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NO. 3

Ames Prize Winner Announced

By Thomas E. Woodhouse

Glanville Williams, Fellow at Jesus College, Cambridge, England, will receive the James Barr Ames Prize for "a meritorious essay or a book on some legal subject," awarded for his recently published second edition of *Criminal Law, the General Part*, Dean Griswold announced Monday evening. The award, including a \$2000 prize and a bronze medal, will be presented at a faculty luncheon here on September 3.

Established in 1898 from the income of a grant of \$3000 given by Julian W. Mack, LL.B. 1887, the prize in previous years has been awarded to such outstanding figures in the field of legal literature as John Henry Wigmore, Frederic William Maitland, William Searle Holdsworth, Benjamin Nathan Cardozo, James Cummings Bonbright, and Arthur Linton Corbin.

The first award was made in 1902, and subsequent awards have been made at inter-

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Fund Total Climbs

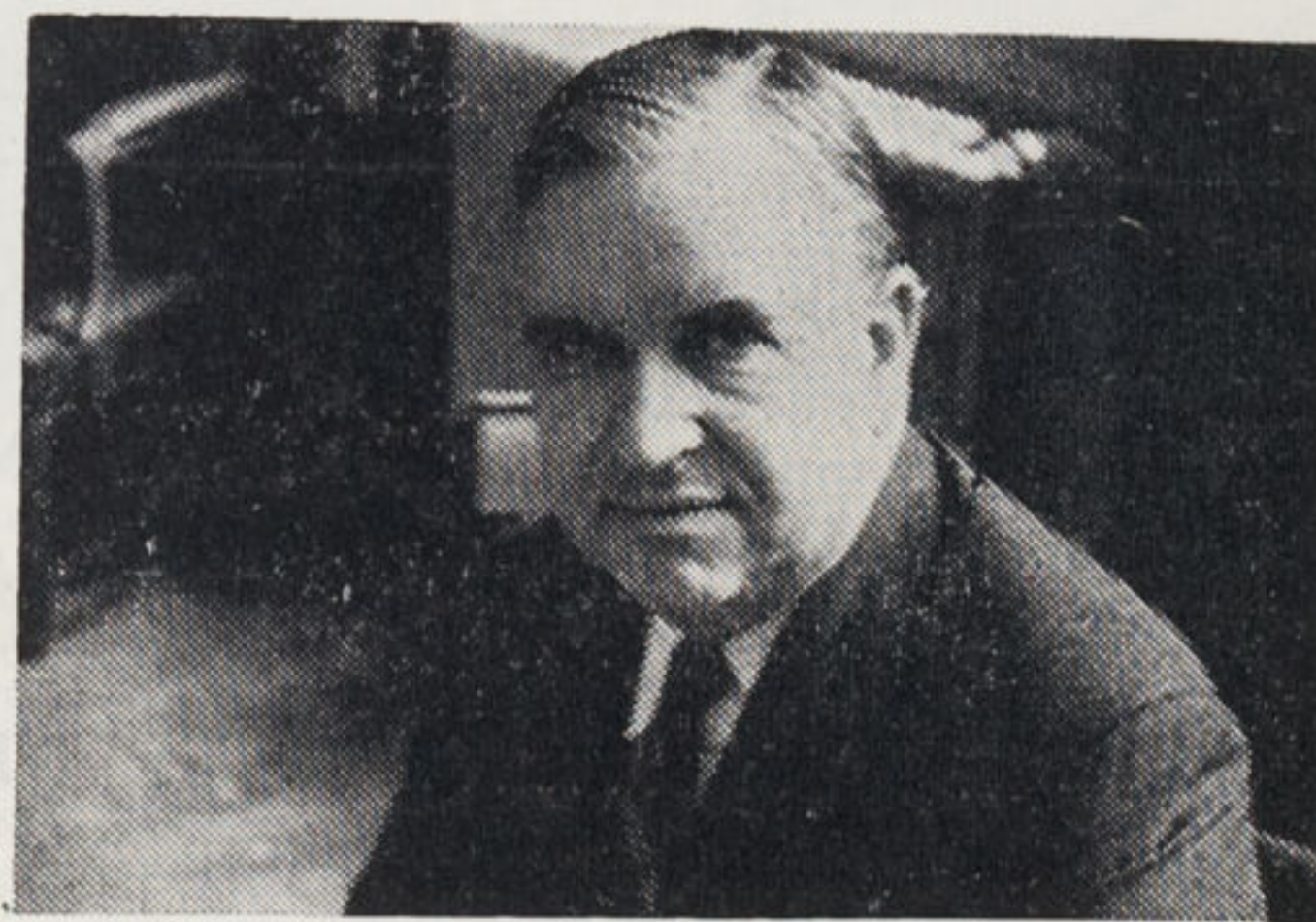
By Richard A. Hannaway

Contributions to the Harvard Law School Fund are running almost 25% higher than a comparable period last year, Assistant Dean Wesley E. Bevins reported this week. According to figures presently available, a comparison with last year's records shows that by the end of January 1962, 4,473 donors had sent in gifts amounting to \$379,448. This year 5,002 donors, 529 more than last year, have given a total of \$468,408, an increase of \$88,960.

The Fund still has a considerable way to go to reach its goal of \$650,000 by the June

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Civil Rights Status



By Donald W. Kramer

"I have no hopes that the problems of civil rights can be completely worked out in any foreseeable time," Dean Erwin N. Griswold said this week.

"But I'm not one to say that we should let things work out in their own way," he continued. "That is merely a euphemism for doing nothing. We have to keep up the pres-

(Continued on page 13)

An Unfilled Vacuum

Total contributions to this year's Combined Charities Drive fell nearly one-third from the total received last year and student participation was cut nearly in half, to less than 10 per cent of the student body. We are not surprised that the results were so disappointing. It is one thing to conduct a low pressure campaign; it is another to operate in a vacuum.

The Phillips Brooks House committee this year decided that the only solicitation would consist of a letter to each student explaining the drive and the charities designated. After that, everyone was left entirely on his own, to contribute or not contribute, forget or not forget as he pleased. Except for an article in the RECORD, the drive was never again mentioned. Students were never individually confronted with the issue and asked to make a decision.

