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NO. 2

Williston Teams Forming

By Stanford Goldblatt

Groups are now being formed for the qualifying round of the Williston Competition, which consists of the drafting of solutions to legal problems prepared by the Board of Student Advisers. Deadline for entering is Friday, February 16; the actual competition will take place between Friday, February 23, and Thursday, March 8.

Participation is open to all second year students who are not members of the Law Review or the Board of Student Advisers and who are not taking part in the quarter-final round of the Ames Competition. Teams of four will compete against one, two or three other teams. Students can enter as a team of four or in any smaller combination; the remaining necessary teammates will be supplied by the Board of Student Advisers.

Joel J. Cohen, 3L, Brooklyn, New York, the Board's Williston chairman, emphasizes the practicality of participation. "Drafting is a skill which is passed over all too lightly in our legal education," he told the RECORD this week.

"Then, of course, there is the money," he added. The Boston Safe Deposit Company supplies prizes totaling \$500 to the finalists in the competition.

Judges for the Williston rounds are senior partners of top law firms located in the vari-

ous jurisdictions involved in the competition problems. The high caliber of judging and the value of draft criticism are important inducements for entry in the contests, Cohen pointed out.

At present the victorious third year semi-

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Nominate HLS Alums For University Posts

Eight Harvard Law School graduates are included in a list of 26 alumni of Harvard University who will be candidates for election this spring to thirteen major university alumni offices.

The alumni will elect five members of the Board of Overseers — Harvard's senior governing board — for a term of six years, six directors of the Harvard Alumni Association for a term of three years and two members of the Harvard Fund Council for a term of two years. Harvard degree holders will vote by mail during the spring. The results will be announced on Commencement Day, June 14.

The nominating committee of the Harvard Alumni Association selected the slate from

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Hearsay

For some weeks now a controversy has raged regarding the muzzling of generals and admirals in their public speeches. The dispute reached its culmination last Monday when Brigadier General W. Barton Leach of the Air Force Reserve delivered his annual remarks to the Republican Club on the subject of defense. General Leach concluded that censorship of military officers' speeches was not improper. "You can't have Republican generals and Democratic admirals," he said. "The military must be kept out of politics."

We agree.

But from the many caustic remarks which can only be considered of a political nature made by General Leach last Monday, it is apparent that he does not regard *himself* as subject to this censorship. In fact one might even say that General Leach has cast himself in the role of censor rather than censored.

During the course of his comments, he interrupted himself to inquire of a RECORD news reporter whether his speech would be printed. Upon an affirmative response, General Leach feigned horror at such a prospect and subsequently instructed the reporter to see him in his office after the talk. "I'll tell you then what you can print," he said.

Dutifully, our reporter complied. The result was a fifteen line write-up. Compared with the elucidating and penetrating analysis with which General Leach captivated his audience for over an hour, the newsless news report did not seem of sufficient significance to warrant printing.

But of course such was not the primary reason for not printing the story. In view of the overriding national interest in muzzling generals, we feel that if General Leach will not muzzle himself, we must let him muzzle us.

Harvard Law Record

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COMMENT

By Fenno

It is becoming increasingly evident that some sort of reverse Dale Carnegie has been giving lessons to State Department policy personnel on "How Not to Win Friends and Influence People." Goa and New Guinea are the most glaring examples of the effectiveness of this training.

When India committed its act of aggression against Goa, the United States did as little as it could in order to avoid offending India and the other "neutrals." Regardless of how irritating the continued Portuguese occupation of Goa may have been to India, there was absolutely no justification for India's action. Yet by our "pussyfooting," we offended an ally and failed utterly to win any gratitude from India.

But the worst blunder of all is the United States' just-announced refusal to permit Dutch troops bound for New Guinea to land at United States bases. Indonesia's claim to New Guinea is absolutely groundless. The Dutch have been preparing the territory for independence, and there have never been any allegations of ruthless territorial administration. The Netherlands has even been willing to turn over administration of the island to the U.N. However, in a classic example of "Do as I say and not as I do," Indonesia has demanded that New Guinea be turned over to it regardless of the wishes of the islanders. The United States, busy whispering "sweet nothings" into President Sukarno's ears, has been looking the other way while all this has been going on. Now we have changed our sin of omission into a sin of commission.

Thus in the space of only one year we have managed to alienate Belgium, Portugal and the Netherlands and thereby threaten the continued existence of an effective NATO. This is certainly an unmatched record in the history of our foreign policy.

Dorm Council News

By John L. Worden III

After several weeks of deliberation and study, the Law School Dormitory Council has concluded that the Harvard Student Agencies' food concession in the dorms has improved to a point where no immediate action is necessary. Last December the Council had unanimously condemned the practices and merchandise of the Agency vendors and had called for "substantial improvements."

Sanford B. Ehrenkranz, 2L, South Orange, New Jersey, chairman of the Council's Building and Grounds Committee, reported that although "substantially better" food could be provided at the same prices, the organization, time and potential financial risk did not merit the Council's going into the business itself. After several members stated that the undergraduate agency service seemed better, the Council voted to drop the matter "as long as things do not get worse."

Parietal Hour Violations

Another topic discussed at last week's meeting concerned charges against four students appearing before the Judiciary Board of the Council this week, accused of violations of the parietal hours. All are residents of Hastings Hall.

Richard M. Glazer, 3L, Trenton, New Jersey, chairman of the Council's Theater Subcommittee, reported that both workers and actors are needed for the Law School Variety Show on March 24 and announced that girls from several near-by schools will participate in the production.

Topping the Council's winter social scene will be a mixer at Harkness Commons on Friday, February 23, according to W. Phillips Rockefeller, 2L, Red Hook, New York. Rockefeller's Social Committee is also looking into the possibility of a semi-formal dance at an off-campus location.

The Council's Athletic Committee reported that both basketball and squash tournaments are in progress and urged teams to report their scores.

It was also reported that the 1961 charity drive in the Law School was much more

successful than the previous year's; the pre-Christmas collection netted approximately \$1,800 as compared with \$1,000 in 1960.

Soft Drink Machines

Dorm residents who have noticed a shortage of soft drinks in vending machines were advised by the Council to switch to something else or go thirsty, as a labor dispute is currently preventing regular deliveries.

