

Most Students Don't Study 'Enough'

An average work week of more than 48 hours, with nearly two thirds of the class believing they do not study "enough", emerges as the pattern for first year law students in the RECORD's time study poll.

The second year average drops to 40.5 hours a week, with the third year returns averaging 37 hours of class and study. But a majority of students in these classes maintain the feeling that they do not study "enough."

The highest weekly average of study and

class time spent was 87 hours compiled by one first year student. The lowest was 61½ hours reported by a second year member of the Law Review. The mean work week for each class was 48 in the first year, 43 in the second year, and 42 in the third year.

At the same time, the poll showed an increasing desire for more written work in the curriculum. Approval ranged from 53% of the first year students to 78% of the third year respondents. Short legal memoranda

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Bevins Assigns Dorm Duties

By Charles M. Hamann

Assistant Dean Wesley E. Bevins, Jr., announced this week that "with some nostalgic sadness" he was surrendering the dormitory responsibilities which have been his since 1950. Secretary of the Law School Russell H. Peck will assume these duties after the end of the current school year. Also announced was a new policy of penalties for those who release dormitory rooms late in the summer.

Crime Data Study

By Neil L. Chayet

Professor Sheldon Glueck and his wife Eleanor are planning to use Harvard's new IBM 7090 computer in an effort to translate 30 years worth of research data on criminal behavior into new insights into the makings of a criminal.

The Gluecks, speaking at the Harvard Voluntary Defenders' annual banquet at the

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In explanation of the dormitory office shift Dean Bevins said, "My obligations as Director of the Harvard Law School Fund call for me to be out of town a great deal and thus unavailable at crucial times to students who have dormitory problems which cannot be solved by the Dormitory Secretary." The change, he said, should remove this obstacle to speedy and fair handling of problems and complaints.

Secretary Peck, who will control the assignment of meeting rooms as well as dormitory rooms, said that he was "looking for"

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Let's Write More

For a place in which there is so much general griping about the amount of work to do, it may seem surprising at first to see that students feel more work—in the form of written memoranda and short legal papers—would be a valuable addition to the curriculum. But it is easy to see reasons for such a feeling.

On the student level, written work would help break the monotony of the case method. It would help sustain interest in the course throughout the year by making some periods of study more immediately meaningful than they may now appear. It would provide some satisfactions during a year in which virtually nothing is ever "completed." If graded and counted, it would take some of the pressure off the "all-or-nothing" finals.

But even more important, Harvard owes it to the students and to the legal profession to provide this training. Concern about poor writing is not new to the profession. As one indication, the Law School Admission Test Council has added a special writing test to its entrance exam, as much to gain a "feedback" effect in improving education as to test current ability.

The Solicitor General of New York State, in an interview in the RECORD last week, decried the lack of writing ability by members of the New York Bar.

U. S. Supreme Court Justice William J. Brennan, Jr., in his address at the Legal Aid anniversary banquet, urged law schools to teach their students more of the "realities" of practice.

The list of exhortations could easily be continued.

There are already a few courses in the curriculum which are built around the problem approach. But only Professor Herwitz requires written memoranda to be turned in in his Business Planning class. Several third year students responding to the RECORD's poll specifically praised this practice.

Perhaps more teaching fellows would have to be hired to reduce the added burden on the faculty. But the mechanics of this innovation can be handled easily. The important thing is that students be required to write.

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TONGUE 'N CHEEK

By Fenno

"A Child's Garden of Versus"*
(Part one)

Muffett v. Howie Johnsons, Inc. The court found as a matter of fact that plaintiff did not find a spider inside some curds and whey she had purchased from defendant. The court said "The evidence points to the fact that the spider actually came and sat down beside the plaintiff, and she, being still hungry after eating her curds and whey, ate the spider, too. Testimony revealed that Miss Muffett, who was fat, would eat anything (witness the curds and whey), and, on occasion, had been seen tasting spiders of various types."

Tuffett v. Industrial Commission of Wisconsin. The question in this case was whether the Commission could declare out of hand that Tuffett had not suffered a traumatic hernia "in the course of his employment" when the facts were that Tuffett had gotten into a row with a customer at the eating establishment where he was employed, and was thereupon sat on, causing him immediate pain (although he continued working).

Old Woman v. Intranational Shoe Co. The court held that an unmarried woman who "had so many children she didn't know what to do" was "doing business" in the state, and thereby amenable to suits in the state.

Dickery v. Dock. Defendant was charged with assault and battery. He was sitting in the back of plaintiff's cab in the rush hour in downtown Boston. Thinking that Dickery was "running up the clock" while the cab stood virtually still in the heavy traffic, he waited until the meter struck one dollar. "Then I belted him," he admitted, causing Dickery to fall down.

*Complete citations have been omitted on the authority of *Mice v. Wife*, where the court said "You never saw such a cite in your life as 3 Blind Mice 33 (1957)."

Griswold Urges Liberal GOP

By Charles M. Hamann

Dean Erwin N. Griswold called for a "true liberal" to assume the mantle of leadership in the Republican party last Thursday. "If the party assumes a liberal image, it will become unbeatable, but if it continues on its present course, its outlook is bleak, indeed," he declared at a meeting sponsored by the Harvard Law and Graduate Republican Club.

Dean Griswold, who described himself as a liberal Republican, said that he was "a person who is and for a long time has been rather unhappy about the shape of the Republican Party. I used to think that maybe I ought to be a Democrat, and then I would look up and see Senator Eastland. But now I look up and there's Senator Goldwater."

The Dean saw no man on the present Republican horizon who would fill the bill of giving to the party "aggressive, imaginative and liberal leadership."

Among current contenders for Republican leadership, he described Governor Rockefeller of New York as "moderately liberal, but wavering." "What the Republican Party needs," he said, "is another Charles Evans Hughes — an Abraham Lincoln is too much to hope for — who will make the party unbeatable and liberal."

The Dean cited the civil rights issue as the one most susceptible to exploitation by a liberal Republican party. Because of its Southern wing, the Democratic party "can never be a liberal party. At best it can have only a liberal Northern wing." Yet he noted critically that "some Republicans are running to the support of Southern segregationists."

Speaking of the Democrats, Dean Griswold said that the segregation issue was "the tin can which ought to be tied on their tail." But the Republicans, he said, "seem to be dead on their feet and sound asleep."

"The Republicans were the party of emancipation. But for 50 or 60 years they did little or nothing to help the Negro achieve equal rights. They let FDR take that vote away from them." He declared that it is his hope "that the Republican party will revive the birthright which it has thrown away."

Dean Griswold, a member of the six man

United States Civil Rights Commission, described the Commission's history as a good example of the effect of Southern Democrat obstructionism and of Republican failure to counter it. Congress, which grudgingly created the Commission in 1957 at the request of President Eisenhower, has persistently refused to extend its life more than two years at a time.

"As a result it is very hard to maintain a staff and to develop long range plans. By and large the active opposition to the Commission comes from Southern Democrats, but the Republicans have done very little pushing to put the Commission on a permanent basis," he said.