This is not to say that every student will contribute, or in the abstract, should contribute. There are many reasons why an individual might object to the solicitation. But without prodding, it is doubtful that the student will take any position at all.

The PBH committee was reacting to complaints aroused the year before by alleged high-pressure solicitation. There is a middle ground, however, between excessive zeal and apparent unconcern. PBH could easily knock on dormitory doors or phone off-campus students for pledges without antagonizing the entire student body. As it was this year, it was easy to get the impression that even PBH didn't care whether anyone responded to the appeal.

The designated charities were worthy of our support. But this year's experience shows clearly that we are not likely to act on our own without some prodding. We hope that if PBH decides the drive is worth running next year, and we think it is, they will also decide it is worth pushing effectively.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

It is startling to feel an eager, furry body push you aside as you enter into a classroom. In at least one section a dog has been attending class with more regularity than some of the section's registered students. Perhaps there is a trend among students toward bringing their hairy companions to class. A little reflection leads one to some possible reasons for this phenomenon.

It is not easy for an average law student to know exactly where he is once he steps inside Langdell, so cleverly is the building constructed. Unless one can pick out significant features in each class, such as a bearded associate on one's left or right, or a perfumed one upwind, one often never knows if he is attending the right class. It is too risky, of course, to raise one's head to see who the teacher is, since a raised head is often mistaken for a raised hand. So a dog, or some other animal with equally keen senses, can alleviate this directional problem.

In the second place, an animal can lessen the problems of classroom recitation in a more direct way. To a professor, the knowledge that a large, grizzly dog lies panting beneath seat 132 is likely to give him second thoughts about asking *person* 132 about how one goes about making a successful disentailment.

Other animals than dogs could presumably be used to even greater advantage in class recitation. A Minah bird trained to retort "From the point of view of the creditor, sir?" and placed on the desk with a small amplifying system attached to his head, would guarantee a better than average class recitation.

But one must be careful he does not go too far in using his animals in the classroom. The S. P. C. A. watches out for dogs; and the League for the Prevention of Cruelty to Minahs (the so-called "Minah League") does the same for Minahs.

Variety Show Will Go On

By Charles M. Hamann

Two weeks ago the third annual Law School Variety Show teetered on the brink of collapse. But the hard work of the Dormitory Council Show Committee, chairmanned by Howard S. Klotz, 2L, has saved it from a fate which would have grieved all of those who have seen the show in past years.

The show will go on. The date is Saturday evening, March 23; the place, Rindge Tech Auditorium. Tickets, selling at \$1, can be purchased from dormitory council representatives or from the receptionist in Langdell Hall, starting Monday, February 18.

Almost to the moment the decision to put on the show was made final, difficulties harassed Klotz's Committee. One act, which all had expected to be included in the show, washed out because it could not meet the exacting standards of the committee. Klotz said, "The hard work of the committee rescued the show — if it hadn't been for that, the show would have been dead in the fall."

High standards, a desire to display really good amateur talent, accounted for a part of the Committee's problems. "Our objective was and is to produce a blockbuster of a show or none at all," Chairman Klotz said. "The reason why we have delayed the performance of the show so long is that we wanted to provide our audience with an excellent array of talent and not just a mediocre group of acts."

While the Show Committee has assembled a sufficient number of acts to make the show potentially an "outstanding success," more acts could still be added to the show. Klotz hoped particularly to attract faculty talent. "As of this point we have not enlisted the services of a man on the faculty but we hope to do so in time for the show," Klotz said.

One of the performers will be Richard E. Rubenstein, 3L, a Variety Show veteran, singing such songs as "I'm Unprepared, Daddy" and "I've got a Great Big Resume." Also featured will be the "Seven Sons of Harvard," a jazz band which toured Europe last fall, playing for Radio Free Europe.

The Variety Show is a non-profit affair. "It may even lose money," said Klotz. The one dollar fee is intended to cover the costs which include lighting, microphones, police, janitors, and the rental price of a piano.

According to Klotz, the Variety Show is professionally amateur. "The best recommendation that can be given to the show is to ask anyone who saw it last year how he enjoyed it," he said.

Ghost Rider?



She was a nice girl, a proper girl, but what's happened to her? If she is still one of the roving kind, she has either learned of the merits of the internal combustion machine or become a pedestrian.

It's a certainty that she hasn't gone anywhere by bicycle for a long time—we've been watching since last spring. And it's clear that she is not going anywhere for quite some time—the rear tire of her bicycle is currently encased by two inches of ice. Nor has she left it for anybody—she put a big lock on the rear wheel.

Frankly we're worried. We have decided to place a 50 state alarm for the owner. Bicycles like this one were made for roving girls of the sort followed by roving eyes. Pretty soon no self-respecting girl will want to ride it. It's getting rusty and rapidly deteriorating.

So where are you, little girl? This bike is too nice for the scrap heap and the furnaces of U.S. Steel.

Ames Quarters In High Gear

By L. F. Kaplan

The second phase of the Ames Competition, the Quarter-Finals, is now in high gear. All eight clubs have received their fact statements, and are now trying to fashion themselves into unbeatable teams.

In the 1st Round of the competition the Dawson Club will face a hard-working Bevins Club. Their two-fold problem is focused on (1) whether or not a federal prisoner may sue under the Federal Torts Claims Act for damages resulting from the negligence of prison officers, and (2) whether state or federal law will govern in determining when a claim accrues.

A Michigan reappointment case is the subject matter of the Round II argument. This problem which is facing Marshall Law and Griswold Equity will involve such issues as the standard of "invidious discrimination" and the applicability of *Baker v. Carr* to state senates.

Round III gives the contestants, Marshall Equity and the Holmes Club, a chance to test their Corporations I backgrounds against each other. They will try to decipher a corporate reorganization and liquidation case. Part 1 of their case questions whether the de minimus rule applies in exchange of stock 'solely' for stock and secondly, in a liquidation-reorganization situation whether payments in liquidation are treated as dividends or capital gains.

In the final Round of the Quarter-Finals argument the Scott Club will do battle with the Freund Club on an admiralty case. The submission of a maintenance and cure claim to a jury when joined to a Jones Act claim, and the recoverability of attorney's fees and deductibility of wages earned prior to maximum cure are the issues in controversy.