NYU Announces Civil Law Program

New York University has announced a program involving two years of study in preparation for work in the civil law. The first year is spent in residence at the University and the second in residence at a law school in Latin America or Europe. Since the establishment of the program in 1956, students have gone to Argentina, Belgium, Brazil, Germany, France, Italy, Sweden, Switzerland and Venezuela. Further information on the program may be obtained from Mr. John A. King, Jr., Secretary of International Legal Studies.

Williston

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finalists are preparing for the final round under the supervision of George Williams, Faculty Adviser to the Board of Student Advisers and Faculty Assistant in charge of the Ames Competition. Finalists are Frederick O. Cowles, Cleveland, Ohio, Sheldon M. Jaffe, Manchester, Connecticut, Christopher J. Moran, Suitland, Maryland, and John A. Trumbull, La Mesa, California, all on team one; and Edward F. Sherman, El Paso, Texas, John R. Sherman, Brockton, Massachusetts, and Anthony M. Vernava, Jr., New Hyde Park, New York, all on team two. A third finalist team will be comprised of the winners of the remaining semifinal contest, currently awaiting decision. Names of the successful finalists will be inscribed on a plaque in the Langdell Library.

Class of '62 Petitions Due Next Monday

Nominating petitions for candidates for 1962 Class officers and Class Committeemen must be submitted to the Receptionist's Desk by 5 p.m. on Monday, February 12. The 1962 Class Election will be held Tuesday, February 20.

Petitions, available at the Langdell Hall Receptionist's Desk, must each be signed by the candidate being nominated and twenty members of the 1962 Class. A candidate may run for only one of the positions open; they are Class Marshal, Class Secretary and Class Committeeman, with three Committeemen to be elected.

Each candidate must also submit two five-by-eight-inch posters. Each poster must include a picture of the candidate and typewritten information concerning his home town, academic career and Law School activities. Posters will be displayed by the Ad Hoc Committee in Langdell Hall and in Harkness Commons after nominations close.

Candidates are not permitted to display any other poster or to employ any printed material promoting their candidacy.

George E. Davies, 3L, Chappaqua, New York, has been named to serve on the Ad Hoc Committee with those previously announced.

Fellowships Offered For Space Law Study

Under study programs financed by the Ford Foundation, the American Society of International Law is offering a small number of research fellowships for studies of the legal aspects of space activities. Preference will be given to proposals for studying legal and organizational problems in relation to scientific and technological developments.

Applicants granted research fellowships will have the benefit of consultations with the Society's Advisory Group on the Legal Aspects of Space Activities, composed of legal scholars, government officials and practicing lawyers active in this field. The Society expects that most scholars will pursue their studies at their own universities or other institutions.

The fellowships, ranging in amount from \$2,500 to \$10,000, will vary with the age and experience of the applicant and the nature

and duration of the study he undertakes. It is expected that the fellowships will in most cases supplement funds provided by the applicant's own institution or other sources.

Completed applications received by March 15 will be reviewed by the Advisory Group. Fellowship awards will be announced about April 15, 1962. Application forms and further information may be obtained by writing to Study Program — Space Activities at the Society's headquarters, 2223 Massachusetts Avenue, N. W., Washington 8, D. C.

Bull & Bear Members Invited to Meeting

Members of the Bull and Bear Club have been invited to attend a meeting of the Harvard Business School Finance Club today at 4 p.m. in Room 100 of Baker Hall. Emilio G. Collado, director and financial vice president of Standard Oil Corporation of New Jersey, will speak on "Capital Investment in the Petroleum Industry."

HARKNESS PROBE

The RECORD is currently in the process of preparing a news-feature article on the Harkness Commons Dining Hall. The article will begin by defining the purposes and goals of dining halls at private institutions of learning in general and then at the Harvard Law School in particular. These factors will then be compared with the actual history of operation of Harkness in its few short years of meal-providing as well as with its current status in the Law School and the student community. Through interviews with personnel involved and members of the Law School Administration, the problems and difficulties attendant to an operation such as Harkness hopefully will be aired fully and completely. Since the article will also touch upon current student feeling about and reactions to the food and service at the dining hall, RECORD readers are invited to submit any comments they feel may be helpful in adding to the completeness of the project to the RECORD's News Editor at 23 Everett Street, Cambridge 38.

Seavey Joins '65 Club'

Professor Warren A. Seavey, 81 year-old legal scholar who was on the Harvard Law School Faculty for 28 years, was added to the roster of the "65 Club" at the University of California's Hastings College of the Law last week.

Dean David E. Snodgrass, who induced Professor Seavey to join the Hastings faculty, said the distinguished lawyer and educator will teach a course in Unjust Enrichment during the spring semester.



Professor Seavey

Professor Seavey, a nationally recognized authority on Unjust Enrichment, Torts and Agency, has published casebooks on the latter two subjects and is a former editor-in-chief of the American Casebook Series. He retired from Harvard in 1955.

He has also been professor of law at the University of Texas, Vanderbilt University, the University of Nebraska, St. John's University, the University of Oklahoma, Tulane University, Indiana University, the University of Pennsylvania, Boston College, Boston University and New York University.

Professor Seavey headed the law school at Pei Yang University in China from 1906 to 1911. In 1919 he directed an American

Expeditionary Forces College of Law. He was dean of the University of Nebraska College of Law from 1920 to 1926.

The Hastings "65 Club" is composed of noted law professors over the age of 65. No professor under 65 is eligible for a full-time teaching post at the San Francisco-based law school.

HOLMES LECTURES

Judge Henry Friendly

Speaks Next Week

The Honorable Henry J. Friendly, Judge of the United States Court of Appeals for the Second Circuit, will deliver the Oliver Wendell Holmes Lectures of the Harvard Law School next Tuesday, Wednesday and Thursday.

"Definition of Standards in Federal Administrative Adjudication" will be his subject in the series of three lectures, to be given at 8 p. m. each night in the James Barr Ames Courtroom of Austin Hall. The lectures will be open to the public.

Senior Partner

Judge Friendly was appointed to the federal bench in 1959. Previously, he was senior partner in the firm of Cleary, Gottlieb, Friendly and Hamilton of New York and vice president and general counsel of Pan American World Airways.

He is a member of the Harvard College Class of 1923 and of the Harvard Law School Class of 1927. In 1960-61 Judge Friendly served as president of the Harvard Alumni Association.

Ad Hoc Committee

A former president of the Harvard Law School Association of New York City and chairman of the fund committee for Harvard's International Legal Studies building, he has served since 1944 on Harvard's ad hoc committee on appointments to the Faculty of the Law School.

