they will not be weighted as heavily in considering his application.

So much for a basic run-down of the Law School Admission Test. When the test was first introduced, the Admissions Committee was faced with the question of exactly how to combine test scores with the college grades of applicants. It was decided to retain the old method of categorizing students into five groups according to grades, but then to proceed through the categories according to test scores. Thus a student whose college records are rated highly can get in with a much lower LSAT score than one whose records fall into a lower category.

"Prediction Index Charts"

Recently the Law School has made studies of the correlation between college grades, test scores and Law School grades and as a result has compiled "prediction index charts" for every college regularly sending "a significant number of applicants" to the Law School. Thus the academic standards of the various colleges are given comparative ratings once and for all, rather than by a hit or miss process. However, Dean Toepfer says it will be a long time before these indexes are given greater consideration than the present method of categorizing applicants. "The method has some merit," he says, "but its present role is merely supplementary."

Lest one jump to the conclusion that the admission process is pretty much routine once the students are categorized according to grades and test scores, Dean Toepfer hastens to correct any such misconception:

In evaluating college marks, allowances are often made, not only for the nature of the course taken and the standards of the school, but also for the health and maturity of the candidate, his preparation for college, his interest in his work,

and his activities outside of the classroom. After reviewing thousands of college transcripts, admissions people often develop a kind of facility, or skill, which helps them extract from a college transcript far more information about an individual than outsiders would believe possible. Committees, too, are human, and who among us can resist every urge to take a chance, or play a hunch?

In an interview with the RECORD last week, Dean Toepfer added, "Actually, the Committee plays a lot of its own hunches. The results are usually disastrous, but the urge remains strong. You tend to forget your successful hunches, and the others haunt you."

Clearly Admissible Scores

As a practical matter, close to four hundred of each class are easily selected. From experience the Admissions Committee knows that certain combinations of college grades and test scores are clearly admissible. Likewise, an even larger number is clearly inadmissible. But a substantial number falls into a middle category, a borderline group. The problem of deciding which of this group will be accepted is the headache of the Admissions Committee, and it is here that it plays its hunches. Nonacademic factors figure largely in such decisions. But the Dean warns that "campus leaders are too often the well-rounded, socially-adjusted types, who have mastered the art of popularity by compromise. Unless we hold them to our normal academic standards, we usually find they lack the firmness of purpose and toughness of mind, not to mention the strength of character needed for success in law and life. Too often they are the gay manipulators, good-looking, persuasive, agreeable and shallow."

Mr. Toepfer continues:

I think a strong emphasis on extra-curricular activity could make us overlook the individual whose interests lie in drama, music, literature, or just ordinary learning. Success seems to come often to men of unusual sensitivity, who are not social and gregarious, and who devote themselves with a singleness of purpose to their major interests.

In the search for leaders, there is also the danger of overvaluing the qualities described as "adjustment." There is a movement in education to screen out

every student who fails to blend into his environment without disturbance. Apparently, the goal is to have only students so "well adjusted" that cows standing in a field are neurotic by comparison. This is most unfortunate. Many, perhaps most, of the great contributions to the welfare of mankind have been made by individuals who would fail miserably to qualify as "well adjusted." The nonconformist, the erratic genius, the high spirited, the shy and sensitive, if given the stability to overcome ordinary hurdles and disturbances, can add just as much, and often more, to our classes than the perfectly well-rounded student.

Dean Toepfer cites two primary objectives which the admissions policy should have. First, every effort should be made to isolate and attract to the Law School the true geniuses, "individuals with productive intellectual ability of the highest order, and the qualities of character and personality which will harness this ability and work it hard. These are the ideal candidates." Second, the admissions program should attempt to spot those candidates who may not be superior scholars, but who will "live the most useful lives, who will become successful and influential citizens, and who will add strength to the School now and in the future." Thus there would appear to be no danger of a "top one per cent policy" at the Law School.