Though the Library is currently swelling with first year advocates complaining about the little time they have for their 10-13 page briefs, the quarterfinalists are *limited* to a 28 page appellant brief (12 page reply brief), and a 32 page brief for the appellee's.

The arguments for Quarter-Finals will be on March 14, Round I; March 18th, Round II; March 21st, Round III; and on March 25th, Round IV.

Drive Falls Short

Disappointment marked the 1962 Combined Charities Drive. Though the Law School Drive was the second largest in history, total contributions fell \$500 from last year's \$1800. A primary source of disappointment was the small number of people who participated in the Drive; of the 1642 students solicited only 152 contributed. Last year 285 participated.

Chairman Robert S. Kenison, 3L, attributed the poor showing to a change in the method of solicitation. Last year all students were requested to return pledge cards whether or not they wanted to contribute. Also, the Dormitory Council representatives solicited each student on behalf of the Drive. This was not done this year.

Of the amount collected UNICEF will receive \$279, the Massachusetts Association for Mental Health, \$243; Boston Legal Aid, \$243; the United Fund, \$239; and Phillips Brooks House, \$220. The balance will be distributed to 12 charities named by the donors.

Contributions will still be accepted by Chairman Kenison, 213 Dane.

International Flavor at HLS

By Daniel J. Kucera

The Harvard Law School is almost a world body! According to statistics compiled by Joseph E. Leininger, Secretary of International Legal Studies, there are 80 students from abroad studying here.

They come from 34 different countries, including: Argentina, Australia, Austria, Bolivia, Brazil, Canada, Ceylon, Chile, Colombia, Costa Rica, Ecuador, Germany, Ghana, Honduras, India, Indonesia, Iraq, Israel, Italy, Japan, Kenya, Korea, Netherlands, New Zealand, Nigeria, Pakistan, Phillippines, Puerto Rico, Sierra Leone, Switzerland, Taiwan, Trinidad, United Kingdom, and Venezuela. In addition, there are Visiting Scholars from Japan, Turkey, and Yugoslavia.

Most of the students — 45 — are in the regular Graduate Program. However, 6 are working for LL.B. degrees, 18 are in the International Program in Taxation, and 11 are studying under a special program. Almost one-half of the students receive financial assistance from the School.

COMMENTARY

A More Equal Opportunity

Tucked away in a paragraph of an article which appears in the December issue of the *Harvard Law School Bulletin* is this cryptic comment: "an international exchange program is a two-edged sword, its purposes so often defeated by the indifference or insult that sends a sensitive visitor home, equipped with new bitterness as well as new knowledge." The article was written about the international exchange program at Harvard Law School, and that is why this comment gives us such great concern.

This editorial does not aim to accuse: there is no open discrimination at Harvard Law School. Its purpose is to inform: some foreign students, particularly African students, do believe that they are the objects of discrimination, not necessarily overt but more often subtle and insidious, both with regard to their social life and their legal training. If these students return home with such feelings, whether deeply or superficially felt, they will not win new friends for Harvard Law School, the American legal system, or the United States.

Foreign Thought Affected

Ordinarily we would shrug off such complaints as common griping, founded more on fiction than on fact, as an instance of that particular human frailty to find external explanations for internal failings. In this case we cannot. Except perhaps for the Supreme Court, Harvard Law School is the dominant star of American jurisprudence. What Harvard Law School does affects what foreigners think about American justice.

Part of the social aspect of the problem is probably insoluble. Feelings of discrimination are, to some degree, subjective, unrelated to objective circumstance. The Administration pursues a policy of making foreign students an "integral part" of the Law School community. There is no doubt that students at the Law School could make a greater effort to help effectuate this policy, but such

action must be voluntary, and we might add, to be effective, heart-felt.

Unlike the social aspect the legal one is probably more susceptible to improvement. One source of discontent among foreign students is that some of them are unable to receive a degree no matter what their grades may be. Any special graduate student who has the equivalent of an LL.B. degree and who has achieved the requisite grade standing (a 65 average and no failures) is entitled to an LL.M. degree after a year of study at Harvard. Unfortunately a disproportionate number of those whose past legal education does not meet Harvard Law School standards are African students, whose susceptibility to feelings of discrimination is greatest. They are not entitled to an LL.M., no matter how high are the grades they may achieve.

An Intermediate Degree

Our suggestion is not that Harvard cheapen its LL.M. degree, but that it establish an intermediate degree in Comparative Law. Our suggestion is not unprecedented — both Columbia and N.Y.U. have adopted this procedure. This new degree should not be and does not have to be meaningless. As for any other degree students should have to satisfy prescribed standards to achieve it.

We believe that the creation of such a degree will relieve those foreign students who are currently not entitled to a degree under any circumstances of any feelings of unenviable uniqueness insofar as their academic status is concerned. No matter how adequately forewarned of the special nature of his Law School status before his arrival here, no foreign student is likely to relish or even enjoy being different from the vast majority of students at the Law School, all candidates for a degree. Integration begins and ends with equality. All students at the Law School should have an equal opportunity for a degree.

Record Number Takes Admission Test

Over 10,200 applicants took the Law School Admission Test last Saturday. This startling figure eclipses the previous record, established last fall, when 9,400 persons took the exam, crucial to law school placement. It also surpasses by more than 25 per cent the number who took the exam at the same time last year.

Vice-Dean Louis A. Toepfer attributed this phenomenal increase to "growing interest" in law and to the "service-orientation" of the present generation. He said that college students today "like to think of doing things for people, like the idea of reform."

He also believes that the image of lawyers and the legal profession has recently improved. He ascribed this improvement to the increased vigor of the American Bar Association and the service activities of law schools and to the impact of television programs which cast the lawyer in the role of servant of the oppressed rather than in the role of the oppressor.

Exploding college enrollments, in turn related to the war-time baby boom, also account for part of the increase.

Carnegie Renews Grant

The Carnegie Foundation has granted the Law School \$110,000 to continue its program of bringing college liberal arts teachers to study law here for a year.

The three-year grant is \$40,000 less than the original grant in 1960 because "we didn't spend all the money," according to Professor Harold J. Berman, chairman of the committee in charge of the project.

The fund provides fellowships for five teachers of humanities and the social sciences to spend the year at Harvard enrolled in the regular law school courses. It provides the Fellows with a stipend equal to their previous year's salary and includes tuition and a moving allowance.