Judge Friendly is a native of New York and a former law clerk to Justice Louis D. Brandeis of the U. S. Supreme Court.

Canon Hearing Slated

Representatives of national organizations of the press and broadcasting industries have been invited by an American Bar Association special committee to submit to it any further information or data bearing on appeals by the media organizations to relax Judicial Canon 35, which bans photography and broadcasting in courtrooms during trials. The ABA committee invited the media spokesmen to submit their statements, personally or in writing, at a hearing to be held in Chicago on February 18.

While the Chicago hearing will immediately precede the winter meeting of the House of Delegates — the ABA's policy body — John H. Yauch, Sr., chairman of the ABA Canon 35 study committee, said no final recommendations as to whether or not the photography-broadcasting ban should be modified would be made to the House at this time. He said his committee's findings and recommendation probably would be made at the American Bar Association 85th annual meeting in San Francisco, August 6-10. Final authority as to revision of the canons of professional and judicial ethics rests with the House of Delegates.

GOPs To Meet Rocky

Members of the Harvard Law and Graduate Schools Republican Club have been invited to attend a reception for New York Governor Nelson A. Rockefeller today at 3:30 p. m. in Memorial Hall on the University campus. Governor Rockefeller is currently at Harvard to deliver the three-part Godkin Lectures, which began last night and will continue tonight and tomorrow evening at 8 p. m. in Sanders Theater.

Judicial Overhaul Urged

A general overhaul of the judicial system in Massachusetts was called for last week by a special commission chaired by Dean Erwin N. Griswold.

The group, created particularly to establish new salary schedules in the judicial area, made recommendations which included the following:

- Creation of a new and powerful administrative office for "housekeeping" and supervisory duties concerned with court personnel

other than judges.

- Working out a system by which the Commonwealth would pay for all the expenses of justice in Massachusetts.

- Raising the pay of various judges above the District Court level by amounts of up to \$8,000.

- Consolidating the several District Courts, with comparable consolidation of other courts to follow.

The commission had eleven members, including lawyers, educators and state legislators.

Parking Lot Delayed

By Donald W. Kramer

Completion of the new University parking lot at Massachusetts Avenue and Everett Street will be delayed until spring, Superintendent of Grounds and Buildings J. W. Ingraham told the RECORD this week.

Although University officials had hoped to finish the project before winter, delay in demolition of the three dwellings on the lot next to Wyeth Hall prevented them from levelling the area and paving the surface. No work can be done now until the ground thaws completely, probably not until late March or April.

When completed, the lot will provide space for 30 to 40 cars. It will be paved with asphalt and bounded by a small hedge.

Law Day Postmark OK'd

The United States Post Office Department has again authorized the use by first and second class post offices throughout the country of special postmarking die stamp cancellations calling public attention to Law Day USA next May 1. The special observance, first established by Presidential proclamation in 1958, has now become a continuing annual celebration by joint resolution of Congress.

Cocktail Party Planned

Members of Harvard Law Wives will hold their annual Faculty-Student Cocktail Party on Saturday from 5 to 7 p. m. in the meeting room of Harkness Commons. Musical background will be provided by pianist Charles F. Goldfarb, 1L, Cambridge, Massachusetts. Law School students and Faculty members and their wives are cordially invited.

Alums

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among a list of more than 500 names suggested by Harvard Clubs, College classes and individual graduates. Other candidates may be nominated by certificate of Harvard degree holders.

Board of Overseers

Law School graduates who are candidates for the Board of Overseers are Archibald Cox, LL.B. '37, of Wayland, Massachusetts, and McLean, Virginia, Solicitor General of the United States and former Professor of Law at Harvard, 1946-61; and Augustin H. Parker, Jr., LL.B. '35, of Sherborn, Massachusetts, president of the Old Colony Trust Company (Boston), Boston area chairman of the Harvard Fund, former director of the Harvard Alumni Association, 1957-60, and co-chairman of the National Alumni Committee of A Program for Harvard College, 1957-60.

Alumni Association

For directors of the Harvard Alumni Association, the Law School graduates nominated are Francis A. Goodhue, Jr., LL.B. '40, of New York, New York, partner in the law firm of Dewey, Ballantine, Bushby, Palmer and Wood (New York), member of the Schools and Scholarships Committee of the Associated Harvard Clubs and vice president of the Harvard Club of New York Foundation, former chairman of the Scholarships Committee of the Harvard Club of New York City, 1955-58, and former class agent for the Harvard Law School Fund, 1958-60; Paul F. Hellmuth, LL.B. '43 ('47) of Cambridge, Massachusetts, senior managing partner of the law firm of Hale and Dorr (Boston) and treasurer and member of the executive committee of the Harvard Law School Association; William Wesselhoeft, LL.B. '48, of Seattle, Washington, partner in the law firm of Ferguson and Burdell (Seattle), former president of the Harvard Club of Seattle, 1957, and former regional vice president of the Associated Harvard Clubs, 1958-61; and William S. Youngman, LL.B. '32, of New York, New York, chair-

man of the board of American International Underwriters Corporation (New York), member of the 1929 Permanent Class Committee, trustee of the Weld (Boat Club) Trusts for the benefit of Harvard College and vice chairman of the Harvard Overseers' Committee on East Asian Civilizations.

Fund Council

Chosen as candidates for the Harvard Fund Council are Law School graduates Hugh Calkins, LL.B. '49, of Cleveland, Ohio, partner in the law firm of Jones, Day, Cockley and Reavis (Cleveland), member of the Harvard Overseers' Committee to Visit Harvard College and vice president of the Harvard Club of Cleveland; and Charles F. Woodard, LL.B. '38, of Medfield, Massachusetts, general counsel of The Gillette Company (Boston), class agent for the Harvard Fund, former member of the Harvard Overseers' Committee to Visit the Departments of Military, Naval and Air Science and finance chairman for the 25th Reunion Class, 1960.

