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Defenders to Expand Staff

By Walter V. McLaughlin, Jr.

A sharply rising demand for services has prompted the Harvard Voluntary Defenders to plan a major increase in membership. Three new members have already been added as a start toward a proposed membership figure of 50, instead of the present 30. A by-law change to approve the expansion will be voted on later this year.

Defender President Richard S. Fischer, 3L, said this week that district court cases so far this year have been almost double the number handled during the entire last year. A total of 45 court cases were handled last year as compared to 87 thus far this year.

Fischer said that the major reason for the increased work-load of the Defenders is the greater frequency of assignment of counsel for indigents by district court judges. The group, which works under the supervision of Attorneys Samuel A. Wilkinson and James P.

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William Higgs:

Without a State

By Charles M. Hamann

William L. Higgs, LL.B. '58, was born in Mississippi and has lived most of his life there. But he is now a man without a state.

Friday, February 15, a Hinds County



Higgs

(Jackson, Mississippi) jury returned a verdict of guilty to a charge that Higgs had contributed to the delinquency of a minor. Higgs, a white integrationist lawyer, was not present at his trial nor was he represented by his own attorneys. A provision of the Mississippi Code of 1942 permits trials

in absentia where the indi-

vidual charged with commission of a misdemeanor is out of the state and refuses to return to stand trial.

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A Safer Langdell

By Donald W. Kramer

The Law School will undertake renovations of Langdell Hall this summer to reduce safety hazards in the classrooms and alleviate congestion in the corridors between classes, Dean Griswold revealed this week.

New doorways will be cut into each room and new stairways will be opened to the basement tunnel. At the same time, improvements may be made in the classroom acoustics.

The large doors in the center of each rear
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The Image of a Lawyer

Attorney Louis Nizer concluded his general remarks at the Law School Forum Friday night with the solemn declaration that the American legal system is the best in the world. But during the question and answer period, he showed why, if it depended on him, it would not be.

He said he would not accept a case he could not argue with conviction. He said he could not represent a communist, a Nazi, a traitor or any other man he despised personally.

While he praises American justice, he seems to have obliterated for himself the distinction that makes the system so great — the distinction between law and men. He apparently sees no difference between the defense he can ethically make for the killer who is legitimately arrested and voluntarily admits his guilt and the defense he ought to make for the killer who is illegally arrested and beaten until he confesses.

Perhaps even more important, he makes no distinction in the political realm. If the defendant is a communist or a Nazi, Mr. Nizer apparently will have nothing to do with him — no matter what the charge or what rights have been denied him. In short, the man is judged and the system that safeguards all Americans — including Mr. Nizer — is disregarded.

Admittedly, he has a point in saying that a busy lawyer has a right to choose his cases. It is a point we wish the other panelists had faced more squarely. But Mr. Nizer's philosophy goes far beyond the right of selection.

"One must apply civil liberties with some degree of discretion and judgment," he said. "... If democracy is to work, civil liberties should be extended only to those who believe in democracy."

His test, then, is one of belief alone — a test against which even the most unsophisticated law students should react with horror. It is too easy to think of societies in which civil liberties were administered "with some degree of discretion and judgment."

Mr. Nizer says that he holds a minority view and that he respects the position of the organized bar that lawyers should take cases of "despicable" people. It is fortunate that some of America's other great lawyers have done more than respect it.

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TONGUE 'N CHEEK

By Fenno

Hello, Mrs. Clack? . . . Fenno here . . . Yes, about my Ames brief. . . . Oh, no, I was quite pleased with the job you did, actually. But there are one or two things I thought I might mention. Do you remember the statement of facts page, where I wrote that you could 'tidy up' the grammar? Well, I like what you did, but I'm not sure we should start out by saying that the quick brown fox negligently ran over the lazy plaintiff. It would be all right, I think, if we identified the fox as 'the defendant below' or something like that. Also, calling my client 'lazy' gives too much away, even though I admit he should not have been sleeping in the middle of the highway.

Then I noticed one or two minor problems. Does your typewriter skip inadvertantly? I notice that frequently there are spaces in the middle of words. . . . Oh, I see. . . . You lean forward when you erase? . . . Perhaps a higher chair would help? . . . Oh, well in that case, perhaps just any chair would help.

If I can mention one or two other things, Mrs. Clack . . . There is a spot of raspberry jam on page six, and a footprint on page nine. And I was wondering, Mrs. Clack, if you have a parakeet . . . You do? . . . Oh, just a guess, Mrs. Clack. You just sound like the parakeet type.

Now, how much do I owe you? . . . *Forty-six* dollars? . . . By the hour? *Thirty* hours? I'm sorry, Mrs. Clack, I just won't pay for the work you have done. Substantial performance, concurrent conditions and *in hoc signo vinces*, so there. . . . Eh? *Quantum Meruit*, you say? . . . Your husband's a lawyer? . . . Yes, would you put him on?

Hello, Clack? What's with the forty-six dollars? . . . I don't care if this is your wife's first typing job. Why should I be the guinea pig? Clack, you and your wife are a couple of clucks. *Click*. Clack? . . . Oh, well. I'll get someone else to re-do my brief. It'll look better if a black ribbon is used, anyway.

Nizer, McCormack in Forum Clash

By Peter B. Bloch

Author-attorney Louis Nizer and former Attorney General of Massachusetts Edward McCormack, crossed swords over the right of representation, at last Friday's Law School Forum meeting.

Mr. Nizer argued that no ethical canon requires him to represent a man for whom he can not argue with conviction. He reported that he was unable to fragment his emotions in order to represent a communist or some other man he despises.

Mr. McCormack countered that the great strides made in what we now consider due process of law have been made by the giants of civil liberties who were willing to represent the individual charged with the unpopular offense. The former Attorney General said that representing the despised "requires a feeling that you believe in justice — and justice even for this despicable human being."