This year four Liberal Arts Fellows in Law in the program were chosen from among 42 applicants.

Galvin Seeks Recruits

Major General Michael J. Galvin, Democratic senator from Newton, wants a more powerful chief executive in Massachusetts; and he wants Law School students to help present the case in favor of his "Executive Reorganization Bill," Senate 548 of 1963, at a March 11 public hearing in the State House.

In an appeal for volunteers posted around the Law School, General Galvin, commander of the 94th Reserve Infantry Division, said that he "needs several students who are interested in legislation or politics to analyze this bill and all of its effects and ramifications." He said that he hoped on the basis of this analysis that they would be able to present cogent arguments supporting his bill.

The purpose of Senate 548 is to insure Massachusetts governors "adequate control" of the executive branch of the government. Because they are appointed for special terms of office which do not coincide with the Governor's term, "powerful department and commission heads [are often] members of the party that opposes the governor. Thus governors cannot acquire the authority to direct the operations of the executive branch. Such authority should be recognized as inherent in the office of governor," the preface to the bill states.

Senate 548 includes within its coverage over 50 of the leading department and division heads of the Commonwealth. Their tenures in office range from 3 to 8 years. Together they handle 90 per cent of the State's business. Five of them control about 60 per cent of the executive branch of the government.

General Galvin said that at present these men are removable only with the consent of a majority of the Executive Council or by means of criminal conviction.

His bill, he said, would clear up 75 percent of the governor's problems of control without Constitutional amendment, which he described as "years away."

A Reminder

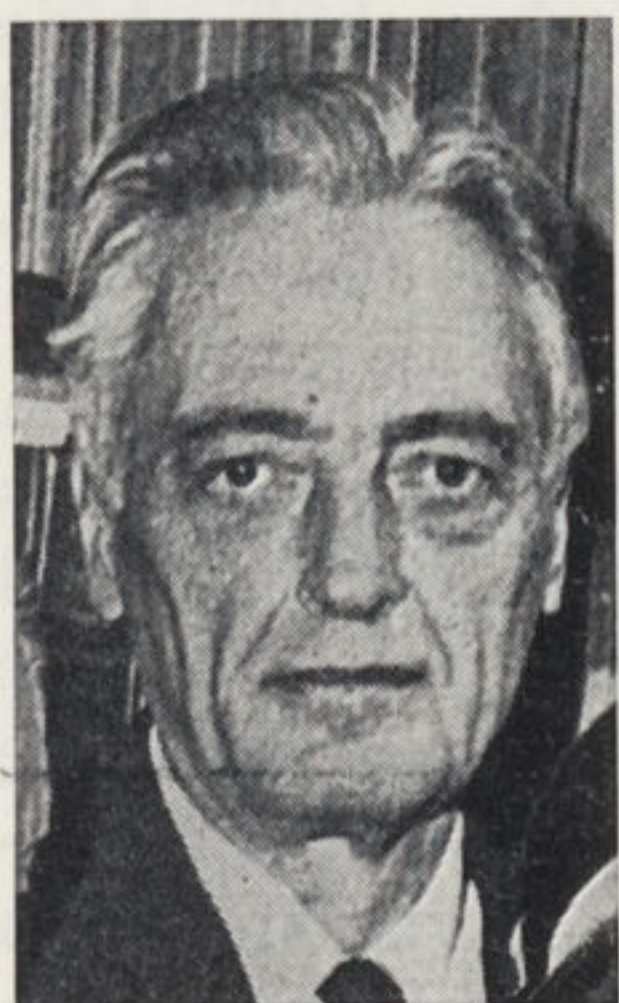
All third year students interested in seeking class office must submit their nomination petitions by 1:00 p.m., tomorrow.

Hart to Give Holmes Lectures

By Peter F. Knopp

"Conversations on Law and Justice" is the title of the Oliver Wendell Holmes Lectures which will be given by Henry M. Hart, Jr., Dane Professor of Law at Harvard University. The lectures will be held on Monday, Tuesday, and Wednesday, February 18, 19, and 20, in the James Barr Ames Courtroom of Austin Hall at the Harvard Law School. The lectures are open to the public without charge.

Professor Hart is an authority on American legal history and Federal legislation. A native of Butte, Montana, he received his A.B., LL.B. and S.J.D. from Harvard. He was awarded the LL.D. by Columbia University in 1954.



Prof. Hart

Co-author of "The Federal Courts and the Federal System," Professor Hart began his law career as clerk to Justice Louis D. Brandeis of the U. S. Supreme Court. Professor Hart has worked on trial problems in the Solicitor General's Office and on immigration questions for the U. S. Attorney General. During World War II, he was Associate Counsel for the Office of Price Administration and General Counsel for the Office of Economic Stabilization.

Griswold to Speak in Utah

Dean Erwin N. Griswold will deliver the third annual William H. Leary Memorial Lecture at the University of Utah Law School in Salt Lake City, Wednesday, February 27. The series, which was established in 1960, has included addresses by California Chief Justice Roger J. Traynor and U. S. Associate Justice William Brennan. The Dean's speech is entitled "Absolute Is in the Dark."

He will also speak before the Harvard Law School Association in Salt Lake City on Wednesday, and the Harvard Law School Association of Colorado in Denver on Thursday.

He joined the Harvard faculty as Assistant Professor of Law in 1932, becoming Professor of Law in 1937 and Charles Stebbins Fairchild Professor of Law in 1957. He has been Dane Professor of Law since 1961.

Griswold Reports On ABA Meeting

Efforts to liberalize Judicial Canon 35 met with resounding defeat at the midwinter meeting of the House of Delegates of the American Bar Association, Dean Erwin N. Griswold reported late last week, following his return from the New Orleans session.

The Dean, accompanied by his wife, enjoyed the trip, but characterized it as "too hectic and too quick." The Dean served in the House of Delegates as the elected delegate from Massachusetts.

The principal discussion in the House of Delegates centered on the proposed changes in Canon 35. The Canon read: "Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the court room, during sessions of the court or recesses between sessions, and the broadcasting of court proceedings are calculated to detract from the essential dignity of the proceedings, degrade the court and create misconceptions with respect thereto in the mind of the public and should not be permitted."