UNIVERSITY EVENTS

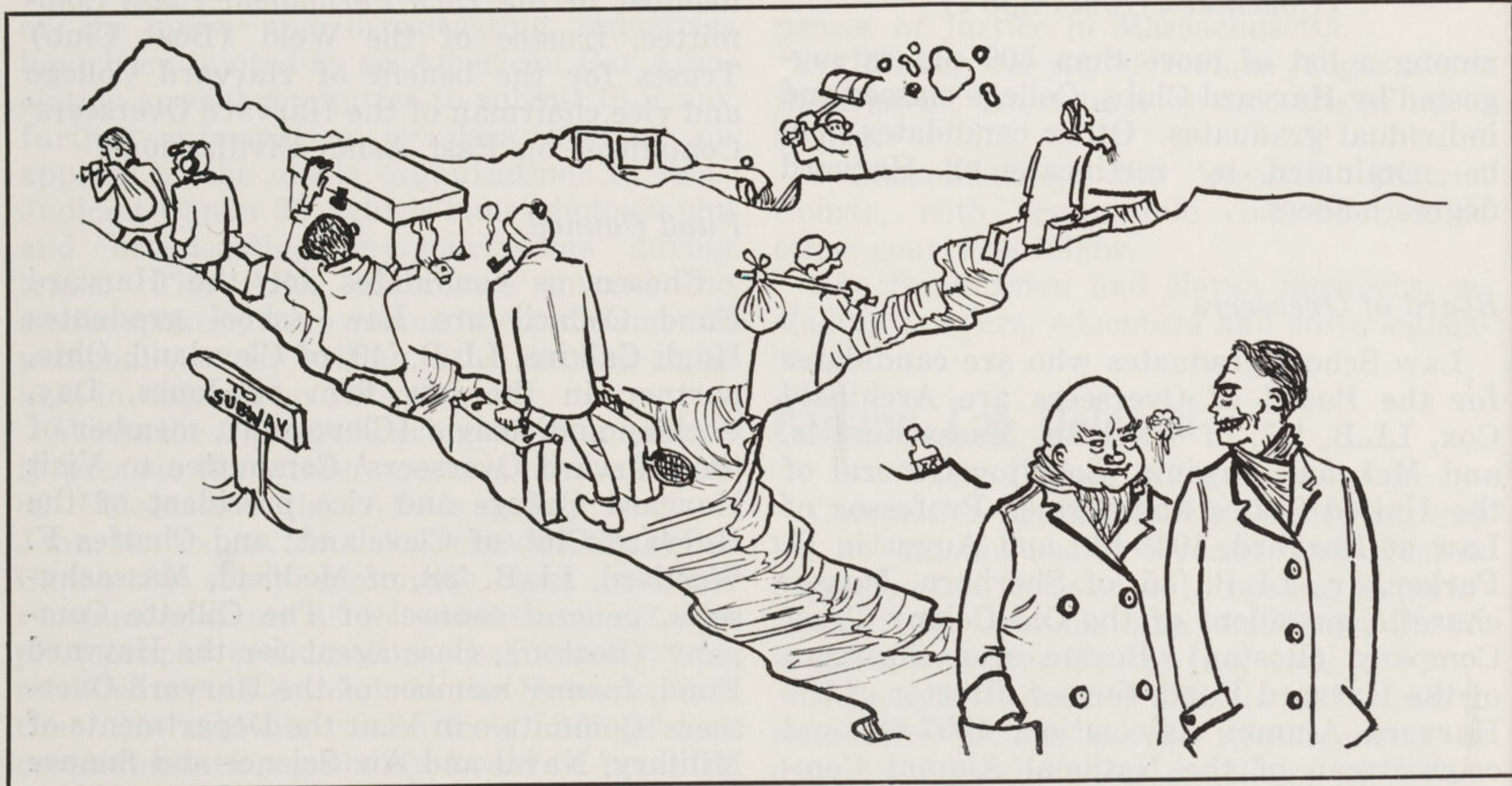
Among upcoming Harvard University events this week are the following which are of particular interest to Law School students:

COLLOQUIUM (sponsored by the Center for Cognitive Studies). *Early Life Experiences as Related to the Development of Cognitive Styles*. Herman A. Witkin, Director of the Psychology Laboratory, College of Medicine, State University of New York. Forum Room, Lamont Library, 4 p. m. today.

GODKIN LECTURES (sponsored by the Graduate School of Public Administration). *The Future of Federalism*, Parts II and III. Nelson A. Rockefeller, Governor of New York. Sanders Theater, 8 p. m. today and tomorrow.

LECTURE (sponsored by the Department of Economics). *Economics and Public Policy: Confessions of a Kennedy Counselor*. Walter Heller, Chairman, President's Council of Economic Advisers. Littauer Center Auditorium, 4 p. m. tomorrow.

THE LAW SCHOOL (MID-YEAR) SCENE



"That practice exam gets 'em every time."



"Look — You forgot to tear the pages out of this copy."

FEATURES SECTION

Reporting on Civil Rights

The Civil Rights Act of 1957 created the United States Commission on Civil Rights as a bipartisan agency to study civil rights problems and report to the President and Congress. Originally created for a two-year term, its life was extended in 1959 for another two years.

The function of the Commission is to advise the President and Congress on conditions that may deprive Americans of equal treatment under the law because of their race, color, religion or national origin. The Commission has no power to enforce laws; its task is to collect, study and appraise information concerning civil rights throughout the United States and to make recommendations for corrective action if and where needed.

State Committees

Material on which to base its reports is gathered by the Commission partly from its own hearings, investigations and surveys. Federal, state and local agencies and private organizations have cooperated. Another source of information has been the State Advisory Committees which, under the Civil Rights Act of 1957, the Commission has established in all fifty states. (It is interesting to note that in *The 50 States Report* submitted to the Commission by the State Advisory Committees in 1961 Florida and Arkansas reported that no complaints had been filed since the last report in 1959, while the committees in Hawaii, Maine, Montana and North Dakota reported that their states had no serious civil rights problems.)

The Commission's first comprehensive report was issued in 1959, covering discrimination in public education, housing and voting. Upon the extension of its term in 1959 the Commission added two more fields of inquiry, government-connected employment and the administration of justice.

The membership of the Commission has varied. Its members at the time of publication of this second report were John A. Hannah, chairman, president of Michigan State University; Robert G. Storey, vice chairman, former dean of Southern Methodist University Law School; Dean Erwin N. Griswold of Harvard Law School; Reverend Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame; Robert S. Rankin, chairman of the department of political science at Duke University; and Spottswood W. Robinson, III, dean of the Howard University School of Law.

In 1961 the Commission issued a five-volume second report, excerpts from which follow. The five volumes are entitled *Voting, Education, Employment, Housing and Justice*. Each of the volumes contains information received from the Commission's various sources concerning possible or actual violations of civil rights and the activities of federal and state authorities with respect thereto. Conclusions drawn from this information are listed at the end of each volume, as are recommendations to Congress and the executive branch of the government for remedying the violations uncovered.