Commission hearings scheduled for Mississippi were recently cancelled at the request of the Attorney General of the United States. Dean Griswold said that "while the Attorney General has no power to order the Commission not to hold hearings, as he is the means of its protection, the Commission thought it advisable to obey his command." He gave fear that the hearings would "interfere with the voting cases now pending" as the reason for the Attorney General's instruction.

Dean Griswold criticized the Attorney General's action as "shortsighted — he feels that voting is the whole key to the problem, that once the voting situation is cured, the whole problem will be solved." Voting is an important aspect of the civil rights problem but not the whole problem, the Dean suggested.

Dean Griswold joined critics of the Kennedy appointment of racist judges in the South. At the same time he noted that the Administration was presented with an extremely difficult problem because of the custom of "senatorial courtesy." "If Kennedy did not take Eastland's man, Eastland (as head of the Senate Judiciary Committee) might have blocked the appointment of all district judges in the South," the Dean said.

But in conclusion he said, "I think that the Kennedy administration has sold out too cheaply and that we will pay the price for a long time to come."

Dormitories

(Continued from page 1)

ward with interest to taking on this assignment." He expects that the transfer of duties will increase his contacts with students: "Most of those I see now are in the relatively small group who have trouble with class or examination schedules."

In addition to his disclosure of his resignation of dormitory responsibilities, Dean Bevins announced that in the future the Dormitory Office intends to penalize those students who surrender assigned rooms late in the summer without adequate excuse. The Faculty has not yet acted on this recommendation, but approval is expected.

The charge under the proposed plan is \$10 for students who release their rooms during the period beginning on August 15 and ending on August 31. For the release of rooms after August 31 the Dormitory Office will levy a \$20 charge. If the released rooms are not rented before the beginning of the school year, any rent accrued will be credited against the surrender charge. The charge may be waived in cases where special and unforeseen circumstances, ordinarily of an emergency character, require the late release of a room.

Discourage 'Insurance'

The new policy is designed to discourage students from holding onto dormitory rooms as "insurance" until late in the summer or until their return to school. The Dormitory Office has found that many persons who have no serious intention of living in dormitory rooms take them in order to protect themselves from contingencies which might upset off-campus living plans.

The resultant delay in the final placement of students in dormitory rooms has created a "tremendous headache" for the Dormitory Office and has also deprived a number of students, who could not afford to wait until space became available, of dormitory rooms, Dean Bevins said. The problem for the Dormitory Office centers on its dual objective of "maintaining the integrity of the waiting list" and of re-renting rooms as rapidly as possible.

At the end of the summer many students are either traveling in Europe or in transit to

the Law School. Resultant difficulty in locating students on the waiting list has seriously hampered efforts to place students in rooms quickly and efficiently.

Dean Bevins also clarified several items reported in the April 11 issue of the RECORD. With regard to the placement of roommates he said that "a man in a higher priority is not reduced to his named roommate's group *unless* he indicates that to be his desire." Correspondingly, the man in the lower group does not rise to the priority group of his intended roommate.

When two men with different priorities wish to room together, the one with the higher priority is placed in one-half of a two-man suite as soon as his name is drawn. The other space in that suite is then tentatively reserved for his desired roommate. However, if all spaces in rooms of the same category are filled before the name of the desired roommate in the lower priority group is drawn, then choice gives way to standing. The man already assigned to one-half of the double then receives either another roommate or a single room, dependent upon his preference. If randomly selected roommates are incompatible, a later swap of rooms may work out a congenial arrangement.

Dean Bevins also said that scrambling of the waiting list had been considered but rejected as a remedy to prevent repeaters in Hastings Hall. Persons who have lived in Hastings before and wish to live there again frequently obtain a position at the top of the waiting list because of the relative speed with which rooms in Hastings are filled. Dean Bevins said that scrambling the waiting list "would only serve to increase the number of people who were able to live in the dormitories three years, as many low priority men would end up higher on the waiting list than they now do."

Financial Aid Forms Due

Every student who foresees a need for financial assistance for the coming school year (except for small loans) must file a Financial Aid application *not later than May 1st*.

The application forms may be obtained from the Financial Aids Office or from the receptionist in Langdell Hall.

Holmes Club Wins Ames Final

By Michael J. Henry

Holmes Club, with Pierre S. DuPont IV and David J. Supino as oralists, won the final round in the third-year Ames Competition last week, defeating Story Equity Club with oralists Katrina Renouf and Fred C. Scribner III.

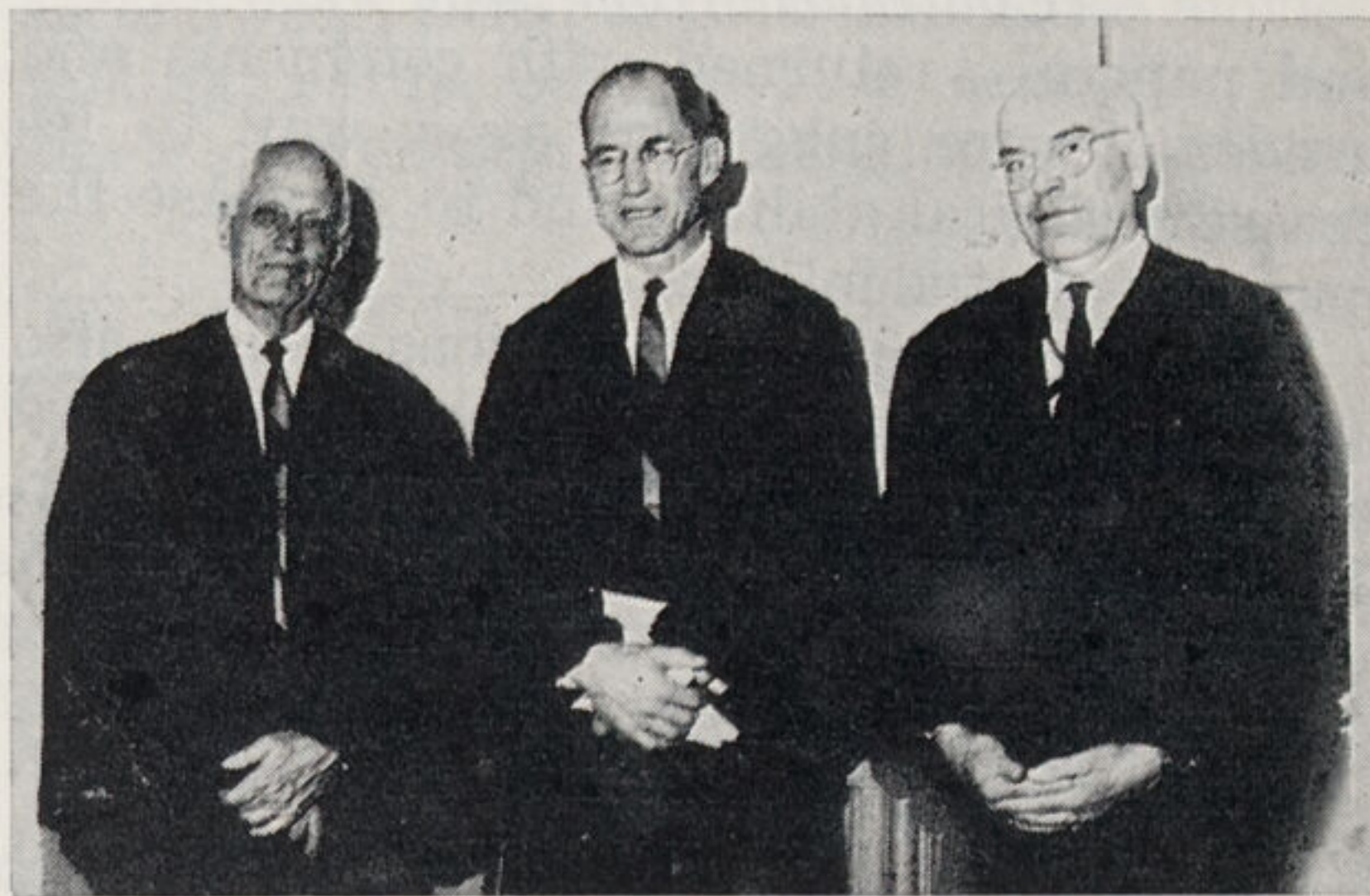
"The test of excellence of the orators was that we thought this was a real case," said Mr. Justice Byron R. White of the United States Supreme Court at the conclusion of the Ames final argument. Elbert P. Tuttle, Chief Judge of the Fifth Circuit Court of Appeals, and Sterry R. Waterman, Judge of the Second Circuit Court of Appeals, joined Mr. Justice White in hearing the case before a capacity audience in the Ames courtroom.