Alumni Pressure Factor

Another factor in the admission process, which is not generally considered by students, is that of alumni pressure. The pressure can be heavy. What happens if an alumnus who has been generous to the Law School has a son who is on the admission borderline? "We are glad whenever we can resolve doubts in favor of an alumnus' son or daughter, but we wish that more of our friends would understand that the admissions system is as much for the benefit of the applicants as it is for the School. If a son is close to the edge, I'd take him, since the edge is never smooth, and many factors must be taken into consideration. If he's not near the edge, too bad. He's out as far as I'm concerned."

Each year the Law School receives applications from students at over two hundred colleges. Last year a record 1,996 applications were received, and all but 243 were

classified according to the college grade-test score grouping, the inference being the 243 were unclassifiable. But the sheer volume of applications gives some indication of the dimensions of the task with which the Admissions Committee "works and worries all spring, until finally the class is full and the waiting list formed."

It should be pointed out that all admissions policies, as well as the LSAT, are directed at selecting individuals who are best suited to be law students rather than lawyers. As Dean Toepfer points out, the reason for this is that a person's aspirations, his own idea of what constitutes success, and many other so-called "personality factors" are involved when an individual decides upon his life's work. Some Law School graduates probably want to become politicians instead of lawyers, while others may be perfectly happy working in a Legal Aid Bureau. These people should not be excluded from the Law School, even if they lack the ability to become Wall Street lawyers.

Grades Crude Criteria

Law School grades are the criteria by which the accuracy of the LSAT and of admission policies in general are measured. They are crude criteria, as any law student, and most law professors, will tell you. But they are nevertheless a better standard than any other which is available. To the extent that the criteria of measurement are inaccurate, of course, the admissions factors which are based upon it are also inaccurate.

Dean Toepfer is Chairman of the Policy Committee's Subcommittee on Test Development and Research and is constantly in touch with the LSAT Program Director and with other law school admissions officials. "In fact we spend too much time conferring on the test, if anything," he says. "The test was changed extensively during its first five years, but has not been altered much in the last few years. I think we're bumping the ceiling of effectiveness on this type test," he added.

Such words are encouraging. Those who regard aptitude tests as near-infallible measures of the capabilities of large groups of people tend to evoke widespread distrust of their tests. According to Dean Toepfer, the testing people themselves, "although they place great value upon their tests in public, will admit in private that they are well aware

of the limitations of such tests."

"The LSAT is not a measure of aptitude," Dean Toepfer asserts, although that is one of the avowed purposes of the test, according to Mr. Winterbottom. To the Dean, the test has three uses:

1. It serves as a predictor within broad bounds. "At least it eliminates the man who couldn't find his way to the bathroom."

2. It serves as a uniform standard, or common denominator, which can at least partly measure the relative standards between law schools.

3. It helps to confirm the intangible factors which an admissions officer may tend to take into consideration upon reading the application form.

No doubt few people would disagree with Dean Toepfer when he says, "Any effort to judge on the basis of the scanty information

now available the hidden variables and mysterious forces which spell success is full of risk." Nevertheless, the whole procedure is probably fairly successful — in fact, it might even be difficult to improve upon. After all, *you* got in.

MODEL ARGUMENT

Professor Louis Loss and Visiting Professor Norval Morris will ply the subtle art of persuasive advocacy before the Court of Appeals for the Commonwealth of Ames Monday, December 11, at 8 p.m. in the Ames Courtroom of Austin Hall. The case will be *Hill v. Artcraft Pictures, Inc.*, which recently resulted in a judgment for the plaintiff following a sensational and much-publicized trial.

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**THE
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Letters to the Editor

To The Editor:

In view of the attention you have directed to my views on national policy concerning civil defense shelters [RECORD, Nov. 16, 1961], you may wish to reprint the attached letter of mine on that subject. It was published in the *New York Times* on Sunday, March 20, 1960, when Governor Rockefeller's shelter proposals were first before the New York state legislature. I may add that developments in the intervening year and a half appear to be giving substance to my apprehensions.