In the following summary of the report, the language of the Commission is used for the most part, but occasionally it is paraphrased in the interests of space.

VOTING

Findings

—There are reasonable grounds to believe that substantial numbers of Negro citizens are, or recently have been, denied the right to vote on grounds of race or color in about 100 counties in 8 Southern states: Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. Some denials of the right to vote occur by reason of discriminatory

application of laws setting qualifications for voters. Other denials result from arbitrary and discriminatory procedures for the registration of voters; still others occur by reason of threats and intimidation, or the fear of retaliation.

—Some states have given encouragement to such discriminatory denials of the right to vote. The legislature of Louisiana, for instance, has fostered discrimination against Negro voters by the enactment of restrictive voter qualification laws and by the activities of its Joint Legislative Committee working in cooperation with the Association of Citizens Councils of Louisiana. Mississippi has amended its voter qualification laws in such fashion as to permit, if not encourage, discrimination against the would-be Negro voter. The Alabama Legislature has tried unsuccessfully to eliminate Negro voters from the city of Tuskegee.

—The United States Department of Justice has acted with vigor to apply the Civil Rights Acts of 1957 and 1960 to prevent racial discrimination in the franchise.

—Although the provisions of the 1957 and 1960 Civil Rights Acts are useful, they are necessarily limited means for removing racial discrimination from the franchise. Suits must proceed a single county at a time, and they are time consuming, expensive and difficult. Broader measures are required if denials of constitutional rights in this area are to be quickly eliminated.

—A common technique of discriminating against would-be-voters on racial grounds involves the discriminatory application of legal qualifications for voters. Among the qualifications used in this fashion are requirements that the voter be able to read and write, that he be able to give a satisfactory interpretation of the Constitution, that he be able to calculate his age to the day and that he be of "good char-

acter." [As an example, Negro applicants for voting registration alleged that they were rejected because they did not answer questions to the satisfaction of the precinct registrar, among which questions were "What does 'create' mean?", "Who was the Creator?", "Do you know how you were born?", "Are all people born alike?", "Was I born like Queen Elizabeth?" and "When God made you and Eisenhower, did He make both of you the same?" Another applicant claimed he was refused registration because he had made a mistake on his application card: he had underlined "Mr." when he should have circled it. The registrar contradicted his testimony, but she declined the opportunity given her to offer the application card as evidence.]

Voting Qualifications

—The United States Constitution leaves to the states the power to set the qualifications for voters in federal as well as state elections. This power is not, however, unlimited. The 15th Amendment prohibits the states from denying the right to vote to any citizen on grounds of race or color and empowers the Congress to enforce this prohibition by appropriate legislation. Therefore, if Congress found that particular voting qualifications were applied by states in a manner that denied the right to vote on the grounds of race, it would appear to have the power under the 15th Amendment to enact legislation prohibiting the use of such qualifications. Section 5 of the 14th Amendment similarly empowers Congress to enact appropriate legislation to enforce the provisions of that amendment. One of these provisions is section 2 of the 14th Amendment, which authorizes Congress to reduce the congressional representation of any state in proportion as citizens of that state are denied the right to vote on any grounds other than age or conviction of a crime. The effect of these provisions of the 14th Amendment may be to empower Congress to prohibit the use of any voter qualifications other than those specified.

Recommendations

Recommendation 1. That Congress, acting under section 2 of the 15th Amendment and sections 2 and 5 of the 14th Amendment, (a) declare that voter qualifications other than age, residence, confinement, and conviction of a crime are susceptible of use, and have been used, to deny the right to vote on grounds of race and color; and (b) enact legislation providing that all citizens of the United States shall have a right to vote in federal and state elections which shall not be abridged or interfered with by the United States or any state for any cause except for inability to meet reasonable age or length-of-residence requirements uniformly applied to all persons within a state, legal confinement at the time of registration or election, or conviction of a felony, such right to vote to include the right to register or otherwise qualify to vote, and to have one's vote counted. [Vice Chairman Storey and Commissioner Rankin dissented from Recommendation 1 on the ground that such a sweeping alteration in traditional federal-state relationships is unnecessary to achieve the desirable end sought by Recommendation 1.]

Recommendation 2. That Congress enact legislation providing that in all elections in which, under state law, a "literacy" test, an "understanding" or "interpretation" test

or an "educational" test is administered to determine the qualifications of electors, it shall be sufficient for qualification that the elector have completed at least six grades of formal education.

Recommendation 3. That Congress amend the 1957 Civil Rights Act to prohibit any arbitrary action or (where there is a duty to act) arbitrary inaction which deprives or threatens to deprive any person of the right to register, vote, and have that vote counted in any federal election.

[It should be noted at this point that a bill has been introduced in the current session of Congress which would carry out many of these recommendations. Enactment of the bill is uncertain.]

Recommendation 4. That Congress consider the advisability of enacting legislation (a) requiring that where voting districts are established within a state, for either federal elections or state elections to any house of a state legislature which is elected on the basis of population, they shall be substantially equal in population; and (b) specifically granting the federal courts jurisdiction of suits to enforce the requirements of the Constitution and of federal law with regard to such electoral districts, but explicitly providing that such jurisdiction should not be deemed to preclude the jurisdiction of state

Rackets Restrung

One-Day Service

TENNIS & SQUASH SHOP

67A Mt. Auburn St., Cambridge
Opp. Lowell House — TR 6-5417

GINO'S BARBER SHOP

4 Experienced Barbers — Quick, courteous service

Convenient to Harvard
1638 Mass. Ave., Cambridge
EL 4-9790

Modern Barber Shop — Geared to the needs of Harvard Students

The COOP OPTICAL DEPARTMENT



Offers you accurate and prompt service on all prescriptions. Broken lenses and frames replaced.

Patronage Refund
Third Floor
Take Elevator
TR 6-3000

**THE
COOP**

courts to enforce rights provided under state law regarding such districts.

Recommendation 5. That Congress direct the Bureau of the Census promptly to initiate a nationwide compilation of registration and voting statistics, to include a count of persons of voting age in every state and territory by race, color and national origin who are registered to vote, and a determination of the extent to which such persons have voted since January 1, 1960, and requiring that the Bureau of the Census compile such information in each next succeeding decennial census and at such other times as the Congress may direct.