The case, *E. R. Robinson, Jr. v. Federal Communications Commission*, involved a recent FCC decision denying the renewal of a broadcast station license of radio station WDKD, Kingstree, S. C. The four issues on which the Commission based its decision were: 1) misrepresentation by the licensee in his renewal application, 2) the licensee's failure to exercise adequate control over his station's operation, 3) broadcast of material flagrantly offensive on its face, and 4) overall programming of the station not meeting the public needs of the area.

Story Equity Club represented appellant Robinson. Its primary argument was that the Commission was prevented from reviewing the programming of a station both by the "no-censorship" provision of the Communications Act which established the FCC, and by the First Amendment.

Although admitting that the necessities of the situation might allow the Commission to consider programming proposals in a competitive hearing for an initial grant of a station license, since some standards have to be used for making such a determination, they attempted to distinguish a unilateral renewal hearing. To deny a renewal of a license on the ground of the presence or absence of particular types of past programming would be to impose a punishment or restraint which clearly amounts to censorship, the club argued.

The alleged obscenity was protected by the general prohibitions on censorship if it was



Ames Judges — Tuttle, White and Waterman

not sufficient to incur the criminal liability imposed by the Communications Act, appellant argued. If the FCC could find some types of programming "patently offensive" and therefore deny a license renewal, appellant maintained it could extend this power to other types of programs such as political programs.

Holmes Club represented appellee Federal Communications Commission. The appellee argued that the FCC had based its findings on independent grounds of decision and that the third finding with its constitutional issue, that "flagrantly offensive" materials were broadcast, was, therefore, not necessary to its rejection of the renewal application.

It also argued that to construe the First Amendment so broadly as to prohibit Commission review of programming would be to prevent the Commission from performing the function for which it was created — to allocate a limited number of broadcast channels to those who would best serve the "public interest." It claimed that the First Amendment protection should not be as broad for radio as other media because of its unique character.

Misrepresentation is relevant in a renewal proceeding, appellee contended, since the statute authorizes the Commission to consider the "character" of the applicant. Finally, appellee argued that in using a balancing of interests test, the Commission's interest in sole control over the allocation of broadcast channels is superior to a licensee's interest in sole control over whether it broadcasts flagrantly offensive material.

Poll Results

(Continued from page 1)

and papers — returned with comments and grades — were suggested as a way to increase practical abilities and to decrease the pressure of student life.

More frequent examinations were also urged as a way of cutting the emphasis placed on the all-or-nothing exams given once a year. The Socratic method was criticized by many upperclassmen who wanted more lecture courses. (See story page 7.)

Students are far more intense about studying during the first year, it was apparent from the results of the study. More than half of the first year students, 23 out of 44, charted at least 3 hours of study during every one of the 14 days in the study period. This compares with less than one fifth in the second

and third year classes who worked every day. Upperclassmen were more likely to take a day off for a trip or other form of diversion.

First year students tended to report study averages at the high end of the scale. Only 8% reported less than 35 hours a week, while 33% of second year students and 41% of third year students were below 35 hours.

The first year had 16% of its students with over 60 hours of study — 7% over 65 hours — while the other two classes showed only 4% over 60 hours and none over 65.

At the same time, 93% of the first year students said they thought the courses did not require too much work. This compared with 79% of second year students and 78% of third year students saying there is not too much work.

A majority of first year students also reported that they felt there was not "too much pressure" on law students although upperclassmen had a different view. Fifty-six per cent of the first year men reported there is not too much pressure, compared with 60% of second year and 50% of third year men reporting that there is too much pressure.

The first year man with 87 hours a week said there was not too much pressure. A man with 78 hours said that if there is any pressure, it is self-imposed and asked "why should it be" alleviated. But at the same time he described the Ames competition as "the only pleasant interlude of the year."