Casner Attacks Stand

Moderator A. James Casner stated that Nizer's point of view was unfortunate for it deprived the despised of the type of defense which Nizer and others of like mind were capable of presenting. Casner didn't "think it is the job of any lawyer to judge people before they can be tried."

In replication, Nizer pleaded that "to take a cause you have to make a judgment. You must judge in order to select cases. My determining as to whether I will represent a man depends on my assessment of his legal rights."

Nizer characterized the law as a human institution represented by human beings who are artists to a great extent, and he denied any greater right for the layman to call on the foremost lawyer than on the foremost physician. He does not believe that when a man approaches him with a civil rights claim that he loses his right to select his clients.

Whereas Nizer would not extend the right of assembly to "those who in their constitution say that they will destroy the right of assembly," McCormack recalled that he had defended the right of the Black Muslims to worship their religion and the right of a Nazi to air his views. Because he believes in these



— Photo By Richard S. Toder

Attorney General McCormack and Attorney Nizer

freedoms, the Attorney General advocates that those who have exercised their right to be different should be accorded fair representation in a court of law.

Nizer had earlier argued, in behalf of the jury system, that "democracy means faith in mass judgment . . . and there is a scientific principle of that faith . . . as you multiply judgments you reduce the incidence of error;" but his later position was that lawyers who represent the despised are participating in the same kind of error which enabled German democrats to protect Hitler during his rise to power.

Commenting on the image of the lawyer — the assigned subject for the evening, but one which receded into relative insignificance — McCormack urged practicing attorneys to see that they are leaders of the community and to set an example so that "when the word 'lawyer' is mentioned . . . they will say that 'lawyer' is a high calling and a fine profession." Although noting that the image of the lawyer depends on the segment of the community doing the assessing and the type of lawyer in question, McCormack described the lawyer-client relationship as one of counselor, advisor, professor, friend, political advisor and financial consultant.

Nizer urged that the common image of the lawyer lying for his client is "just not true

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Safer Langdell

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wall of Langdell North Middle and South Middle will be sealed during the summer, and two new doors built at each side of each rear wall. A new stairway to the basement will be constructed on the east side of each corridor so that students may go directly from the room to the tunnel without blocking the center of the hall.

Some seats in the classrooms will be removed to allow easy access to the new doors, but new seats will be built across the aisle leading to the present center door.

In Langdell North, the existing fire escape behind the rostrum will be closed and a door opened in the front corner on the side facing ILS. A passage will lead down to the tunnel.

In Langdell South, where there is only one exit at the present time, a new door will be cut in the front of the east wall, with an enclosed passage—similar to the one in Austin Hall—leading to the tunnel.

Dean Griswold said the classroom does not conform to existing fire laws, but is not illegal because it was built before the laws were enacted. He said that he believes the students could get out the windows in the event of an emergency but that the new door will decrease the hazards.

He added that the new doors cut into the front of the room will have push-button locks so that teachers can prevent students from coming into class late.

The acoustical renovations may come about as the result of engineering studies conducted this spring, Vice Dean Louis A. Toepfer said. The engineer believes it is possible to make noticeable improvements without prohibitive redesign.

Among the ideas considered will be the elimination of ventilation sounds and distracting background noises from outside.

The engineer may also consider new materials for the walls, Dean Toepfer said. Experimentation will take place during spring vacation and may continue when classes resume in April.

Construction work on the new doors is expected to be completed during the summer, preventing any disruption of classes in the fall.

Dorm Council Hears Show Plans

At Thursday's Dormitory Council meeting Howard S. Klotz, 2L, Variety Show committee chairman, called the upcoming show "the best we have ever had in the Law School" and urged each council member to sell his quota of 30 tickets.

In other business Stuart C. Hall, 2L, noted that central lighting fixtures are being installed at a fairly rapid pace in the dormitories. Some students have complained about the early arrival of the electricians. Hall said that 8:30 a.m. is a reasonable hour for a reasonable carpenter (or electrician) to begin work each day.

The new lights apparently glow in the dark. Social Chairman Joseph Brachfeld, 3L, commented that the effect is "very romantic."

Puddles from Heaven



Harvard Law School dormitory residents have such fun walking to and from Harkness Commons! Through every rain and through the flood of melting snow they can go splashing on their way, sending echoing ripples bounding off the borders of dainty pools.

Other students, like our friend above, choose to skirt these puddles if they can, perhaps in reverence of their heaven-reflecting limpidity.

Some wonder, "why the roof?"—Thinking that it was designed to protect them from elemental nature.

Yea! wonder not! Obviously a sun screen was intended to protect fair-skinned library denizens from the danger of over-exposure on their emergence from the cave of learning. This roofed passage is no antediluvian relic but an imaginative miracle of modern architecture.

Little Progress Seen for Renewal

By Donald W. Kramer

Two young urban renewal workers painted a bleak picture of Boston's redevelopment progress at a Law-Graduate Democratic Club luncheon in Harkness Friday.

Langley Keyes, a 1960 Harvard graduate and Rhodes Scholar who works for Action for Boston Community Development, and William Strickland, a 1958 Harvard graduate who is the Boston Redevelopment Authority's associate director for South End rehabilitation, sharply criticized the program in both its general and specific aspects.

"The ideology has not caught up with the realities," Strickland said. "There are too many grandiose schemes. But the real problems are not talked about."

The question most often asked by the people in the South End, he said, is: "What is going to happen to us?" He said he had no answer. The plans are too often made without facing the problems of the people's needs, he charged.

Buildings Are Not People

"Some people think that if you build better buildings and move people into them, the people will become copies of the handsome structures," Strickland said. "I doubt that this will ever occur."

Together Strickland and Keyes painted a picture of an area inhabited by "tenants without dignity, without hope or future, who exist the best they can." The South End, Keyes said, looks on garbage day "like Rome after the sacking."