EDUCATION

Recommendations

Recommendation 1. That Congress enact legislation making it the duty of every local school board which maintains any public school from which pupils are excluded on the basis of race to file a plan for desegregation with a designated federal agency within six months after the adoption of such legislation,

said plan to call for at least a first step toward full compliance with the Supreme Court's decision in the *School Segregation Cases* at the beginning of the following school year and complete desegregation as soon as practicable thereafter.

[It is interesting to note that the Commission is of the opinion that attendance zones — the time-honored method of apportioning children among schools — without more are unquestionably valid because the two criteria for assignment — residence and capacity of the school — have no relation to race. The *de facto* segregation that results from free private choice or from residential patterns based on purely private discrimination is apparently not forbidden by the 14th Amendment, the Report states. It is only where the school authorities pursue a districting policy designed to maintain this *de facto* segregation that any serious question arises.

Reviewing the case of *Taylor v. Board of Education of New Rochelle, N.Y.* and other similar cases, the Commission suggests cer-

tain general rules as to the selection of sites for new schools in regard to the requirement of equal protection:

1. The discretion granted school boards to select school locations must be exercised in good faith in the light of such factors as are relevant and reasonable.

2. In the absence of a showing that the factors used by the board are not relevant and reasonable, or are a sham or subterfuge to foster segregation, the action of the board will not be disturbed.

3. The fact that the school by reason of its location may be attended solely by white pupils, or solely by Negro pupils, is not of itself proof of an abuse of discretion in site selection.

The Commission concludes that gerrymandering, transfer manipulation and site selection when used by public officials to promote school segregation violate the equal protection clause of the 14th Amendment.]

Recommendation 2. That Congress provide that any and all federal

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grants-in-aid to the various states for educational programs in elementary and secondary public schools be allocated so that states wherein all school districts are operated on a nondiscriminatory basis shall receive the full amount computed under the applicable statutory formula; that states wherein no school districts are so operated shall receive only 50 per cent of such funds; that states wherein school districts have initiated desegregation programs shall receive 50 per cent of such sum plus the same proportion of the remaining 50 per cent as the number of pupils enrolled in all school districts in the state which have initiated a program of desegregation bears to the total number of pupils enrolled in all school districts in the particular state which have a biracial school population.

[Commissioner Rankin dissented to Recommendation 2 on the ground that it punishes the school children for the errors of their elders.]

Recommendation 3. That Congress consider the advisability of adopting measures to expedite the hearing and final determination of actions brought in federal courts to secure admission to publicly-controlled educational institutions without regard to race, color, religion or national origin.

Local Assistance

Recommendation 4. That Congress enact legislation authorizing a federal agency, upon request, to provide technical or financial assistance to local school systems at any time within five years after the initiation of a desegregation program, or to local citizens' groups attempting to help solve problems arising from such desegregation, provided that the desegregation program and its execution shall have been found by the agency administering the program to meet constitutional requirements.

Recommendation 5. That Congress enact legislation authorizing loans to local school districts from which state or local financial aid has been withdrawn as a result of desegregation, or whose ability to borrow funds from commercial sources has been cut off by state or local action,

said loans to be repayable by the borrower upon the receipt of the state or local aid withheld or the restoration of commercial credit.

Recommendation 6. That the Civil Rights Commission be authorized to serve as a clearinghouse for information concerning programs and procedures used by school districts to achieve an organization and operation of their schools in accordance with constitutional principles, and that the Commission be authorized to establish an advisory and conciliation service to assist local school officials.

Recommendation 7. That the Attorney General be directed to take appropriate action to protect school board members carrying out a desegregation plan, supervisory officials and teachers executing the orders of such school boards, school children attempting to attend schools affected by the plan and their parents, and citizens helping such children, from bodily harm, harassment, intimidation and reprisal by officials or private persons.

EMPLOYMENT

Recommendations

Recommendation 1. That Congress grant statutory authority to the President's Committee on Equal Employment Opportunity or establish a similar agency —

(a) to encourage and enforce a policy of equal employment opportunity in all federal employment, both civilian and military, and all employment created or supported by government contracts and federal grant funds;

(b) to promote and enforce a policy of equality of opportunity in the availability and administration of all federally assisted training programs and recruitment services;

(c) to encourage and enforce a policy of equal opportunity with respect to membership in or activities of labor organizations affecting equal employment opportunity or terms and conditions of employment with employers operating under government contracts or federal grants-in-aid.

Recommendation 2. That the President issue an executive order pro-

viding for equality of treatment and opportunity, without segregation or other barriers, for all applicants for or members of the reserve components of the Armed Forces, including the National Guard and student training programs, without regard to race, color, religion or national origin.

Recommendation 4. That Congress and the President act to —

(a) expand and supplement existing programs of federal assistance to vocational educational and apprenticeship training;

(b) provide for retraining as well as training and for funds to enable jobless workers to move to areas where jobs are available and their skills are in demand;

(c) provide that, as a condition of federal assistance, all such programs be administered on a nondiscriminatory, nonsegregated basis; and

(d) amend present regulations regarding admission to vocational classes to provide that admission be based on present and probable future national occupational needs rather than, as presently interpreted, on traditional and local needs and opportunities.

Recommendation 5. That, in order to encourage the fullest use of the nation's manpower resources, Congress enact legislation to provide equality of training and employment opportunities for youths (aged 16 to 21), and particularly minority group youths, to assist them in obtaining employment and completing their education —

(a) through a system of federally subsidized employment and training made available on a non-discriminatory basis; and

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(b) through the provision of funds for special placement services in the schools in connection with part-time and cooperative vocational education programs.

Recommendation 8. That the President direct the Secretary of Labor to grant federal funds for the operation of state employment offices only to those offices which offer their services to all, on a nonsegregated basis, and which refuse to accept or process discriminatory job orders.

Recommendation 9. That Congress amend the Labor-Management and Disclosure Act of 1959 [Landrum-Griffin Act] to include a provision that no labor organization shall refuse membership to, segregate, or expel any person because of race, color, religion or national origin.

HOUSING

Recommendations

Recommendation 1. That the President issue an executive order stating the national objective of equal opportunity in housing and specifically directing all federal agencies concerned with housing and with home mortgage credit to shape their policies and practices to make the maximum contribution to the achievement of this goal; and that the President use his good offices to stimulate participation of all elements of the housing and home finance industries in the achievement of the national objective of equal housing opportunity.