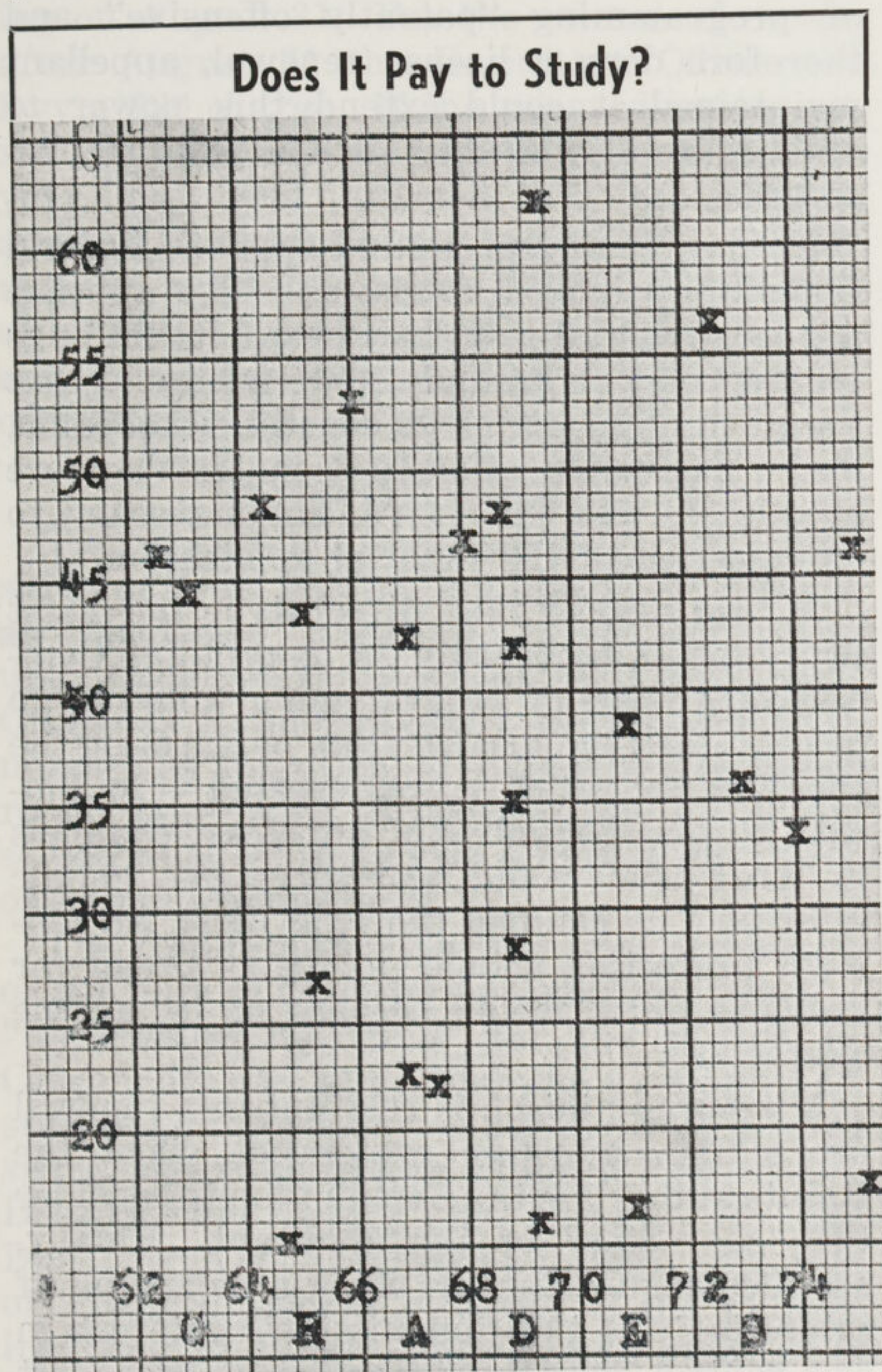
With 78 hours a week he still felt he did not study enough. When asked whether most members of the class study too much, he replied, "of course not."

Another first year student, who spent more than 60 hours a week in class and studies, said he felt that any time not spent with the law was "really wasted."

In all three classes, the survey showed that a slight majority of students feel they study less than the other members of the class.

In other aspects of the survey, the poll showed no correlation between last year's grade average and this year's work average for second year students. A similar study of the two year average of third year students, whose work patterns may be more settled, also showed no correlation.

The survey showed that more than 90% of each class felt they could not learn as effectively without going to class. More than



The graph of current study hours and two-year grade average for 24 third year students shows a decided lack of positive correlation. A similar chart of 44 second year students shows the same lack of pattern.

three-fourths of each class do not read over notes regularly after class.

The Ames competition was rated valuable or very valuable by more than 85% of each class, but there was no desire to make it compulsory in the second year.

Reading, watching TV and dating were

listed most frequently as the major and recurrent forms of relaxation in each class.

Sports were most frequently mentioned in second year. Other activities included movies, talking, cards, parties, hi-fi, concerts, pool, stock market, thinking, drinking and praying.

— Donald W. Kramer

Poll Tabulations

		First Year		Second Year		Third Year	
Do you think most members of your class study too much?	Y	9	21%	13	25%	8	20%
	N	29	67%	36	69%	25	63%
	?	5	12%	3	6%	7	18%
Do you think courses require too much work?	Y	3	7%	10	19%	8	20%
	N	40	93%	41	79%	31	78%
	?	0	0%	1	2%	1	3%
What do you consider being prepared for class?							
Read material once		14		20		30	
Abstracted cases		16		15		2	
Read material twice		19		22		8	
Read more than twice		1		0		1	
Do outside reading		6		2		0	
What percentage of classes do you attend "prepared?"							
0-25%		2	4%	5	10%	2	5%
26-50%		1	2%	4	8%	10	25%
51-75%		6	14%	3	6%	10	25%
76-90%		21	49%	15	29%	13	33%
91-99%		8	19%	11	21%	4	10%
100%		5	12%	7	13%	1	3%
What percentage of classes do you attend per week?							
0-25%		0	0%	0	0%	0	0%
26-50%		0	0%	0	0%	2	5%
51-75%		1	2%	3	6%	3	8%
76-90%		6	14%	6	12%	7	18%
91-99%		10	23%	5	10%	2	5%
100%		26	60%	32	62%	26	65%
Do you think you can learn as effectively without going to class?	Y	2	5%	2	4%	2	5%
	N	40	93%	50	96%	38	95%
	?	1	2%	0	0%	0	0%
Do you read your notes regularly after class?	Y	10	23%	9	17%	7	18%
	N	33	77%	43	83%	33	82%
Do you think Ames competition is							
very valuable		17	39%	21	40%	17	43%
valuable		20	47%	27	52%	20	50%
of little value		5	12%	3	6%	3	8%
useless		1	2%	1	2%	0	0%
Do you think Ames should be compulsory second year?	Y	8	19%	7	13%	11	28%
	N	35	81%	44	85%	28	70%
	?	0	0%	1	2%	1	3%
Do you think more written work would be valuable?	Y	23	53%	38	73%	31	78%
	N	18	42%	12	23%	7	18%
	?	2	5%	2	4%	2	5%

Grades and Jobs

The question whether grades accurately reflect an ability to be a good lawyer drew only a bewildered response from students in the poll. Most people saw no correlation between the two, although one first year student suggested that ability to do well under the time pressure of exams would indicate an ability to do well under the time pressure of a job.

More students than not felt law firms — especially New York firms — overemphasize grades when interviewing for jobs, although many others expressed no opinion. The most frequent comment was: "What else do you have to go on."

The Method

The poll was conducted during the period from Wednesday, March 13, to Tuesday, March 26, a period which the editors considered normal for the year. A few Ames arguments were still being held, but most students had not started reviewing for finals and the pre-vacation relaxation had not set in by Tuesday.

Polls and questionnaires were mailed to every third student of each class as listed in the Student Directory. Somewhat less than one-third were returned.

Of the 38 third year students who returned time studies, 13 were completing their third year papers. These were not counted in the general average, and are listed separately. Six second year Law Review editors returned polls and were not counted in the time study because of their special circumstances. (See story page 8). Work for third year Law Review men was substantially completed during the period and their returns are included. Answers to general questions were tabulated from all who replied.

The Source of Pressure Shifts

The tenor of response to the question whether there is too much "pressure" on law students changed significantly from class to class in the RECORD poll.

A majority of first year students reported there is not too much pressure, but those who felt otherwise usually talked in terms of self-produced tensions, the atmosphere and "the place."

By third year, the emphasis shifted to grades and job pressure.

Class by class, the answers were:

	Yes	No	?
1L	17 39%	24 56%	2 4%
2L	31 60%	20 38%	1 2%
3L	19 50%	15 40%	4 10%

In all classes there was a substantial body of feeling among those who felt too much pressure that there is nothing which can be done to alleviate it.