Only two minor changes, which deleted the words "degrade the court" and "calculated to detract" (from the dignity of court proceedings), were accepted by the delegates.

An attempt to substitute the so-called "Colorado Rule" for Canon 35 failed. The rule leaves to each judge the discretion as to whether microphones and cameras should be allowed in specific cases.

Those who opposed the change argued that the introduction of photography, broadcasting and television into the court room would inject into trials an extraneous influence which would prejudice the individual's right to a fair trial. They contended further that no adequate means of policing mass media

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Harvard Skater 197?



Flooding the sometime football field in front of Harkness Commons for the benefit of skaters is an old project of the Building and Grounds Department of the Law School.

As nothing is too good for the Law School, a new fire hose was procured to serve the Law School in the important activity of ice-making. It is expected (Boston weather following its customary pattern) that the skating will continue through February and perhaps into early March. Then with the passing of the ice skating season the lawn will be converted into a veritable garden of rare and varied species of Poaceae for the edification of Law School botanists.

ABA Report

(Continued from page 7)

existed. Dean Griswold himself had made clear his own opposition in an article in the ABA Journal, July, 1962.

The Special Committee appointed to consider the changes reported unfavorably. The House of Delegates overwhelmingly adopted their recommendation.

As a member of the ABA'S Special Committee on World Peace Through Law, Dean Griswold took part in framing plans for a world meeting of jurists to take place this summer in Athens, Greece, from June 28 to July 6. Eminent lawyers from all over the world, even from behind the Iron Curtain, will attend to discuss the role which the legal profession can and must play in striving to maintain world peace.

Fund Drive

(Continued from page 1)

30 deadline, Dean Bevins said. Class representatives of the Fund Committee are currently engaged in writing to all the members of their class who have not already given, urging them to donate. In addition, the 50th, 40th, and 25th year classes are putting on a special drive for the fund.

When asked what he thought were the reasons for the increase in giving, Dean Bevins felt the first reason was the tireless efforts of the alumni to push the Fund. Secondly, he felt that each year the list of alumni who have benefitted, through scholarships and loans from the Fund, has increased. And as the older alumni move up in the profession, they are able to give larger gifts.

For the thirteen years the Fund has been in operation, the amount of contributions has increased each year. This year the Harvard Law School Fund has committed itself to the support of two additional programs. The Fund will continue to support the scholarship and loan funds and the committee also hopes to raise enough money to pay off the bills for the new lighting facilities in the library and the renovations recently completed in the dormitories. This year \$400,000 will be furnished to the Financial Aid Program (\$75,000 more than last year), \$250,000 for scholarships and grants; and \$150,000 for loans. \$122,000 is sought to eliminate the bills for the lighting in Langdell Library and \$125,000 for the dormitory renovations.

Dean Bevins mentioned that his happiness at the response by the alumni was lessened by the recent death of Mr. Hector M. Holmes, Secretary of the Class of 1909. Mr. Holmes, a prominent Boston patent lawyer, had been an indefatigable worker for the Fund. He requested that in lieu of flowers, donations be sent to the Fund or the Massachusetts Audubon Society, another of his interests.

No Record Next Week

The RECORD regrets to break hearts — no issue, next week. George Washington's birthday is just one day after February 21. Our next issue will be February 28.

FEATURES SECTION

It's A Man's World, But Wait . . .

By Daniel J. Kucera

"Are you married?"

"I'm married."

"Do you think that your wife has enough rights?"

"Well . . . I don't think she is downtrodden!"

Professor Frank E. A. Sander peered through his glasses and chuckled. A secretary in the corner stopped typing and turned to listen.

What's he talking about his wife for? What's all this about equal rights for married women, single gals, and freckle-faced knee-soxers? How can. . . .

Relax, men! You see, Professor Sander is a member of one of the committees of President Kennedy's Commission on the Status of Women. This revolutionary group was formed in 1961 under the leadership of the late Mrs. Eleanor Roosevelt.

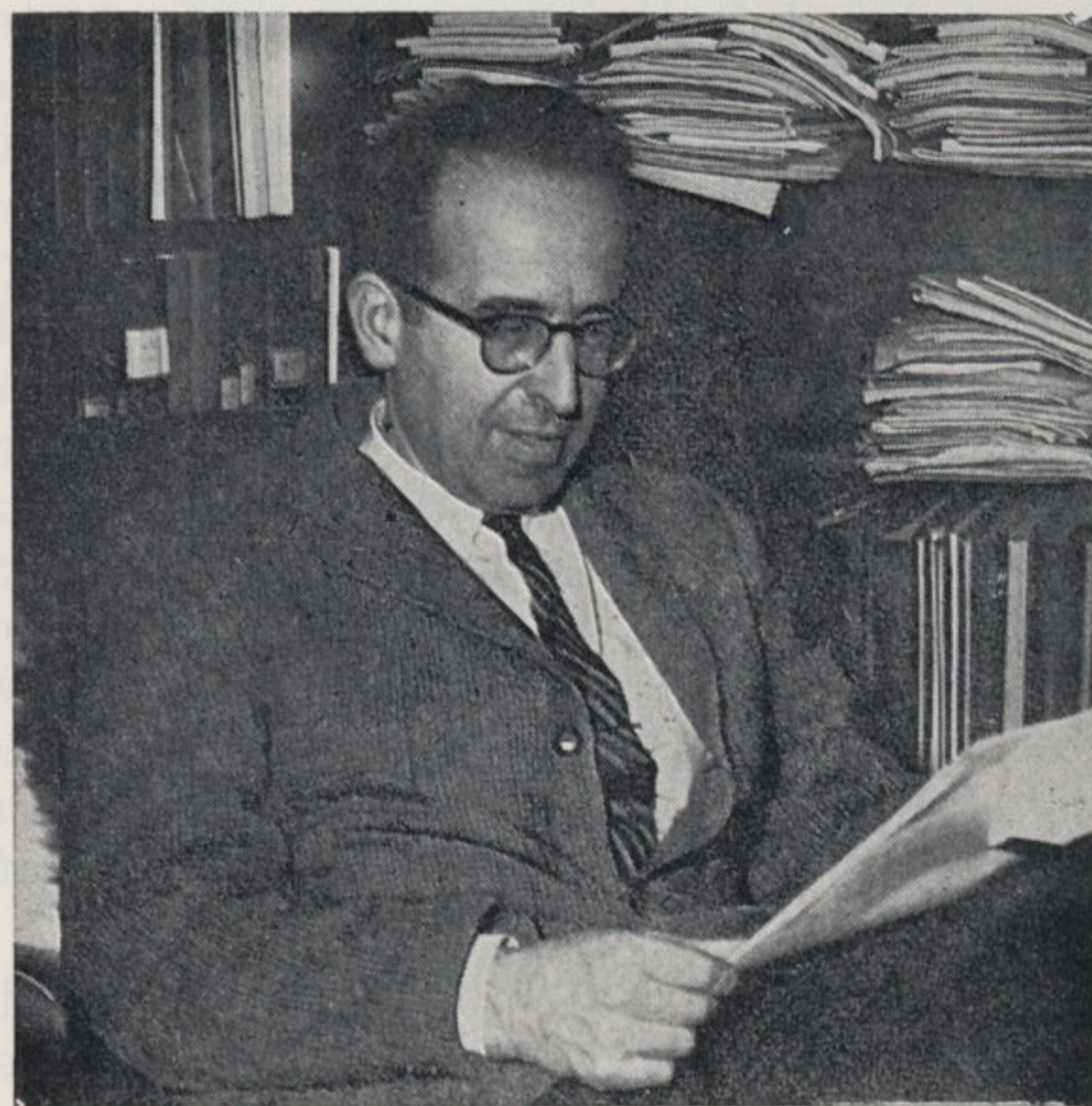
Commission members include the Secretaries of Health, Education, and Welfare; Labor; Commerce; and Agriculture. Others include the Attorney General, the Chairman of the Civil Service Commission, Senators Aiken and Neuberger, President Bunting of Radcliffe, and industrialist Edgar Kaiser.