Recommendation 2. That the President (a) direct FHA and VA, on a nationwide basis, to take appropriate steps to assure that builders and developers will not discriminate on the grounds of race, color or creed in the sale or lease of housing built with the aid of FHA mortgage insurance or VA loan guarantees; (b) direct FHA, VA, and FNMA to take appropriate steps to assure nondiscrimination by lending institutions with which these agencies have dealings; (c) direct FHA and VA, in selling or leasing reacquired housing, to take appropriate steps to assure that such government-owned housing will be available on a nondiscriminatory basis; (d) designate open occupancy housing for FNMA special assistance.

Recommendation 3. That the federal government, either by executive or by congressional action, take appropriate measures to require all financial institutions engaged in a mortgage loan business that are supervised by a federal agency to conduct such business on a nondiscriminatory basis and to direct all relevant federal agencies to devise reasonable and effective implementing procedures.

[Commissioner Rankin concurred in part and dissented in part from Recommendation 3: "While I subscribe entirely to the proposition that mortgage credit should be available to all Americans without regard to race, color or creed, I cannot agree that the best method of achieving this result is by means of wholesale federal intervention . . . [T]o the extent that this recommendation will cover such institutions as savings and loan associations which are members of the Federal Home Loan Bank System, I concur in full with the majority. . . ." Vice Chairman Storey dissented from Recommendation 3 on the ground that such intervention by the federal government in the affairs and policies of private financial institutions is undesirable.

The President recently declined, until there should exist in the United States a consensus against private discrimination in the sale of housing, to issue an executive order banning discrimination by all mortgage loan institutions supervised by a federal agency.]

Recommendation 4. That the federal government take appropriate

measures to require communities as a prerequisite to receiving federal urban renewal assistance: (a) to assure that there is a supply of decent, safe and sanitary housing for displacees adequate to the needs of the families displaced; and (b) to provide sufficient relocation facilities to assure the relocation of such displacees into decent, safe and sanitary dwellings.

Recommendation 5. That the President direct the Urban Renewal Administration to require that each contract entered into between local public authorities and redevelopers contain a provision assuring access to reuse housing to all applicants regardless of race, creed or color.

JUSTICE

[Volume 5 of the Commission's report, *Justice*, considers specific cases of alleged police brutality in all sections of the country. It would serve no useful purpose to recount here the gory details of these shocking lapses into inhumanity. However, the Commission's summary of its findings gives insight into the circumstances which led the Commission to make the recom-

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mentations which are reprinted below, and therefore excerpts from the summary are included.]

Summary

Police brutality — the unnecessary use of violence to enforce the mores of segregation, to punish, and to coerce confessions — is a serious problem in the United States. Much of it occurs when an ill-trained or prejudiced policeman first comes in contact with a suspect. Yet, most policemen have demonstrated that it is possible to perform their duties effectively without resorting to unlawful violence which creates suspicions about the fairness of the American system of criminal justice.

Changes Needed

The Civil Rights Division of the Department of Justice is a sincere, hard-working but perhaps over-cautious agency; there are areas where improvement might be achieved. The Division's information-gathering activities could probably be improved. Greater willingness to authorize investigations on the basis of newspaper reports might uncover more violations of the law. A somewhat less skeptical attitude toward those who refuse to sign complaints and an increased willingness to bring borderline cases to trial are needed. The policy of deference to state authorities may presently be carried too far in those cases where an investigation (as distinct from a prosecution) is held up whenever any local action is commenced. The difficulties with investigations might be overcome by a more vigorous policy — and perhaps by a new administrative arrangement within the Department of Justice to ease the problem of FBI agents having to investigate police officers with whom they work daily on other cases. Such problems as remain with United States attorneys might be alleviated by special orientation courses for new attorneys or the designation by them of assistants to specialize in civil rights matters.

The Commission's overall impression, however, is that many of the difficulties of enforcing the federal

laws in the field of unlawful police violence arise not only from these details of administration and procedure, but from the nature of the cases themselves, from the inherent difficulties of present statutes and, above all, from a general lack of awareness and sensitivity to the rights involved on the part of judges, prosecutors, lawyers, policemen and the general public. Little can be done directly to prevent police brutality itself until the police are more carefully selected, trained and controlled. State and local action appears to be very significant in this respect, but the applicable federal law might well be amended to make it more effective.

Grants-in-aid

Recommendations

Recommendation 1. That Congress consider the advisability of enacting a program of grants-in-aid to assist state and local governments, upon their request, to increase the professional quality of their police forces. Such grants-in-aid might apply to the development and maintenance of (1) recruit selection tests and standards; (2) training programs in scientific crime detection; (3) training programs in constitutional rights and human relations; (4) college level schools of police administration; and (5) scholarship programs that assist policemen to receive training in schools of police administration.

Recommendation 2. That Congress consider the advisability of enacting a companion provision to section 242 of the United States Criminal Code which would make the penalties of that statute applicable to those who maliciously perform, under color of law, certain described acts including the following:

(1) subjecting any person to physical injury for an unlawful purpose;

(2) subjecting any person to unnecessary force during the course of an arrest or while the person is being held in custody;

(3) subjecting any person to violence or unlawful restraint in the course of eliciting a confession to

a crime or any other information;

(4) subjecting any person to violence or unlawful restraint for the purpose of obtaining anything of value;

(5) refusing to provide protection to any person from unlawful violence at the hands of private persons, knowing that such violence was planned or was then taking place;

(6) aiding or assisting private persons in any way to carry out acts of unlawful violence.

Recommendation 3. That Congress consider the advisability of amending section 1983 of title 42 of the United States Code to make any county government, city government or other local government entity that employs officers who deprive persons of rights protected by that section jointly liable with the officers to victims of such officers' misconduct.

Recommendation 4. That Congress consider the advisability of empowering the Attorney General to bring civil proceedings to prevent the exclusion of persons from jury service on account of race, color or national origin.

GENERAL RECOMMENDATION TO THE PRESIDENT

The Commission recommends that the President utilize his leadership and influence and the prestige of his office in support of equal protection of the laws for all persons within the jurisdiction of the United States in all aspects of civil and political life: by explaining to the American people the legal and moral issues involved in critical situations when they arise; by reiterating at appropriate times and places his support for the Supreme Court's desegregation decisions as legally and morally correct; by undertaking the leadership of an active effort to stimulate the interest of citizens in their right of franchise; and by all other means at his disposal marshaling the nation's vast reservoir of reason and good will in support of constitutional law not only as a civil duty but as essential to the attainment of the national goal of equal opportunity for all.