One second year Law Review editor analyzed the problem this way: "I think that the pressure during the first year is, for most students, not excessive if viewed solely in the context of that year. However, I think that there is probably an insufficient pressure during the second year—a feeling that the great effort has been made; the results, good, bad or mediocre, were in; and the relation between the effort and the results was rather problematic. . . .

"It therefore seems possible that a more even effort could be attained over the three years if the pressure during the first could be reduced, even though it seems doubtful that the first year would itself benefit." He then confessed he had not the "faintest idea as to how the pressure in the first year can be reduced."

Some of the other comments, specifying the source of the pressure and possible relief, are printed below. Students are identified, as far as possible, by the amount of time studied and their grade averages.

First Year

Source: Amount of work re-

quired. **Relief:** Only one Ames argument, less Socratic method, and more lecture courses. 62 hours.

Source: Proximity of exams to class, lack of real week-end. **Relief:** reading period approximately 2 weeks. No Saturday classes. 50 hours.

Source: ? **Relief:** I wish I knew. 66 hours.

Source: Pressure arising from a single exam determining year's grade. 50 hours.

Source: Auto-generated. **Relief:** It can't be. Everybody (70-80%) comes here thinking it is going to be "pressure, pressure, pressure." They refuse to believe there is no pressure. 48 hours.

Source: Second Ames argument in spring cuts down the time considerably if sincerely done. **Relief:** Rearrange school year so that it starts early in Sept. Have practice exam before Christmas vacation, second Ames beginning one week after return to school. 44 hours.

Source: Other students. Socratic method, one set of exams. **Relief:** There will always be pressure on law students. 56 hours.

Source: The general student atmosphere (at least 1L) of some kind of standard requiring all work—feeling of "guilt" for relaxation during week. **Relief:** By pushing extracurricular activities more i.e. speakers, sports. 50 hours.

Source: It's a myth. Students feel they have to gripe about something. And then, students can feel "important" (as well as justified when they do poorly) by complaining about how difficult law school is. 19 hours.

Second Year

Source: Themselves, inter se. **Relief:** By having periodic written work with accumulated grade results rather than one-shot exams per course. 59 hours, 72 av.

Source: Pedagogical, sophomoric notion that students should study everything in the field. **Relief:** Only in the unlikely event that the faculty becomes willing to announce a

division between "required" and "informational" material. Refusal to limit the scope of courses like Tax and Commercial Transactions operates only to the student's detriment. 52 hours, 74 av.

Source: From other students, the faculty, themselves. **Relief:** Almost impossible. . . . I think that if the practice exam were a series of 1-1½ hour exams in each course at the middle of the first year and counted as part of the grade it would help students to get moving and get a better idea of how they are really doing. 52 hours, 67 av.

Source: Themselves. **Relief:** Forced feedings of Miltown. Demolition of the School. Rewards and incentives for mediocrity, exaltation of the Good Guy. One is as good as the next i.e. all impossible. 16 hours, 66 av.

Source: Faculty. **Relief:** Smaller classes, more personal contact by faculty to put students more at ease and more in a "learning" context, particularly first year. 29 hours, 68 av.

'Review' Stories True

The stories about the amount of time spent working on the Law Review are apparently true according to the poll returns of six second year editors.

Their total time spent on studies and the Review was generally around 70 hours a week. One man reported 14 hours a day during the week and 11-12 hours on weekends, which would total about 93 hours a week. The others are as follows:

Class	Review	Total
14.5	44.5	69
6.5	35.5	42
31	35.5	76.5
12	67.5	79.5
22	49	71

Although all but one of them said they attend almost all their classes, three said they are never prepared and one said he is prepared only 1% of the time. One man said he is always prepared and the sixth man estimates 30-40% preparation.

Source: Overanxious fellow students, especially in the dorms. **Relief:** Mixture with other graduate students might be relaxing and broadening. More informal contact with faculty might take the pressure off classes, stimulate interest in studies and career plans. Perhaps the place is just too big for anything effective. 40 hours, 66 av.

Source: Other students. **Relief:** Stop giving grades which purport to draw distinctions of as little as 1%. Indicators such as A, B, C, should be adequate. 42 hours, 65 av.

Source: Exams. **Relief:** Put them on a voluntary basis for those who wish to join honorary groups. Law Review.

Third Year

Source: In the first year from lack of any gauge of progress. **Relief:** Have the mid-year exam count as a component of the final grade if the grade is higher than the end of the year grade — this will encourage serious study by the first year people and thus help them to tie the courses together up to that point and have a chance to evaluate their study methods against results. Then for those who catch on more slowly, let the final year end grade count all, if higher than the mid year grade. 73 av.

Source: Job pressure. **Relief:** I don't see how it can be short of an elimination of grades which might

More Writing, Exams Urged

The idea of more written work in the Law School curriculum received the endorsement of more than two-thirds of the students who responded to the RECORD's poll. Many answered the specific question with phrases such as "Definitely Yes!" In addition numerous students urged more short papers and memoranda as suggested changes in teaching methods. Several urged more exams.

First year students appeared most satisfied with the current teaching methods. Ten of the 43 said no change was necessary. Nine others did not answer the question. In the second and third years, about two-thirds of the respondents urged some changes.

The most prevalent criticism was leveled at the Socratic method. "Stop the Socratic games and make an hour's worth of class have an hour's worth of content," said one third year student. Eight of 38 third year students and 12 of 52 second year men specifically criticized the system or urged more lectures. Less than 10% of first year students mentioned it. Three second year students urged more Socratic method, however.

Another prevalent suggestion was smaller classes. "As one of 219, who can give a damn?" asked one second year Trusts student. Several first year students asked for more orientation. One second year student urged "less intimidation."

have undesirable consequences. The 71 av.

pressure contributes to the intellectual excellence of the school. . . . I do not think that efforts to soften the competitive tone of the school would be desirable. 56 hours, 72 av.

Source: Grades are the source of irrelevant pressure. **Relief:** Perhaps a pass-fail system should be instituted, with professors selecting students from each first year section for Law Review. 16 hours,

Source: Themselves. **Relief:** More social events, cocktail parties, formal dinner dances, etc. The Law School ignores completely the social development of its students. Assuming that its graduates will live and work with other humans, it ill prepares them for such a task. The Law School produces a great number of legally trained, unwashed boors. 22 hours, 68 av.

Hourly Tabulations: How Do Students Rate Themselves?