He said community association meetings always consider the same topics — removing garbage, abandoned automobiles, purse snatching and controlling prostitution.

They both attacked the involvement of politics in the program. Keyes pointed out how the "City Hall types" are suspicious of the professional planners brought from other cities and other countries to work for the BRA. Strickland said things were accomplished only through nepotism, favor, or status.

The only way to make any progress, Keyes said, was to get centralized planning and execution. He said the program could be advanced with stricter enforcement of the

building and health codes, which he said were among the toughest in the country. But when he talked about enforcement, he just laughed, saying the politicians don't want it.

He told the story of a woman who called the Health Department about an unsanitary condition in a building across the street. Inspectors okayed the building the first day. When a public health nurse suggested another call the second day, the health inspector cleared the building again. After the third complaint, Keyes said, the health inspectors came to look for violations in the woman's own house.

Even with centralized planning, however, the program still faces insurmountable obstacles, the pair contended, because it has to operate in the free market place.

They said average renovation costs in the area were about \$2500 for each floor, or about \$12,500 for each building. They said it was almost impossible to get banks to give such loans, even with a federal guarantee, to a family earning less than \$4000 a year.

They pointed out that most elderly citizens do not want to take on any long-term debts to rehabilitate their homes. And even responsible tenement owners do not want to invest substantially in rehabilitation if there is a brothel next door or a flop house down the block.

As far as public housing is concerned, they pointed out that many tenants would rather live in a filthy four room apartment at \$40 a month than in a clean two room apartment at \$90 a month. "We just can't build new buildings at prices these people can afford to pay," Strickland said.

Keyes made several suggestions, however, to alleviate the situation. He said that the public housing authority could buy existing units, rehabilitate them and then rent apartments. He suggested that cooperatives could be legalized in the Commonwealth, and also that the BRA could buy units and lease them back to private operators. "But nobody is thinking along these lines," he added.

"There is no way to make the program work with the current legislation, practice and policy," he concluded.

Higgs Discusses Case

(Continued from page 1)

Higgs received the maximum penalty — 6 months in jail and a \$500 fine. He plans no appeal. In Cambridge last week, he told the RECORD that “the whole thing is a complete perversion of the judicial process. I am having nothing to do with it. I will not participate in it at all.”

The incriminating testimony at the trial came from a 16-year-old boy who had stayed with Higgs at his home. In seeking lodging at Higgs' residence in Jackson, the boy, a runaway from Pennsylvania, had said that he was nineteen and that his parents had died — a story which he told many people “with an amazing degree of detail and consistency.” Higgs, who estimates that he has housed 150 persons at his home since last summer “for as little as one night or as long as two or three months,” took the boy in and, on the advice of a Negro physician who said that the boy was not far from pneumonia, put him to bed.

The boy stayed a little more than two weeks, according to Higgs — “the major part of which time I was not there but in Boston.” The boy's unexpected departure was by unexpected means: Hinds County authorities arrested him after an accident in which he was driving Higgs' automobile, “borrowed or stolen.”

Higgs, who said that he was framed, speculates that the authorities pressured the boy, very low in intelligence, into making his accusations. Higgs said that “a common technique in Mississippi is to lay your hands on someone ignorant or young or both who has been seen with someone you want to get and pressure him into compliance with your aims.” The method has been used with success before, he noted: “the same thing was done last year to the President of the NAACP” and before that to Clyde Kennard, the cancer victim just released from a Mississippi prison where he was serving a seven-year term as an accessory to the theft of chicken feed.

Higgs regards his indictment and prosecution as something of a sign of success: his integrationist efforts, which have not ended, have begun to annoy and embarrass the white supremacists who run the state. “My activi-

ties have been hurting them,” he said — “they can't have a white lawyer of my education and ability going around uncovering them and trying to subvert their system.” He cites as an example of these harassments his suit on behalf of four Freedom Riders, all Episcopal ministers, against Jackson city authorities. Named co-defendants in a \$44,000 damage action are three policemen and a Jackson city judge.

Higgs does not regard his recent trial as a model of due process. The judge who sat in his case, Russel Moore, is on the board of directors of the White Citizen's Council of Jackson, and served as Governor Barnett's personal representative in Oxford at the time of the “Ole Miss” riots.

Nor does he think it could have been entirely fair because of the danger of reprisal against anyone who does not play ball with the segregationist leaders in the state. The Negro druggist who raised \$300 of Higgs' \$500 bond (Higgs received permission to leave the state prior to trial to attend an American Civil Liberties Union banquet in New York) subsequently had his store shot up.

No Martyr

Higgs does not covet martyrdom: he does not plan to serve his sentence. “I wouldn't survive a week in a Mississippi prison,” he said. He believes that if prison authorities didn't kill him, his fellow prisoners would. “I'm an outlaw with regard to their entire system,” he said. “The other prisoners are outlaws within the system.” He doubts that any assassin would be very severely punished for causing his death.

Higgs thinks his trial and conviction have a positive side, though. “This sort of thing (the bogus charge) will bring home more clearly what justice is like in Mississippi. I think that what people like myself are doing in Mississippi is having an effect on the nation as a whole.” Growing public awareness of conditions in the Deep South has already had some positive influence on the civil rights policies of the Kennedy administration, Higgs believes. He pointed to a recent strongly-worded statement of the President concerning voting rights as evidence of this influence.

Despite some efforts by the Justice Depart-

(Continued on page 14)

FEATURES SECTION

No Garden-Variety Criminologist

By Peter F. Knopp

Ann D. Smith, wife of visiting Professor Thomas B. Smith, radiates the warmth and loveliness of an Englishwoman who has never done anything more injurious to her disposition than tiptoe through the tulips of a country garden in the Cotswolds. That is why it is so surprising to hear her discourse with such authority on prostitution, drug addiction, alcoholism, and living conditions in women's prisons she has been in throughout the world.