For an identification of measures short of shelter building that might be useful in case of less than total nuclear war, readers of the RECORD might be interested in a 1955 article of mine, "Legal Planning Against the Risk of Atomic War", 55 *Columbia Law Review* 127.

David F. Cavers

Fessenden Professor of Law

To the Editor of the *New York Times*:

In gauging the wisdom of a large-scale shelter system, it is not enough to reckon the number of lives that the system (hopefully) would save in a nuclear war. One must also weigh the effect of building and maintaining the system on our chance of keeping out of war.

I submit that for the United States to devote the money and resources needed to construct even a fall-out shelter system would add dangerously to the risk of nuclear war.

The build-up of war-fear propaganda necessary to sell a nation-

wide shelter program to federal, state, and local governments would spread war-mindedness among the American people. As and if shelters, with their grim and obvious message, began to be built in or near our homes, schools, and places of work, we would grow more tense, more anxious, more suspicious, and, inevitably, more hostile toward the source of the danger we were guarding against.

A shelter system is designed to permit the nation to stand up under the enemy's first strike and thus make our threat of retaliation real. But, as well-founded doubts of the adequacy of the shelters grew, so would pressures for us to grasp the advantage of the first strike. Spokesmen for preemptive war, now few, would become many; their audience large and increasingly receptive.

Its advocates view an American shelter system as solely defensive, though (vaguely described) Soviet civil defense measures have been repeatedly cited as evidencing offensive intentions. What would convince the U. S. S. R. and even our allies that *our* intentions were only defensive, despite our continuous flow of war-talk and swelling, if underground, stream of first-strike argument?

Selling a costly shelter program would require more than incitement to fear and anxiety; the security that shelters would bring would have to be exaggerated. This is being done today.

Estimates of their protective value are based on limiting assumptions as to the scale and nature of an enemy attack, but, in

public discussion, the assumptions tend to be forgotten. Unfortunately, moreover, our assumptions would not bind an enemy. The more sheltered the target, the heavier would be the attack and the more permanent its consequences.

Vulnerability to nuclear attack is not easy to live with, but it can be a lot safer than a jittery struggle to achieve the illusion of security.

David F. Cavers

Cambridge, Mass., March 14, 1960.

To The Editor:

Judging by last week's "Letters to the Editor," I am not the first to wonder about the value of the "Comment by Fenno" column found on page 2 of each week's issue. Does it make sense to try to deal with such complex issues as Welfare Abuses or The Judicial Role in Correcting Legislative Apportionment Inequities within the confines of a 100-word column? Do not the limitations of space—quite apart from those of the author—make impossible any meaningful consideration of such far-reaching problems?

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Take last week's column, for example. Fenno there suggests that "Some of the worst abuses [of welfare programs] are to be found in programs aiding illegitimate children—or rather, as the case is now, aiding their mothers." One may admit, he adds, that the "innocent child" is deserving of support, but why reward their "guilty mothers"?

If Fenno has any concrete evidence of these "worst abuses," he has failed to cite it. Is the implication that women have illegitimate children solely in order to collect larger relief payments? If so, Fenno ignores prevailing notions as to the causes of illegitimacy (see *Illegitimacy and Its Impact on the Aid to Dependent Children Program*, U. S. Dep't. of Health, Educ. & Welfare, April 1960), as well as being blissfully unaware of the relative economics of the situation (the support payments are rarely sufficient to meet even minimum living standards).

As concerns his distinction between aid to the "innocent" child and aid to the "guilty" mother, how would he propose to administer this? Would he provide by law that all mothers of illegitimate children be permanently deprived of their children so as to guarantee that no part of the aid to the "innocent" child go to the "guilty" mother? Or perhaps, following the enlight-

ening lead of the 1960 Louisiana Legislature, he would make it a crime for any woman to have two or more illegitimate children, although even he would have to concede that such a solution would merely shift the taxpayer's support of the "guilty" woman from one budgetary column to another.