Hours	First Year				Second Year				Third Year			
	No.	Enough	Relation		No.	Enough	Relation		No.	Enough	Relation	
up to 20	1	2%	Y N ?	M L S ?	2	4%	Y N ?	M L S ?	4	17%	Y N ?	M L S ?
20-25	1	2%	0 1 0	0 1 0 0	4	9%	0 2 0	0 2 0 0	2	8%	3 0 1	0 3 1 0
25-30	1	2%	0 1 0	0 0 1 0	5	11%	0 4 0	0 3 1 0	2	8%	1 1 0	0 2 0 0
30-35	1	2%	0 1 0	0 1 0 0	4	9%	2 3 0	0 3 2 0	2	8%	0 2 0	0 1 1 0
35-40	3	7%	1 0 0	0 0 1 0	3	7%	0 3 1	0 3 1 0	2	8%	0 2 0	0 2 0 0
40-45	10	23%	1 2 0	0 3 0 0	8	18%	1 2 0	0 2 1 0	2	8%	1 1 0	1 0 1 0
45-50	9	20%	2 8 0	0 9 1 0	9	20%	1 6 1	0 5 3 0	4	17%	1 3 0	1 2 1 0
50-55	9	20%	3 5 1	0 3 5 1	9	20%	7 2 0	1 5 3 0	5	21%	1 2 2	1 1 2 1
55-60	8	18%	3 4 1	2 4 2 0	4	9%	2 2 0	1 1 2 0	1	4%	0 1 0	0 1 0 0
60	3	7%	0 3 0	0 1 2 0	4	9%	1 3 0	2 2 0 0	1	4%	1 0 0	1 0 0 0
	7	16%	3 4 0	4 1 1 1	2	4%	1 1 0	2 0 0 0	1	4%	1 0 0	1 0 0 0

Chart shows each class broken down into the number and percentage of men falling within each time period. It also shows the number who answered the question "Do you think you study enough?" with Yes, No, or don't know (?); and the number who felt they studied More, Less, or the Same as most of the other members of their class.

Of the third year men not included above, one was sick and 13 were writing their papers. The latter reported as follows: 40-45 Hrs. 2; 45-50 Hrs. 3; 50-55 Hrs. 2; 55-60 Hrs. 2; more than 60 Hrs. 4.

Williston Winners Named

Cameron S. Avery, John A. Bohn, Jr., David M. Donaldson and Andrew J. Haswell, Jr., all 3L, won first prize in the final round of the Williston Competition. Placing second were William L. D. Barrett, Norman Leibovitz, Joseph M. Rosenthal and Michael B. Tischman. The three members of the third-place team were Mark Lainer, John B. Niles, and Jack L. Rozran. Final round judge was Charles Y. Wadsworth, Esq., of Hill, Barlow, Goodale & Adams, Boston, Massachusetts.

Seven teams have qualified for the second round of the Williston Competition, successfully solving drafting problems arising in the states of New York, Delaware, Massachusetts, Pennsylvania, and Ohio.

The winning teams are:

W-3 NEW YORK: C. Robert Foltz, Arlene R. Lezberg, Jack I. Samet, John W. Walbran. Judge: Joseph Barbash, Esq., Debevoise, Plimpton, Lyons & Gates, New York, N. Y.

W-7 NEW YORK. Albert T. Chandler, William R. D'Armond, Barnes H. Ellis, Michael E. Hager. Judge: Mr. George J. Gillespie III, Cravath, Swaine & Moore, New York, N. Y.

W-9 MASSACHUSETTS. Gerald D. Miller, Spencer Neth, Bruce D. Shoulson, Stuart A. Smith. Judge: Herbert P. Wilkins, Esq. Palmer Dodge Gardner & Bradford, Boston, Mass.

W-18 OHIO. G. David Bluhm, Philip M. Brandt, Jay M. Donner, Elliot C. Rothenberg. Judge: Bitner Browne, Esq. Martin, Browne, Hull, Harper & Bridgman, Springfield, Ohio.

W-19 NEW YORK. Howard L. Abramson, Perry Ashley, Robert S. Miller. Judge: William D. Johnson, Esq., Bond, Shoeneck & King, Syracuse, N. Y.

W-21 DELAWARE. Daniel J. Givelber, Harold A. Kuskin, Burt Neuborne, Joseph D. Steinfield. Judge: Andrew B. Kirkpatrick, Esq., Morris, Nichols, Arsht & Tunnell, Wilmington, Del.

W-22 PENNSYLVANIA. Joseph M. Manko, Stephen J. Schwartz, Ronald M. Wiener, Richard M. Klein. Judge: William P. Hackney, Esq., Reed, Smith, Shaw & McClay, Pittsburgh, Penn.

All students are in their second year at the Law School.

Pusey Speaks Here Today

University President Nathan M. Pusey will speak on "The Kennedy Education Bill" during a Coffee Hour in Harkness at 1:30 today.

Gluecks

(Continued from page 1)

Faculty Club last Monday, also said that they have come up with some truly significant findings concerning the validity of their juvenile delinquency prediction tables which appeared 10 years ago in their book, *Unraveling Juvenile Delinquency*. This was a study of 1000 youths (500 delinquent and 500 non-delinquent) who were aged 10 to 17 when the study was begun. The study has recently been updated to age 32 and the computer will permit a full analysis of these findings.

The Gluecks believe that empiric analysis of such data may provide the key to ferreting out the inherited and environmental forces which are responsible for the emergence of criminal behavior. Mrs. Glueck stated that there has been too much emphasis on the need for a "single, all inclusive theory" which would explain why people become criminals. She said that careful empirical study is just as important in law as it is in the study of nature.

Mrs. Glueck also discussed in detail some of the theories which she and her husband have studied concerning the physical characteristics of individuals and the connections which these characteristics have with the emergence of criminal behavior. For example, out of the total number of individuals studied, 60% of the delinquents were mesomorphs, that is, had a large boned, muscular body structure, whereas only 30% of the non-delinquents had such physical characteristics.

Mrs. Glueck also said that many forces, no one of which was sufficient to produce a criminal, interacted to result in the final criminal product. One of these factors was the "under the roof culture" of the home life of the individual, especially the parent-child relationship.

With new "clues to behavior", the Gluecks hope judges will be able to attain the long-sought goal of giving a sentence that will suit the criminal. They also hope that it may someday be possible to stifle juvenile delinquency before it gets going.

The Gluecks are now involved in conducting preliminary "test runs" with the computer in an effort to provide a sound programming of the entire project and to resolve some of the technical difficulties which any program of such magnitude presents.

'62 Graduate Becomes a Dean

By Stewart D. Davis

"Mr. Wilson, Assistant Dean" says the new shingle, white letters on black, hung beside the door of a brightly lit office on 23 Everett Street's second floor.

Less than a year ago the present inhabitant of that office, John P. ("Jack") Wilson, received his diploma from Harvard Law School.

After graduation he passed the New Jersey Bar and became an associate in the Newark firm of Riker, Danzig, Scherer and Brown. "I planned to stay in Newark to learn the business of being a lawyer," he recalls.

But fate had other plans for the tall, balding, out-going man in the clear-rimmed glasses. While he was getting his legal legs — "I was doing what a lawyer does; I got into court a couple of times, and had my own cases to handle" — he received a letter from Dean Bruce asking him if he would like to become an assistant dean.

After correspondence and interviews with Deans Bruce and Toepfer, he was offered the job. He hesitated — considering strong family ties in New Jersey — then accepted.

Outlines His Job

He outlined his new position as "increased responsibility for the placement of experienced graduates and giving assistance in the area of admissions." Next year he will move downstairs at 23 Everett Street into an expanded office.

Mr. Wilson's early life paralleled that of his twin brother Dick. The boys grew up together in Maplewood, N. J.; both went to Mercersburg and then to Princeton, where they graduated in 1955.

Dick married a South Orange girl in July, 1955. Jack married a West Orange girl, Elizabeth Ann Reed, two months later. The brothers had earlier spent a great deal of time doubling with their future wives "because we had one car between us," the new dean recalls.