In fact, Mrs. Smith is a distinguished criminologist, author of the recently published book *Women In Prison*, and vitally concerned with encouraging people to take an interest in solving the problem of the woman delinquent. Her experiences in such social projects as after-care clinics for the rehabilitation of discharged prisoners and mental patients are not only fascinating but also apt to put to shame those of us who are content to watch their own gardens grow without caring if others go to seed.

Accomplishments at Oxford

In describing her educational background Mrs. Smith said that she "got a degree and met a husband at Oxford University." Later she received her Ph.D. from the University of Edinburgh. From her thesis on the history of the treatment of delinquent women in Great Britain developed Mrs. Smith's new book, *Women In Prison*. The chambers of horrors so thoroughly documented in *Women In Prison* supports Mrs. Smith's belief that "only recently has there been any attempt in Great Britain to suit prisons to the particular needs of the women prisoner." Mrs. Smith points out that it was only very recently that women were no longer housed in the huge "fortress" type of prison. Since women are more "claustrophobic" than men, such prisons are extremely unbearable to them. Mrs. Smith favors the cottage type of prison such as the one at Clinton, New Jersey. While admitting that the best women's prisons in the United States surpass the best women's prisons in Great Britain, Mrs. Smith said



Mrs. Smith

that the worst women's prisons in the United States are worse than the worst in Great Britain.

Although the number of women in Great Britain who are imprisoned is relatively small, Mrs. Smith maintains that this smallness in numbers has led to a lack of interest in solving the persistent problem of women delinquents. "Women in prison, compared to men in prison, present much more complex and difficult problems," said Mrs. Smith. "You rarely meet a woman that is *just* a prostitute. This is likely to be one of many components of her delinquent behavior." Mrs. Smith says that the level of intelligence among women prisoners is lower than that among men prisoners thus making problems of rehabilitation that much more difficult. "If a woman has only enough intelligence to earn small sums as a laundress and she can earn fabulous amounts as a prostitute, it is going to be difficult to get her to change her ways," said Mrs. Smith.

In *Women In Prison*, her new book published under the auspices of the Institute for the Study and Treatment of Delinquency, Mrs. Smith is very critical of those who believe that the use of short term prison

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Officials Puzzle Over LSAT

The Test Development and Research Committee of the Law School Admission Test Council is continuing to play with the puzzles presented by the new general background and writing tests of the national admissions examination.

Half-way through a three-year experiment with the afternoon tests, the committee must decide by next year whether to recommend retention, modification or elimination of these portions of the test. Efforts are now being made to determine whether they make any significant contribution to the admission picture.

"We never assumed they would tell any better who would do well in the law schools," Vice Dean Louis A. Toepfer, chairman of the committee, told the RECORD. "All three tests are about equal in predicting grades."

It was originally thought they might give some indication of student "quality" which might be an aid to admission officers. While this is still being considered, the focus has shifted to two other areas.

The committee will try to determine whether there is a significant "feed-back" effect causing students to approach their college studies differently. And it will try to determine whether the tests can be used as a device for equating college grades compiled at different schools.

The "feed-back" may cause students to seek a broader education and take more interest in learning to write well — both goals encouraged by the member schools of the LSAT council — Dean Toepfer noted. The committee will ask admission directors, undergraduate advisors and some students themselves whether the tests have had such an effect.

In the second area, the tests may be used to gauge the value of grades an applicant compiled at an unknown school or in a series of transfers among schools. "The tests are more apt to reflect college marks," the Vice Dean said, "because they are more likely to test the things that are important in getting college grades."

He said the Council has been working on a pilot study of methods to equate grades

throughout the nation, but the afternoon tests could turn out to be a better and much simpler tool than any considered so far.

He said that the difficulty of comparing and evaluating grades from relatively small and unknown schools is a significant problem among the 90 law schools affiliated with the Council.

The committee previously this year revised the writing test so that machine scoring was possible, saving thousands of dollars required to pay individual graders.

Republicans Aid

Attorney General Brooke

By Michael J. Henry

The Harvard Law-Graduate Republican Club has inaugurated a program to provide legal assistance to Massachusetts Attorney General Edward Brooke, Club president Russell Van Hooser, 3L, has announced. The program is designed to benefit students by giving them experience in practical legal work in a government context.

One research project has already been completed under the direction of Thomas Jackson, 2L. It was preparation of a response to an Air Force request for the residency requirements for divorce for people in the armed services stationed in Massachusetts.

Another long-range project is a survey of the legal requirements for appointment of members to the boards and commissions of state agencies in Massachusetts, e.g. whether the political party affiliation requirement is simply to create a vague "bipartisanship" or to maintain a specified number of Democrats and Republicans on the boards. Since there is a very large number of such boards and commissions, which are appointed by the Governor with the concurrence of the Governor's Council, the project is expected to take quite some time and to have substantial political ramifications. Stuart C. Hall, 3L, is the Club executive committee member in charge of the project.

'Net' Gains for FBI 'Business'

By Daniel J. Kucera

Business is booming for the FBI. That's what Director J. Edgar Hoover said in his annual report to the Attorney General.

Mr. Hoover disclosed that 1962 brought marked increases in all major areas of FBI activity. For example, there were over 12,700 convictions in Bureau cases, compared to 12,418 in 1961. Apprehension of fugitives rose from 10,668 to 11,400. Moreover, fines, savings, and recoveries totalled \$200 million, up 33 per cent. This income figure far exceeds the actual cost of running the Federal Bureau of Investigation — an unusual situation for a government agency.

Give Chase

Trenchcoated sleuths did a lot of legwork during the year. They recovered some 19,000 stolen automobiles and caught up to nearly 2500 offenders sought for fleeing across state lines in violation of the Fugitive Felon Act.