I do not doubt that there are abuses in the Aid to Dependent Children programs, as there are in most large-scale programs. But they will be alleviated only through careful and patient factual study and analysis, not through the blunderbuss approach exemplified by Fenno. Is he not aware of the recent attempt by the City of Newburgh, New York, to cut off aid to the mothers of all illegitimate children who have any further illegitimate children, which was aptly characterized by the *New York Times* as "The Dark Ages in Newburgh"? (See June 29, 1961, p. 32, cols. 3-4).

Professor Frank E. A. Sander

To The Editor:

I LIKE FENNO.

Herbert Berl, LL.B. '37

To The Editor:

I recognize some time has elapsed but I think I must reply to the comment of Fenno in your October 5, 1961, publication. It was directed to the problem of storing farm surplus and solving conditions

giving rise to such surplus. It was urged that "there are too many farmers. Some of them will have to go." Reference was made to the alleged one million dollars a day storage bill for the surplus.

Since such responsible and widely disparate organs as the *New York Times*, the *Wall Street Journal*, and the *Reporter*, all relate that the field of Agriculture is the one field in which we are far in advance of Russia, your proposition is a most interesting one.

May I suggest that the space scientists, satellite launchers, and ballistic missile men ask the farmer, before deactivating him, how he has succeeded where they have failed.

Do you think a possible solution would lie in returning the farmer to the vigorous climate of free enterprise by abolishing crop supports, storage plans, and substituting those rugged safeguards of individualism, a guaranteed annual income, minimum hourly wage, time and a half for overtime, cost plus contracts, and an income increase tied to the cost of living index?

I hope the article is not indicative of the general rate of opinion at the School or, we may soon be forced to look to Leningrad for leadership in the field of Law as well as that of Science.

William L. Hungate, LL.B. '48

Herwitz To Speak

Professor David R. Herwitz will conduct a seminar for the members of Harvard Law Wives on Wednesday, December 13, at 8 p.m.

Due to the fact that next Thursday is Pearl Harbor Day, no RECORD will be published next week. The RECORD will appear again on December 14.

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Further information is available at the Placement Office, 23 Everett Street. Not all opportunities are listed here. Interviews are listed in the following order: city, name of firm, interviewer, (deadline for contacting Placement Office), date of interview.

THIRD YEAR INTERVIEWS

Murray Hill, New Jersey: Bell

Telephone Laboratories. Arthur J. Torsiglieri, Esq. (2 p.m. Friday, December 1.) Friday, December 15.

THIRD YEAR OPPORTUNITIES

Beverly Hills, California: Wyman, Finell & Rothman. Requirement: upper half of class. Contact Marvin Finell, Esq.

Bridgeport, Connecticut: Goldstein & Peck. Contact Jacob D. Zeldes, Esq.

Canton, Ohio: Law Offices of

Ernest H. Cohen. Contact Mr. Cohen.

Dallas: Johnson, Bromberg, Leeds & Riggs. Requirement: average of 70 or better. Contact George Slover, Jr., Esq.

Indianapolis: Roberts & Ryder. Contact Robert A. Lichtenauer, Esq.

Kansas City, Missouri: Dietrich, Tyler, Davis, Burrell & Dicus. Contact Edward E. Schmitt, Esq.

New York: Pell, Butler, Curtis & LeViness. Contact Andrew W. Bisset, Esq.

New York: Watson, Leavenworth, Kelton & Taggart. Contact George P. Kramer, Esq.

Richmond, Virginia: Christian, Barton, Parker & Boyd. Contact Horace D. McCowan, Jr., Esq.

Seattle: Law Offices of Albert E. Stephan. Contact Mr. Stephan, Slade Gorton, Esq. or Richard W. Hemstad, Esq.

Springfield, Virginia: Schonberger & Scott.

Washington: Air Force Officer Training School Program. Contact Placement Office.

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