Several Committees

The preliminary brain and leg work is being done by several operating committees. Each deals with equality of women in a specific area such as education, employment policies, social insurance and tax laws, and federal and state labor laws.

Each committee is composed of both Commission members and "outsider"-experts. One of the latter, Professor Sander is a member of the committee on political and civil rights, headed by Congresswoman Edith Green of Oregon. He is also chairman of a subcommittee on family and property rights.

Mr. Sander does not expect hordes of screaming teenage girls to fight for his autograph or tear souvenir fibers from his coat or head. However, he is undertaking studies which may have significant effect on the status of the nation's females.



— Record Photo by Richard S. Toder
Professor Sander

"There are a surprising number of states," he told the RECORD, "that still have all kinds of discriminatory provisions against women. For example, in some states a married woman cannot convey her own property or act as a fiduciary or engage in business without her husband's consent.

"What we want to do is to point out some of these provisions. Then, more important, is the whole area of suggesting more careful research and examination of the whole property relations between spouses—not only during marriage, but also on divorce and death.

Look At Other Systems

"Our committee has a small staff, so we cannot do very much more than inventory what are some of the trends around the world and point out some of the things that do need thorough study."

Assuming that some state provisions are out of harmony with modern trends, the real problem is how to challenge or eliminate them. There are at least three possible routes or methods under consideration.

"One thing the Commission could do," Mr. Sander explained, "is simply recommend to

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Prof. Sander

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the states that they repeal the discriminatory laws. Most of the states have already gone a long way in this direction when they adopted the so-called Married Women Acts. These acts largely removed the common law status of women as a kind of inferior class." However, some states still have a long way to go.

An alternative means is the possible applicability of the Fourteenth Amendment. "Someone on our committee made a detailed study of the Amendment and pointed out that there have been a number of cases which intimate that classification by sex is proper under the "equal protection" clause. However, in her view, there really never has been any clear test of classification by sex *as such*, as distinguished from a *functional* classification."

For example, the Supreme Court might well hold invalid a provision saying married women cannot make a contract, whereas men can. "On the other hand, the court might say, as it did in one case, that sex is a valid classification in determining whether women can work in bars.

Like Race, Like Sex?

"This committee member also pointed out that she thought there was considerable analogy between the history of discrimination by race and the history of discrimination by sex. Whether that's sound — I don't know.

"An alternative route — one that is perhaps the hottest controversy in this area — is the so-called Equal Rights Amendment to the U. S. Constitution. It is both strongly supported and attacked and has been the subject of great discussion.

"The proposal provides that equality of rights under law shall not be denied or abridged by the United States or by any state on account of sex. It first came up in 1923 and has been considered by the Senate at various times."

The big battle is between the absolutists for equality and the moderates such as labor unions, who are concerned about the effect of such an amendment upon some of the protective labor legislation for women. For this

reason, Senator Hayden at one time tacked on a clause stating that "the provisions of this Article shall not be construed to impair any rights, benefits, or exemptions conferred by law on persons of the female sex."

"The absolutists, however," Mr. Sander explained, "say that women in all respects are equal; they don't need these special protective provisions — at least not for women as *women*. On the other hand, other people don't feel that women should give up these protective rights."

Enjoyable

The Professor, who teaches Taxation as well as Family Law, likes his role on the new frontier. "I've enjoyed the number of trips I've had to Washington to work with the committee, and altogether, it has been a most useful experience."

However, lest the men be concerned that Professor Sander is trying to do them in, it should be pointed out that he is also Chairman of a special committee of the ABA's Tax Section to study some of the tax problems of divorce. One particular problem his committee is considering is the possibility of a statutory amendment to overrule the recent *Davis* case in the Supreme Court. That case held that husbands may be subject to sizeable capital gains taxes when they transfer appreciated assets to their wives in the course of a divorce settlement.

Although the RECORD did not ask Mrs. Sander about her rights, her professorial husband explained why *he* thought she was not downtrodden.

"In most families, of course, it is not the legal provisions that govern the relationships between the people. Rather, there are rules and habits above and beyond the law. I don't just give my wife money because the law says I have to, and I think most families are like that.

"Yet, certainly on death or divorce and when there is a breakdown in normal relations in the family, you have to look to these legal provisions to define the rights of the spouses.

"So, some of these provisions have little applicability to the happily functioning family. But it is in the other areas that there is a great need for redefining the relative

(Continued on page 12)

Dean Pound Tells About Portraits

By Thomas E. Woodhouse

Dean Roscoe Pound adjusted his eyeshade and smiled — his portraits are obviously something about which he is fond of talking. He reminisced and spoke familiarly of men who to us seem as remote and historical as the great jurists whose portraits they in their turn admired.