The FBI kept its eyes and ears open wide. Information gathered and disseminated by it led to the smashing of an international narcotics ring and seizure of drugs valued at \$20 million. "Data regarding matters such as these was among the more than 100,000 items of criminal intelligence information which we furnished to other law enforcement agencies during the past year," Mr. Hoover explained. Items received from confidential informants and passed along to the relevant agencies resulted in over 2,400 arrests and the recovery of stolen and contraband goods valued at \$32 million.

Citing the FBI's work in domestic intelligence, the Director emphasized the continuing threat of the American Communist party and other subversive organizations within the United States. "During even the most critical moments of the Cuban crisis," he said, "the Party openly proved its loyalty to the international communist cause. Its members stood unwaveringly opposed to our country's efforts to stop the Soviet Union's build-up of offensive military equipment in Cuba and to assure removal of such weapons already there."

Among the agency's accomplishments in domestic intelligence, Mr. Hoover listed the

recent seizure of a cache of explosives and arrests of three pro-Castro Cubans on sabotage conspiracy charges; the arrest of a Navy enlisted man caught in the act of passing classified military information to the Russians; and the dissemination of intelligence information which resulted in persona non grata declarations against several official representatives of communist-bloc countries.

He also called attention to prosecutive action instituted by the Department of Justice against the Communist Party and individual Party leaders. "Based upon witnesses and information located by the FBI, the Communist Party, as an organization, was convicted on December 17th and fined \$120,000 for failure to register with the Attorney General under the Internal Security Act of 1950."

Robberies Increase

Mr. Hoover called attention to some problem areas facing the FBI — especially the sharp increase in violations of the Federal Bank Robbery and Incidental Crimes Statute. "An average of 100 robberies, burglaries and larcenies of banks and other financial institutions covered by this statute have been reported to the FBI each month this year," he explained. "This represents an increase of approximately 25 per cent over the number committed in 1961."

The Bureau has entered into extensive activities in the field of civil rights. For example, based upon indications that the purpose of a series of church burnings in Georgia was to discourage Negroes from voting, the FBI launched an investigation which led to a prompt solution and arrests.

Mr. Hoover expressed appreciation for the assistance which the FBI receives from other law enforcement agencies. "Our Bureau has come to rely heavily upon the help which it receives from other authorities. We deem it a privilege to reciprocate whenever possible."

During 1962, the FBI laboratory conducted nearly 236,000 scientific examinations of evidence at the request of officials in all 50 states. The Identification Division, which

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Forum

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— one of the rules that . . . young lawyers will discover is the . . . correlation between success and integrity." According to Nizer, "Never is any trial lawyer so certain of success as when the man on the witness stand has just lied. . . . A jury will never forgive a man for lying."

Both Nizer and McCormack agreed that the public image of the lawyer on television and in movies has greatly improved, partly as a result of efforts of the American Bar Association; but both also thought that the image is superficial and sometimes misleading.

Because of the flu and bad weather, ABA President Sylvester C. Smith and civil rights lawyer, Morris Ernst, were unable to appear at the meeting.

Mrs. Smith, Criminologist

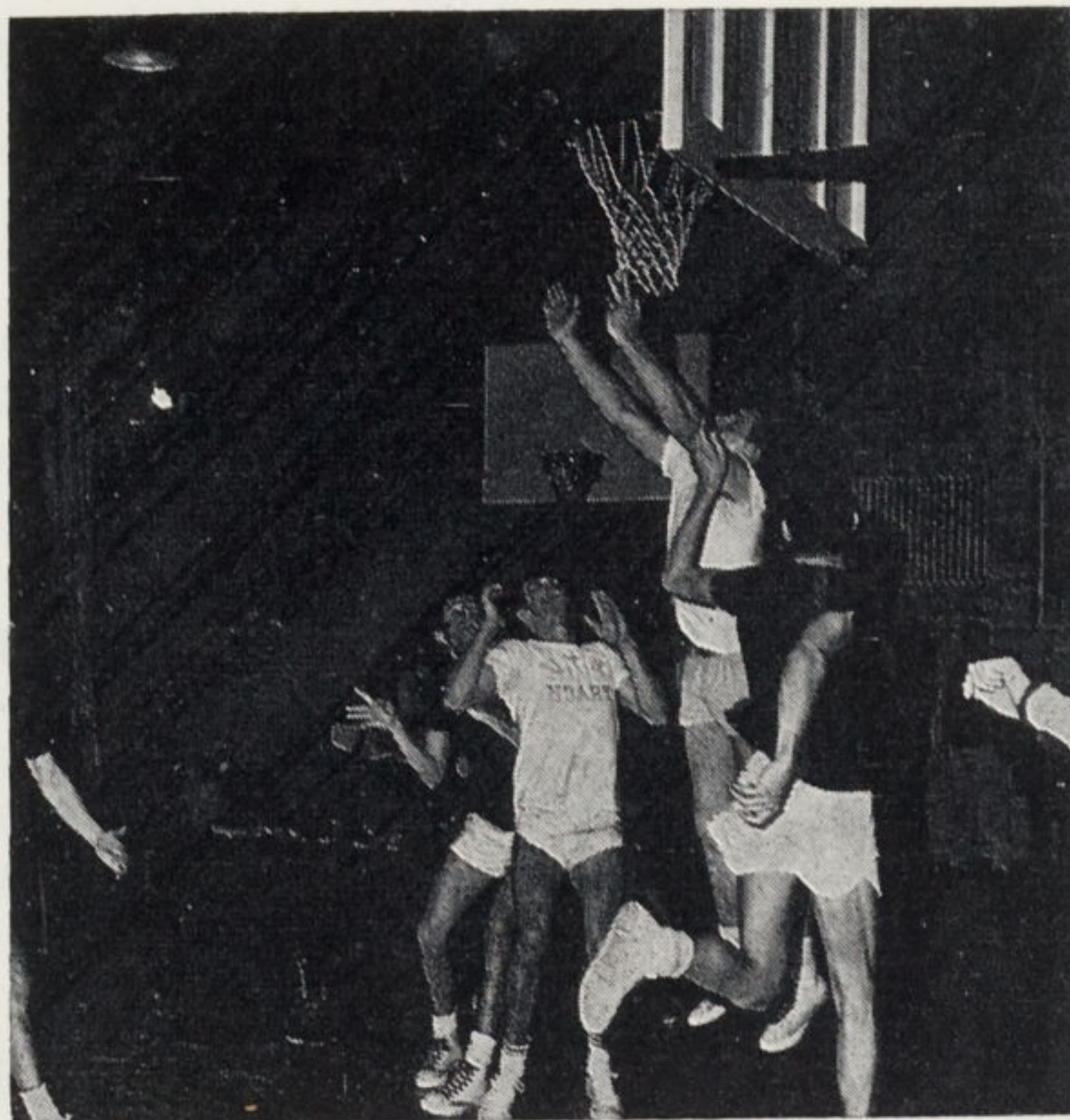
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sentences is the solution to the problems of prostitution, alcoholism, and petty theft. She stressed the importance of social agencies in the task of rehabilitating the woman delinquent after she has served what is all too often a short, meaningless prison sentence. In reference to the current campaign in London to keep prostitutes off the streets, Mrs. Smith said that it would take at least five years to determine whether this will actually reduce the incidence of prostitution. Mrs. Smith said that it will be an extremely difficult problem to gather the evidence on the basis of which such a determination could be made.