Recent Books

AMERICA: LISTEN! Frank L. Kluckhohn, Monarch Books, Derby, Connecticut, 1961. \$.50.

By Charles F. Waite

In *America: Listen!*, Frank L. Kluckhohn, former ranking officer of the United States State Department (1955-61) makes what is advertised as "an honest report to the nation which reveals that the threat to our survival is greater than most Americans have been permitted to realize." Contrary to the impression given by this blurb, however, the book is not one of a current glut of impassioned pleas to end nuclear testing so that all peoples can tap dance together; rather, the threat to our survival of which Kluckhohn writes stems from inept and inexperienced leadership in our national government.

"Right now Washington is the scene of the most chaotic mess in our nation's history," the reader is told. Kluckhohn proceeds with an extensively documented thesis that this "mess" can be directly attributed to the political and cultural heritages of our President.

The "real" Jack Kennedy ("What is Jack Kennedy *really* like?") is a member of the fourth generation of an American family which raised itself by its bootstraps from the bottom of the heap to the very top, the reader learns. He is the son of a man who acquired great wealth and position, but who failed in his own greatest ambition — to be President.

Jack Kennedy is the President-which - papa - Joe - could - never - be. (Joe's chances for the job were wrecked, Kluckhohn points out, after giving a speech a plethora of offense at which the British took.) And, in fact, Jack himself would not be President today were it not for the untimely death of his elder brother — *the* Kennedy brother whom Joe was grooming for the big position.

Many of Jack's current problems stem from the fact that he was not papa's original choice, Kluckhohn urges. Jack — sickly, retiring and an undistinguished student — was

placed in the position of assuming his late brother's role — athletic, outgoing and scholarly. Jack cannot be these things, the author says; his attempt — which has concededly convinced a great number of people — to cover up this fact is the cause of so many incorrect decisions and vacillations within the Administration.

Were this not bad enough, Kluckhohn adds to the Kennedy pose the Kennedy political heritage, from saloonkeeper-turned-state representative Patrick J. Kennedy (Jack's paternal grandfather) and from the better known John F. ("Honey Fitz") Fitzgerald (Jack's maternal grandfather). The early-day political dealings are somewhat refined today, but they are based on the same philosophies as those of the ward-healers of old Boston.

The real story, though, is not Jack but of Joe — the "vicarious President" — and the reader who would care to challenge Kluckhohn's various theses will have a very difficult time suggesting some better ones.

* * *

NEW MEXICO PROBATE MANUAL. Arie Poldervaart, The University of New Mexico Press, Albuquerque, New Mexico, 1961. \$3.50.

The New Mexico Probate Manual presents in condensed form the law of New Mexico governing decedents' estates, as a guide and reference for those concerned with New Mexico inheritance problems.

Basic pertinent legislative enactments including those of the 1961 New Mexico Legislature are summarized; interpretations by courts and administrative agencies, such as the attorney general's office and tax authorities, are included. The manual points out the fiduciary character of the estate representa-

tive and raises significant ethical and moral questions with respect to dealings with estate assets and the relationship between the estate representative and the attorney. A seventy-five page section is devoted to legal forms relating to New Mexico probate practice.

From Past Records

TEN YEARS AGO

From the issue of February 7, 1952:

Professor Zechariah Chafee delivered an address in New York City on January 25 on the topic "Harvard Law School Then and Now."

Phillips Brooks House announced that a Law School Committee Bulletin Board had been set up in the Graduate Center for the purpose of keeping students informed about activities which were going on in the Boston area.

The Board of Student Advisers announced that Supreme Court Associate Justice William O. Douglas would preside at the Ames Final.

FIFTEEN YEARS AGO

From the issue of February 19, 1947:

As part of a general effort to institute a placement program at the Harvard Law School with sufficient range to secure employment opportunities for present and future graduates, Dean Griswold made a trip to the West Coast.

Students who had problems to discuss with the Vice Dean were informed that they would find Archibald Cox in the office of regular Vice Dean Livingston Hall, who was on vacation until the summer term.

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Placement Opportunities

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.

FIRST YEAR OPPORTUNITIES

Cambridge: Division of Sponsored Research, M.I.T. Contact Jack Larson, Esq.

SECOND YEAR OPPORTUNITIES

Boston: Foley, Hoag & Eliot. Contact Hans F. Loeser, Esq.
 Boston: Gaston, Snow, Motley & Holt. Contact John B. Pierce, Jr., Esq.
 Cambridge: Division of Sponsored Research, M.I.T. Contact Jack Larson, Esq.

Chicago: Jacobs & McKenna. Contact Mr. Clinton C. Erlandson.

New York: Aranow, Brodsky, Bohlinger, Einhorn & Dann. Requirement: average of 70 or better. Contact Placement Office by 2 p.m. Friday, February 16.

New York: Skadden, Arps, Slate, Meagher & Flom. Contact Robert J. Ensher, Esq.

Rochester, New York: Nixon, Hargrave, Devans & Day. Contact Leonard S. Zartman, Esq.

Washington: Office of the Secretary, Department of the Air Force. Contact William W. Hancock, Esq., Assistant General Counsel, Department of the Air Force, Room 4-C-948, The Pentagon, Washington 25, D. C.

THIRD YEAR INTERVIEWS

Boston: Office of the General Counsel, Cabot Corporation. (2 p.m. Friday, February 9.) Friday, February 16.

Washington: Office of the Administrator, Housing and Home Finance Agency. Mr. Don B. Frye. (2 p.m. Monday, February 12.) Monday, February 19.

Hartford: The Connecticut Bank and Trust Company. (2 p.m. Friday, February 9.) Date not set for interviews.

THIRD YEAR OPPORTUNITIES

Akron: Buckingham, Doolittle & Burroughs. Contact Richard A. Chenoweth, Esq., or Hugh Colopy, Esq.

Cambridge: Division of Sponsored Research, M.I.T. Contact Jack Larson, Esq.

Geneva, Switzerland: Contact Placement Office before 2 p.m. Friday, February 9.

Kansas City, Missouri: Linde, Thomson, Van Dyke, Fairchild & Langworthy. Contact Billy S. Sparks, Esq.

Mineola, New York: Harry H. Rains, Esq. Contact Mr. Rains, Denton Building, Mineola.

Newark: Lesnik & Amoscato. Contact Floyd Shapiro, Esq.

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