Mr. Wilson went to work for the Bureau of the Budget, concentrating on budgetary supervision of the Housing and Home Fi-



Assistant Dean Wilson

nance Agency. In early April 1956 he went to the Naval Officer Candidate School in Newport, R. I. (his brother preceded him there by two months). Upon graduation he was assigned to Naval Security Group Headquarters in Washington, "much to my horror, as I wanted to see the world." He got as far as Monterey, Calif., to take 47 weeks of Polish at the Army Language School, then in early 1958 it was back to Fort George G. Meade in Maryland to work for the National Security Agency.

Undecided about his future, Mr. Wilson considered both the foreign service and teaching. But, being a graduate of Princeton's Woodrow Wilson School of Public and International Affairs, and thinking international law "an extremely interesting area," he came to Harvard to study law.

Enjoyed Law School

He admitted, "During my first year, I was unsure that I wanted to be a lawyer." But, after a summer with his Newark firm, he decided he really did want to go on in the law. He says, "I ended up having thoroughly enjoyed my law school experience." His activities included the vice-presidency of the International Law Club and the presidency of the Harlan Club.

Mr. Wilson willingly painted a verbal self-portrait of himself: "I enjoy the practical operation of the law; I enjoy international studies and affairs; I am a Republican who
(Continued on page 16)

Caplin Stresses Tax Citizenship

By Edwin S. Kahn

"Our goal is to make it clear that paying taxes is a matter of citizenship rather than gamesmanship," Internal Revenue Service Commissioner Mortimer Caplin told a Law School Forum audience Monday.

Caplin stressed a change in philosophy under his administration from an emphasis on auditing for delinquent taxes to trying for full compliance on normal returns and no delinquency. He praised normal taxpayer honesty and criticized Congress for measuring the Service's performance only on the basis of delinquent taxes collected.

The increasing use of automatic data processing equipment will revolutionize tax administration, he said. The Service will have in one place the records of every American taxpayer on tape, and will be able to run comparisons with past returns or comparable returns at the rate of 125,000 per second.

Caplin cautioned that the system depended on careful auditing of the input — otherwise, he said, the system could be denominated "GIGO — garbage in, garbage out."

The former University of Virginia law professor also defended the Service's regulations on travel and entertainment deductions. He explained that his job was to interpret a Congressional statute with the conflicting goals of curtailing abuses and yet not interfering with bona-fide business expenses. He believes the final regulations comply with Congress' wishes, he said.

Caplin defended the Service's practice of issuing advance rulings to guide inquiring individuals. He said such rulings and the

filing of an acquiescence or non-acquiescence with tax court decisions help agents, taxpayers and counsel in determining what the law on a particular tax matter is.

Discussing the public relations program of the Revenue Service, he claimed, "We got more publicity when we took a 20-second television short off the air than when we ran it." The controversial film piece depicted the IRS cautioning a businessman to list only proper deductions. It was removed from television after a substantial outcry by offended businessmen.

Others on the panel included Boston attorneys John Dane, Jr. and Kenneth Bergen, Professor Ernest Brown, and Professor David Herwitz, moderator.

Civil Liberties Operations

Advisory studies, memoranda and draft briefs taxed the talents and energies of the corps of second and third year students who comprise the membership of the Civil Liberties Research Service, now wrapping up its third year of operation.

Researchers drafted the *amicus* brief, submitted by the Massachusetts Attorney General to the Supreme Court in the case of *Gideon v. Wainwright*; completed a study for the Attorney General of California on anti-Negro discrimination in Real Estate Associations; investigated the rights of a prisoner to a speedy trial on a charge pending against him in another jurisdiction, on behalf of the American Civil Liberties Union of New York; and submitted a memorandum to the American Civil Liberties Union in Philadelphia on the exercise of free speech and assembly rights in privately owned shopping centers.

Formed to conduct research on civil liberties problems for organizations and attorneys, the Research Service has found itself involved in the front lines of legal development. The participation of interested students is welcomed.

3L Class Dues Collection

Class dues and information forms will be collected today in Business Planning classes. The dues, \$2, will be used in part to pay for the class party on May 7. Those class members unable to pay today should pay either Class Secretary Diarmuid F. O'Scannlain or Class Marshal Charles R. Nesson. Make checks payable to "Harvard Law, Class of 1963."

A Barrister Looks at a Life in Law

(These are excerpts from an interview with a retired British barrister. His observations and conclusions provide an interesting comparison with the experiences of American lawyers. Reprinted with special permission of the LONDON OBSERVER.)

Now that you are no longer in practice, and can look back, what would you say is the secret of becoming a good barrister?

I don't know. Common sense, certainly. Knowing where to find the law, rather than knowing the law; the capacity to learn from experience; and, of course, you've got to be able to work hard. For the ordinary barrister, hard work, doing your homework in the small hours, probably counts for more than brains. . . .

Do barristers employ any special techniques in handling judge or jury?

To a certain extent: some barristers single one jurymen out, and address him all the time. Others wait until they see a jurymen nod in agreement and then they address him for the rest of the time on the assumption "That's a sound fellow: I'll aim at him." Some always look into the jury, not at anyone in particular. In fact, they avoid looking at anyone in particular. They think it might embarrass him to feel that they are singling him out in some way, and that consequently the others might feel: "Well, why doesn't he address *me* as well as him?"

What about judges? Do you study your judge, so to speak, and modify your line to suit X as opposed to Y?

Again, up to a point. If you know a judge is deaf, you'd better speak up. If you know he has prejudices, you'd do best not to inflame them. One judge, for example, may regard homosexuals as particularly wicked, while another may regard them as rather unfortunate fellow men, deserving of sympathy more than anything else. And so on.

It's habits of mind rather than prejudices that matter. . . .

What else makes a good barrister?

. . . A very important thing, true about any profession I suppose but particularly true of ours: you must like the life. You'd be surprised how limiting and intolerable a life it is unless you find out early on that it suits you. You've got to do a lot of homework. In later years I did not have to work as hard as I did when I was making my way, but I could rarely go out in the evenings, particularly when there was an Assize on. You are discouraged from dining out and mixing a great deal—in case you get suspected of touting for business.

Of course the general pattern of life is academic. You need only a phone, a clerk, a desk and your law books to do your work. Some people like it because of this: others find it too cloistered. If you don't like the life, you won't get on.

Did you find there was a kind of watershed in your life: unsuccessful before, very successful after?

No, I don't think so. I earned very little in my first few years—not enough to cover my expenses. After about eight years, I think, I went up to £1,500 a year. It progressed pretty steadily. No watershed. After about fifteen years, I was earning about £7,000. . . .

Do you find murder cases the most interesting?

No. I did a number of murder cases and, contrary to what is supposed, murder cases are usually quite devoid of mystery. It is almost invariably clear from the very beginning what has happened, and the result is like seeing for the second time a long, tedious, sordid and rather depressing film. The reduction in capital crimes has shown that what attracted people to murder trials was not the interest of the case but the fascination of wondering whether or not the man in the dock would be hanged by the neck until he was dead. After the

passing of the Homicide Act it was noticeable how attendance fell off at the trial of the non-capital murder cases.