While her husband attends to teaching chores at the Law School, Mrs. Smith has been observing such activities as the Youth Service Board in Boston and the Juvenile Court at Roxbury. She has been particularly impressed with the work of the Harvard Voluntary Defenders.

At a recent meeting of the Harvard Law Wives Mrs. Smith lectured on "The Anti-Social Woman: Drug Addicts, Alcoholics, and Prostitutes." Mrs. Smith, in spite of her sunny disposition, is much too social-conscious to be confined to a floral setting.

Chancery B-Ball Champs



— Photo by Robert A. Grayson

Paced by the steady scoring and rebounding of "Big Ed" Cuffe, Chancery Club beat the R. C. Means A.C. in a close and relatively clean game to take the Dorm League basketball championship. The final score was Chancery 46, R. C.'s 44.

The R. C.'s got off to a fast start on the outside shooting of Joe Austin and the hard driving of Joe Santora. Cuffe and Stu Ludlum, former Yale Basketball player, kept the sluggish Chancery team in the game during the first half. As the first half ended Cuffe hit on a hook and a close jump shot to give Chancery a half-time lead of 26-23.

The lead changed hands a number of times early in the second half. With 10 minutes to go, Chancery pulled ahead by six. The R. C.'s fought back and Santora, reentering after an ankle strain, hit for two, tying the game with 10 seconds to go. Chancery moved quickly down court. Jerry Jensen shot and missed, took his own rebound off the boards, and pumped in the winning basket as the whistle blew ending the game.

FBI Report

(Continued from page 9)

serves as a national repository for fingerprints identifying data, received for processing an average of more than 23,000 fingerprint cards every working day. Its files contain 166 million sets of fingerprints, representing an estimated 77 million persons.

In short, 1962 was a banner year for the FBI. Chances are that 1963 will be even bigger. Want to help them along? Just keep your eyes open and your fingerprints where they belong.

International Agencies Studied

By Jon D. Noland

WORLD ECONOMIC AGENCIES: Law and Practice. C. H. Alexandrowicz, Praeger, New York, 1962. 310 pages. \$13.50.

The study of international organizations has assumed many garbs, depending upon whether the student is a political scientist, administrator, economist, or lawyer. Each discipline, of course, has its own contribution to make in promoting our understanding of these inter-governmental organizations. Until recently, it is the regrettable fact that the international lawyer has failed to make his full contribution.

As Inis Claude (Professor at the University of Michigan and author of *Swords Into Plowshares*) has reported, "international lawyers have tended to treat the study of international organizations as an exercise in rigorous analysis of the multilateral treaties which serve as the constitutional foundation of international agencies." While such a treatment is necessary and useful, it is submitted that it is an inherently sterile approach.

Law-making Function

In the realm of municipal law, we readily recognize that the administrative process is just that—a process. We study the administrative agency as a law-making organ, defining the rights and duties of parties operating under its aegis. The great merit of this book by Professor Alexandrowicz is that he has adopted the same approach to the study of "World Economic Agencies." While the author surveys the charters and organizational structures of the agencies discussed, his main concern is with the effect of their practice upon the development of rules of international law.

Article 38 of the Statute of the International Court of Justice recognizes one of the sources of international law to be general principles of law recognized by

civilized nations. In this area, Alexandrowicz finds the practice of the ILO (International Labor Organization) to be particularly noteworthy. The author concludes that it "has influenced the municipal laws of member countries at least to the extent of preparing the ground for new general principles of (labour) law recognised by civilised nations." A different process which may reach the same result is the practice of the IBRD (International Bank for Reconstruction and Development) of interpreting loan agreements according to the usages and normal meaning of terms which prevail in Anglo-American law.

Importance of Custom

Another source of international law is international custom, as revealed by the practices of states. The innocent passage of radio frequencies through foreign radio space is a principle which could become a part of international customary law. The principle of the prohibition of the abuse of rights has gained support through the practice of several agencies. The author recognizes that, while it is probably too early to classify any such usages as customary law, they have reached a sufficient stage of development to be termed "pre-customary international law." One problem in this area, of course, is the non-universal character of several agencies. The ICAO (International Civil Aviation Organization), for example, has developed certain standards upon which rights and duties of member states hinge, but "lack of universality means absence of universal law or standard making."