At first President Lowell was skeptical of his efforts, Dean Pound remarked. But when he saw the acquisitions he became enthusiastic, and came to see the new ones as they were acquired.

Now, nearly a half century later, Harvard has the largest and best collection of legal portraits in the world.

Hit hard by wartime expenses and the wartime income tax, English noble families during World War I began selling portraits from the nether ends of their family collections. The portraits with the most immediate family interest were retained; but portraits whose interest was primarily historical soon appeared in auctioneers' galleries.

Dean Pound saw a chance to buy portraits of great judges, which he felt would be important for the Law School whose faculty he had but recently joined. Money, not surprisingly, was a problem — "so I begged, borrowed, did everything but steal to raise money to buy them." He went in "pretty strong," and for awhile, alone.

Faculty Reluctant

The Faculty for the most part debunked the whole idea. But money was raised. Some of it was Dean Pound's own, some that of isolated contributors. But most of it came from Dean Pound's mother-in-law, Mrs. Gerrard. Initially a loan, the money was made a gift when Mrs. Gerrard saw the portraits which it had purchased.

Another sum came from Professor Jeremiah Smith, Dean Pound's predecessor as Story Professor. Smith had been left a legacy by his friend, former Justice of the Supreme Judicial Court of Massachusetts Charles Allen, and did not know what to do with it. When the legacy became a topic of conversation between Smith and Dean Pound in the Colonial Club, the latter suggested a donation to the Law School.



Lord Mansfield — his back to the wall.

Smith was apprehensive, because he feared that it would be used for the purchase of foreign books, thus uselessly expanding the library. But his apprehension was dissipated when Dean Pound pointed instead to a notice in the *London Illustrated News* of a sale of paintings to take place in a private gallery. Smith willingly turned over the legacy, which provided the funds for the portrait of Lord Holt by Sir Godfrey Kneller, now outside the Pound Room.

Enthusiasm Grows

President Lowell became enthusiastic, and so too did others. For a while, encouraged by Dean Pound, teachers had their own portraits painted. The Dean regrets that since his retirement this practice has waned. But the collection has not waned; nor, with continual impetus from Dean Pound, has the enthusiasm of the school. Harvard has a collection second to no other school, and no one could now duplicate it.

Included in the collection are two portraits by Sir Joshua Reynolds (one of them of William Murray, Earl of Mansfield, on display in the Dean Griswold's office); one by Charles Willson Peale; one by Gilbert Stuart (a portrait of Joseph Story, in Langdell South);

(Continued on next page)

Portraits

(Continued from page 11)

twelve by Sir Godfrey Kneller; and two by Robert Feke, an American primitive whose paintings are in rare supply. The best painting of Justice Holmes, by Charles Hopkinson, is in the Langdell Reading Room. A William Page portrait of Justice Story is in the Lobby, and another portrait of Story, by Chester Harding, is in the ILS Reading Room. A portrait of Justice Brandeis, by F. H. Tompkins, is in the Root Room. And in the Treasure Room hangs a portrait of Roscoe Pound.

Although the portraits (there are over 150 of them) constitute the most valuable and distinctive part of the Law School art collection, they by no means make up its entirety. A number of plaster, bronze, and marble busts sit serenely in alcoves in and about the library. Many prints, etchings, and photographs hang in the lecture rooms in Austin and Langdell Halls. And especially noteworthy, well worth the time required for a careful perusal, are a series of cartoons and caricatures located at various points in Langdell.

Fellowship Applications Due

Applications for two Samuel Andrew Stouffer Doctoral Research Fellowships close March 1. The fellowship, which requires a dissertation on some aspect of urban life, includes a stipend up to \$5,500. Potential applicants for the one-year fellowship should contact Professor Milton Katz.

Higgs Arrested in Jackson

William L. Higgs, LL.B. '58, civil rights lawyer from Mississippi, was arrested in Jackson, February 1, on a charge of committing "perverse" acts with a 16-year-old boy. The official charge was contribution to the delinquency of a minor. He was released on \$500 bail.

Police picked up the boy after an accident, in which he was driving Higgs' car, and held him in custody for 48 hours. During this period of detention, the boy, a run-away from Pennsylvania whom Higgs had befriended, produced his story.

Higgs spent this week in New York where he received an award from the American Civil Liberties Union. He was unavailable for comment on his arrest.

Last fall Higgs spoke at the Law School on the segregation problem in Mississippi.

Prof. Sander

(Continued from page 10)

rights and responsibilities to accord with women's changing role. I for one was surprised, for example, to learn that today 31 per cent of all married women are gainfully employed.

"I think that women are not clear whether they want to assume equal responsibilities as well as equal rights—for example, equal legal responsibility for supporting the children. Equality is a two-way street. I think these are all problems that have to be thought through more."

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Griswold on Civil Rights

(Continued from page 1)

sure if we expect to continue down the road of progress."

He spoke in his office Monday before joining the other five members of the United States Civil Rights Commission in presenting President Kennedy a history of civil rights in the 100 years since the Emancipation Proclamation.

At a Lincoln's Birthday ceremony in Washington, Tuesday, the Commission presented a detailed account of the progress since 1863 entitled *Freedom to the Free*. The book concludes that progress in the South "appears to be inevitable," but that the last battle for equal rights may be in the North, where there are subtler forms of denial.

The Dean said that education is a key to rights progress and that a major purpose of the Commission is to create a more favorable atmosphere through increased understanding of the problems of integration.

He said he is not satisfied with the pace of change, though "it is slowly accelerating. We made some progress during the Eisenhower Administration," he said. "We are making more progress now. A lot depends on the attitude of the President."

But he said more pressure should be applied at all levels, without waiting for the federal government to take the lead. He criticized those who cry most for states' rights as being among those who often fail to exercise responsibility on a state level.

The Dean urged lawyers to take a more active role in the furtherance of civil rights and said that law students should raise their voices against discrimination when they encountered it.

Ames Book Prize

(Continued from page 1)

vals of approximately four years. The last award, made in 1958, was given jointly to James Willard Hurst and George Osborne Sayles.