In addition to general international customary law, each agency has developed its own internal customary law. These are rules "which have outgrown their treaty basis and are universally considered as legally binding."

It is hoped that this brief survey of what the reviewer believes is the most significant contribution of this book will give the reader some appreciation of its quality and theme. In addition to the above considerations, the author concerns himself with certain problems of administration and the settlement of disputes through administrative procedures, arbitration, or adjudication. In sum, *World Economic Agencies* is a useful addition both to the shelf of the teacher and to that of the practicing lawyer who represents international interests. It reveals the existence of significant processes of law making through the interaction of international and municipal legal systems. While one may not completely adhere to the theory of functionalism, *i.e.*, that a peaceful world society is "more likely to grow through doing things together in workshop and market place rather than by signing pacts in chancelleries" (Mitrany), one cannot help but agree with Alexandrowicz that "the universal adherence of States, over considerable periods of time, to some of the functional world agencies creates certain fields of co-operation in which 'the Common Law of Mankind' has a reasonable chance of growth."

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Voluntary Defenders

(Continued from page 1)

Lynch, also receives many district court assignments from the Massachusetts Defenders Committee, headed by Wilbur Hollingsworth, Esq.

He also attributed some of the increase to the Defenders' more efficient procedures for the handling of incoming cases.

So far this year, Fischer said, only 14 of the Defenders' 87 clients have been convicted, and five of these have appealed to the Superior Court. He compared this figure to 17 dismissal or acquittals, and 15 probations or suspended sentences. Six cases were filed or continued, and 21 were bound over for the Grand Jury after a finding of probable cause.

The three new members selected this month are John T. Allen, 2L, of Danville, Ill., Ann D. Cronkhite, 2L, Pasadena, Calif., and Robert H. Thau, 2L, of Los Angeles. They bring the number of second year students in the Defenders to 18.

When the planned expansion is completed

there will be 25 second year and 25 third year students. The third year members do all of the actual trial work, with the second year students working with them to gain experience. The second year students also conduct the bulk of the jail interviews.

All members also participate in occasional investigations which are needed to supplement stories taken during jail interviews.

Over one hundred and fifty letters a year seeking help with post-conviction appeals also pour into the Defenders' office from all over the country. Since even the enlarged membership will not be able to handle all these, Fischer said, there are plans under discussion to allow interested non-member students to take these appeals as separate projects. They would entail mostly research and preparation of legal memos.

For the more immediate future, the Defenders are preparing a book of representative criminal cases for distribution to the faculty. The Defenders hope in this way to make available to interested faculty opportunities for closer contact with the area of current criminal law.

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Adams Papers Featured in Langdell

By Peter F. Knopp

Materials relating to the forthcoming edition of John Adams' legal papers are on display until March 19 opposite the main desk in Langdell reading room and in the Treasure Room.

"*The Legal Papers of John Adams* will be a new kind of study in depth of the practice of law in a period of American legal history about which too little is known," said L. Kinvin Wroth.

Mr. Wroth and Hiller B. Zobel, Research Associates at the Law School, are editing the legal papers under a grant from the William Nelson Cromwell Foundation. Professor Mark DeWolfe Howe is adviser to the project.

The overall Adams Papers publication plan under the direction of editor-in-chief Lyman H. Butterfield calls for an eventual eighty to one hundred volumes of selected papers from three generations of the Adams family. The edition of the legal papers will comprise two volumes in the series. Publication will be by the Belknap Press of Harvard University.

"The papers published and the editorial commentary on them will provide information on Adams as a practicing lawyer from 1758 until 1774 and on the nature and sources of the law applied in the Massachusetts courts at that time. The study of Adams' cases should also yield insights into commercial, industrial, and political activity, and other matters of interest to historians of the period," explained Mr. Wroth.

In the exhibition cases in the library are displayed some of the Adams legal papers and related documents.

Among the legal papers on display which should interest first year students in the Development of Law and Legal Institutions course is John Adams' summary of James Otis' arguments in 1761 in the *Writs of Assistance* case.

"Then and there," exclaims Adams, "the child Independence was born." Today scholars consider it the birth of American Constitutional law as well.

Professor Brown Gets Tax (Cake) Cut

Professor Ernest J. Brown was given a tax-day cake by the students in his tax seminar on Corporate Reorganizations and Distributions last week. The cake was not brought in until 5 minutes after the class began because of a dispute as to what was the appropriate 50th anniversary date of the income tax.

The purists argued that the cake should be given on October 3rd, the date when the first income tax act became law in 1913. The tax imposed, however, was retroactive to March 1, four days after the 16th Amendment to the Constitution became law. The materialists argued that March 1 was the appropriate date because that was when the income tax first began to hurt pocketbooks. They won.

Professor Brown let his class out "early" in order that it might have time to eat the cake. "Early," one member of the class later explained to the RECORD, meant "on time."

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Higgs

(Continued from page 6)

ment to further the voting registration of Southern Negroes, Higgs considers the civil rights record of the current administration unimpressive. He severely criticized Kennedy judicial appointments in the South and charged the Justice Department with "deceit" in advertising civil rights gains in the South.

He said that "the Kennedy administration appointments of racist judges in the South has really been destructive of our cause." The worst appointments have occurred in Mississippi, Georgia and Louisiana, he charged, and the result has been a slowing of civil rights litigation in all these states.

He also challenged Justice Department reports of great success in its registration campaign. One report announced the registration of 3,000 Negroes in Macon County, Alabama. Macon County is the site of Tuskegee Institute and "contains a good number of the educated Negroes in the South." The report made no mention of this fact.

"What's needed is not merely lip service through statements but action. The President ought to put civil rights at the top of his agenda where it belongs and cease to appease Southern senators with favorable appointments," Higgs declared.

Meanwhile the private battle for integration continues. Higgs does not believe that his present exile from Mississippi will seriously hinder his efforts for the civil rights cause. Using Cambridge as a semi-permanent base, he is continuing work with law student groups at Harvard and Yale; and new groups are forming at Columbia and U.C.L.A. Their aim is to aid in the fight to overturn segregation laws in the South. The summer program to have law students participate in civil rights work will continue.

Higgs' efforts and those of others in the civil rights movement are not all student-oriented. He said that there is a possibility that a Harvard Law School alumni committee will be created to raise money to support the drive for civil liberties in the South.

Higgs and his confederates are prepared for a long struggle for equal rights.

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Letters to the Editor

To The Editor:

A few days ago I was reading the article in the February 7 issue of Harvard Law Record entitled "Barnett Defends States' Rights" and noticed on page 14 that Governor Barnett waved his arms "like a demagogue". How does one do that?

Very truly yours,
Frank Harrison, LL.B. '21

To The Editor:

Please accept my thanks and congratulations for the way in which the *Record* handled the story of the appearance of Governor Ross Barnett of Mississippi recently before the Law School Forum.

I realize that there is little doubt that perhaps you and all your staff, as well as a majority of the students, strongly disagree with and disapprove of Mr. Barnett in his views. However, I thought the story that was written as well as the other comments was fair. It is reassuring to me to see that Harvard Law School has not changed and that there is still "freedom for the thought we hate".

Your attitude contrasts strongly with the reported views of Mr. Gustav M. Solomons, Member of the Cambridge School Committee concerning the use of the auditorium.

I read the *Record* carefully and enjoy it very much.

Sincerely yours,
Jackson Bryan, LL.B. '51

Larson Praises UN Emergence

By Edwin S. Kahn

The settlement of the Congo crisis shows that "the United Nations is beginning to emerge as an international personality which makes decisions, backs them up and carries them out with its own resources," Arthur Larson, Dean of Duke University's World Rule of Law Center, declared last week.

Speaking before the International Law Club, Larson said the UN has changed from a "Greek chorus commenting on activities on stage but not taking part" to an effective organization "successfully translating the opinions of the world community into action."

Larson developed three categories of national interest and three types of UN action in order to show the situations in which the UN could be expected to act and the degree of forcefulness it would show.

He described the Hungarian Revolt and Soviet missiles in Cuba as Category I cases — threats to the USSR and USA respectively. In these cases, each country respectively felt its very survival threatened and was prepared to take immediate unilateral action. Berlin poses a Category I situation for both countries today, he said.

Category II cases are those where a nation's interests are "affected in a major degree, but far enough away in space and time that immediate unilateral action is not felt necessary." The Congo, and the Suez are in this group.

Category III disputes are those where a nation feels an interest,

but only in a minor degree. An example is the West Irian dispute as viewed by the US and the USSR, he explained.

Type I UN action is combined military and political action. Examples are Korea and the Congo.

Type II UN action is "tangible presence." Examples are UN forces in the Middle East and UN activity in West Irian.

Type III UN action is "talk" and the use of UN resolutions, offers of "good offices," conciliation and mediation. Examples are the disputes concerning Tibet, Kashmir and Indonesia.

Larson said the US has shown its willingness to allow UN type II or III action in a Category I dispute: we were willing to allow UN inspection of missile sites in Cuba.

However, the USSR was not willing to allow UN Type II or III action in Hungary, a Category I dispute.

However, in a Category II dispute, the Congo crisis, both nations have allowed UN Type I action, consisting of military and political involvement.

Larson feels the usefulness of this type of analysis is that it breaks down the idea that the UN is "impotent" when important interests of the great powers are at stake.

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THIRD YEAR OPPORTUNITIES

Connecticut: Lepofsky and Lepofsky, Lepofsky Building, 7-9 Isaac St., Norwalk. Send resumes to Max R. Lepofsky, Esq.

Illinois: Goldberg, Weigle, Mallin & Rivkin, 110 South Dearborn St., Chicago 3. Contact James J. Doheny, Esq.

Kansas: Morris, Laing, Evans & Brock, 214 First Federal Savings Building, 123 South Market St., Wichita 2. Send resumes to C. Robert Bell, Esq.

Massachusetts: ITEK, 10 Maguire Rd., Lexington 73 (Opening for assistant to corporate counsel and secretary). Leave resume at Placement Office by 1 p.m., Friday, March 8.

Massachusetts: Those interested in law firms located in a variety of areas and who are interested in trial work, especially in the medico-legal field: Contact Paul D. Rheingold, Esq., assistant editor of *Nacca Law Journal*, WA 4-3353, Watertown.

Michigan: Marcus, McCroskey, Finucan & Libner, Michigan Theater Building, Muskegan. Contact Benjamin Marcus, Esq.

Washington, D. C.: Comptroller of the Currency, Treasury Department, Washington 25. Send resumes and inquiries to either Elmer J. Peterman, Regional Chief National Bank Examiner, First National Bank Region, 30 Pearl St., Boston 10, Mass.; or Dean E. Miller, Deputy Comptroller of the Currency for Trusts, Office of the Comptroller of the Currency, Main Treasury Building, Washington 25, D. C.

Washington, D. C.: Hamel, Morgan, Park & Saunders, 808 Seventeenth St., N.W., Washington 6. Students with B average or higher contact Henry R. McPhee, Esq.

SECOND YEAR OPPORTUNITIES

Massachusetts: New England Life Ins. Co., 501 Boylston St., Boston. Summer clerkship. Contact Vincent R. Booth, Esq., General Counsel.

ACADEMIC OPPORTUNITIES

New York: The Russell Sage Research Fellowships in Law and Sociology. Contact Dr. Jerome E. Carlin, School of Law, 435 West 116th St., Columbia University, New York 27. Applications for awards beginning in September, 1963, are due by March 15.

University of Manchester: Assistant Lecturer in the Faculty of Law. Information available at the Placement Office.

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