The new edition of Williams' monumental work on the problems of criminal law greatly enlarges the first edition, published a decade ago. Of special significance is the expanded treatment of the problems of mental disease in the criminal law.

American jurists will find Williams' studied consideration of the Model Penal Code very valuable. Williams is a "keen analyst of the problems of criminal law," according to Professor James Vorenberg, chairman of the selection committee who feels that his work will be exciting and instructive for students, teachers and practitioners.

It was Williams' intention, after publication of his first volume on "the general part," to write successive volumes on specific crimes, but legislative revision in Great Britain delayed this project. The second edition of the first volume is a child of the delay.

The Ames Prize is awarded by the Faculty of the Harvard Law School on recommendation of a faculty committee. The committee charged with recommending the recipient of this year's award was composed of Professor James Vorenberg, Visiting Professor T. B. Smith, Professors Roger D. Fisher, Mark DeWolfe Howe, and Charles Fried.



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Professor Katz Urges Republican Revitalization

By Michael J. Henry

Professor Milton Katz, Director of the Harvard International Legal Studies program, issued a call for revitalization of the party in a Lincoln's Day address to the Republican Club Tuesday. Noting the recent emphasis on effective organization as the major requirement for victory, he reminded his listeners that a desire to do something, once in office, was equally important.

In seeking to define what the Republican Party ought to stand for, Professor Katz pointed out that Republican Progressives led by Theodore Roosevelt had initiated many of the major 20th Century reforms later adopted by Democratic administrations. However, Roosevelt's 1912 bolt from the party had the effect of eliminating the "Eastern internationalists" (e.g. Elihu Root), who had supported Roosevelt, from effective influence in the party. The "Midwestern McKinley group" thus obtained control which they have kept ever since, he said.

Professor Katz maintained that many

eastern internationalist Republicans have been able to gain positions in the councils of state only in Democratic administrations, and that it is most important for the health of the party that these people again be able to find a place within it.

The core of support for the Democratic party, Professor Katz suggested, consists of those groups which primarily benefit from reforms, and that the party's policies are therefore apt to be too extreme — thus risking social instability. Professor Katz maintained that since the Republican party derives its primary support from the middle class, its policies would be more in tune with the general goals of American society.

Renewal Talk for Dems

Mr. William Strickland of the Boston Redevelopment Agency, and Mr. Langly C. Keyes of Action for Boston Community Development, will speak on the subject, "Where Urban Renewal Has Gone Wrong," at a luncheon meeting of the Law-Graduate Democratic Club next Thursday in the Mallory-Smith Room at Harkness.

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Letters to the Editor

To The Editor:

The Forum's presentation of Governor Barnett should not be permitted to slip into history without some public note of the gross mismanagement of the affair.

Only one narrow door was provided to the capacity crowd for entrance to Sanders Theatre. Through that door ticket-holders were to precede non-ticket-holders. However, no one had thought to segregate the two, or provide additional doors for entrance. A human log-jam ensued. Barely a trickle of ticket-holders could seep through, and only after much shouting and shoving. This quite unnecessary affray lasted over an hour. The program proper started 45 minutes late.

Perhaps the Forum is out of practice, not having conducted a program in quite a while; perhaps some sardonic soul in the organization was merely trying to raise the crowd to mob pitch. However that may be, President McDiarmid owes an apology to those who were crushed in the press to enter, which means substantially everyone who attended.

Melvyn Zarr, 3L

To The Editor:

Two lessons were to be learned from the Harvard Law School Forum's presentation of February 4th. First that Governor Barnett is a man from another world and second that a season's ticket for the Law School Forum is not worth the paper it is printed on. To the many holders of such tickets whose reward for an hour's outdoor wait on one of the coldest nights of the year was a shunting off to a side room, the moral was clear. Never ever purchase a season's ticket to the Harvard Law School Forum. Those souls who fear that such advice if followed would lead to the Forum's financial ruin, be not alarmed. Those honorable and honest gentlemen responsible for that Monday night fiasco know the answer oversell.

Brian E. Lorenz, 3L

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THIRD YEAR OPPORTUNITIES

Iowa: Margulies, Sweeney & McDonald, 5600 Grand Avenue, Des Moines 12. Leave resumes at Placement Office by 1 p. m. Monday Feb. 18.

Mass.: Robinson, Donovan, Campbell & Madden, 127 State Street, Springfield. Leave resumes at Placement Office by 1 p. m. Monday, Feb. 18.

Michigan: Howard & Howard, 301-305 The Kalamazoo Building, Kalamazoo 9. Leave resumes at Placement Office by 1 p. m. Monday, Feb. 18.

Missouri: Dietrich, Tyler, Davis, Burrell & Dicus, 1001 Dwight Building, Kansas City 5. Leave resumes at Placement Office by 1 p. m. Friday, Feb. 15.

New Jersey: Warner-Lambert International, Morris Plains, N. J. (Legal staff). Leave resumes at Placement Office by 2 p. m. Thursday, Feb. 14.

Texas: Coke & Coke, First National Bank Building, Dallas 2. Leave resumes at Placement Office by 1 p. m. Friday, Feb. 15.

Virginia: Simpkins, McCaul, and Pearsall, State-Planters Bank Building, Richmond. Contact Mr. Simpkins.

Wash., D. C.: Office of the Secretary, Dept. of the Air Force, Wash. 25. Leave resumes at Placement Office by 1 p. m. Friday, Feb. 15.

SECOND YEAR INTERVIEWS

Ohio: Johnson, Weston, Blackmore, Cory & Hurd. Harold Fallon, Esq. (Interviewer). Sign up by 1 p. m. today. Thursday, Feb. 21.

SECOND YEAR OPPORTUNITIES

Virginia: Battle, Neal, Harris, Minor & Williams, Mutual Building, Richmond 19. Contact Robert L. Burrus, Jr., Esq. (Summer Clerkship).

Washington, D. C.: Office of Chief Counsel, International Revenue Service, U. S. Treasury Dept., Wash. 25. (Summer clerkship). Leave resumes at Placement Office by 1 p. m. Friday, Feb. 15.

Wash., D. C.: Tax Division, U. S. Dept. of Justice, Wash. Leave resumes at Placement Office by 1 p. m. Friday Feb. 15. (Only 70 average or above).

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