Did you prefer to argue in front of a judge or in front of a jury?

I preferred the jury. The main trouble about the jury system in civil cases, of course, is the greater expense and the time it takes. But I think it's worth it. I know that in criminal cases from time to time the jury acquit a man who is guilty, but it's much better that way than the other way round, and whether it is or it isn't, that is an axiom of British justice.

More important than that, trial by jury, though everybody forgets it, is a pillar of civil liberty. Whatever law Parliament enacts, and whatever the judge says, no one can be sent to prison for other than a short time unless twelve ordinary citizens all say "Guilty." In a very important sense, consequently, the jury can protest against law by finding people not guilty when charged with breaking it, though of course they are not supposed to.

The celebrated case which established this for all time is that of Mr. Bushell, to whose memory you will find a plate fixed in the wall of the Old Bailey. He was the foreman of the jury who refused to find Penn, the Quaker, guilty of publishing a seditious libel. . . .

But are juries as reliable judges of fact as the professionals are?

In my experience, yes. In civil cases, where I was taught that the judge might be the more reliable of the two, I can remember only one case in which I thought at the time that the jury were wrong on a question of fact, and when I reflected about it much later, I came to the conclusion that they were right after all. So far as criminal cases are concerned, I believe that juries very rarely convict an innocent man.

How do you square the knowledge that your man is probably guilty with your professional obligation?
(Continued on page 14)

Disarmament or Suicide?

By Peter F. Knopp

"Any proposals I have made tonight for arms control, no matter how drastic they may sound to some people, are more desirable than the present situation," said Professor Louis Sohn, Bemis Professor of International law at the Harvard Law School.

Professor Sohn, who originated the idea of "zonal inspection," which has been suggested in the U.S. disarmament plan as a possible method of verification, spoke Monday night at a forum on "Arms Control and the Rule of Law." Father Robert F. Drinan, Dean of the Boston College Law School, was moderator.

To prevent the "suicide of mankind," Professor Sohn said there would have to be complete disarmament, the establishment of an international police force, an institution for the peaceful settlement of international disputes, a system of world law with the International

Court of Justice having jurisdiction, the economic development of the underprivileged nations, and a stronger United Nations.

Any one of these measures by itself would not be sufficient, said Professor Sohn. Disarmament alone does not guarantee peace. An international police force is necessary to supervise disarmament. An institution for the peaceful settlement of disputes is needed so that disarmed nations will have means other than war to settle grievances.

This necessitates a stronger United Nations, a rule of world law and an International Court of Justice with jurisdiction in all international disputes, Professor Sohn said. Yet all of these measures will not deter the two thirds of the world's population that is underfed, underclothed, and underhoused from waging war to end its misery unless these underprivileged people are given economic aid, he said.

A Barrister Reflects

(Continued from page 13)

gation to get him off if possible?

We are advocates, not judges. . . . We may have doubts about a client's innocence, but we, as is anybody else connected with the case, are bound to give him every chance to meet the case against him—that's the whole basis of English justice: a man is assumed innocent until he is proved guilty.

The question is an old one. You may remember that Boswell asked Dr. Johnson of barristers, in a passage I've always remembered, "What do you think of supporting a cause which you know to be bad?" and Johnson said "Sir, you do not know it to be good or bad till the judge determines it; so that your thinking, or what you call knowing, a cause to be bad must be from reasoning, must be from your supposing your arguments to be weak or inconclusive.

"But, sir, that is not enough. An argument which does not convince

yourself may convince the judge to whom you urge it: and if it does convince him, why, then, sir, you are wrong, and he is right. It is his business to judge; and you are not to be confident in your own opinion that a cause is bad, but to say all that you can for your client, and then hear the judge's opinion."

I think many people are convinced that barristers do defend people they know are guilty.

I know, but they are wrong. They assume that we *know*. But guilt depends either on law or on fact or on both. On law, while it's useless to argue a hopeless point, it's the judge's business to decide the law—not yours. In fact it's your duty to accept what your client tells you. He is entitled to the verdict of a jury—not of a barrister. If we refused to defend a man because we thought his story improbable, we should be substituting trial by barristers for trial by jury. . . .

Elections

Legal Aid

The Harvard Legal Aid Bureau elected David H. Vena to serve as its president for the next year. Other officers, elected at a Bureau meeting on April 11, are: Vice-President, Douglass A. Raff; Secretary, Bruce D. Shoulson; Treasurer, Peter R. Richards; Senior Director, Daniel J. Givelber; Junior Director I, Edward F. Rover; Junior Director II, Barton J. Winkur. The two junior directors will serve until December, 1963; the other officers, until April, 1964.

Int'l. Law Club

The Harvard International Law Club held its annual elections on April 16. New officers are Neil Shilling, 2L, of Philadelphia, President; Stephen L. Kass, 2L, of New York, Vice-President; Lawrence S. Halpern, 2L, of Detroit, Secretary; and Gregor Gregorich, 2L, of Berkeley, California, Treasurer.

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Recent Book

Shaw - - Master of the Common Law

By Neil L. Chayet

THE GENIUS OF LEMUEL SHAW. by Hon. Elijah Adlow, Chief Justice of the Boston Municipal Court. Boston: Massachusetts Bar Association. 1962. Pp. 388. \$5.

It is indeed a difficult task to bring a man to life through a presentation of portions of his judicial opinions. Yet, this is what Judge Adlow has done; by digging deep into the records and opinions of the Supreme Judicial Court of Massachusetts from 1830 until 1860, he has culled, from the more than 2150 opinions bearing the name of Chief Justice Shaw, a sampling which is truly illustrative of Shaw, the jurist, as well as Shaw, the man.

These opinions, together with a running commentary, take one through Chief Justice Shaw's years on the bench at a time when the Commonwealth of Massachusetts and the United States were in their formative stages. The decisions were myriad, the issues were many and difficult; yet through them all, Chief Justice Shaw exhibited the moral strength and consistency which was to mark him as one of our greatest jurists.

Fundamental Principles

After a brief summary of Shaw's pre-judicial career, Judge Adlow provides some insight into the difficult problems which the Justice of the Commonwealth's highest court faced in formulating a set of fundamental legal principles. These principles were to be based in part on natural law, in part on English statutes and jurisprudence, and in great measure on principles "dictated by natural justice and common sense."

Chief Justice Shaw understood that the common law is not perfection itself, but rather it furnishes us with the rough materials whereby we may strive for legal perfection. It was this attitude which led Shaw to the just result in so many cases.



Judge Adlow

Judge Adlow paints a clear picture of the Chief Justice's high regard for moral and ethical considerations. He cites Shaw's opinion in the "little known" case of *Fuller v. Dame* in which a member of the legislature was suing on a note, the consideration for which was the legislator's promise to use his best interests to secure the location of the site of a railroad on land which was owned by the defendant. The legislator was a stockholder in the railroad. The Shaw court refused to sustain the action on the note, one of the grounds for dismissal being that as a stockholder in the Boston and Worcester Railroad, the plaintiff owed a duty to make a fair and impartial judgment in exercising his influence as a proprietor. Judge Adlow points out that this decision laid the foundation for later invalidations of transactions which involved political and personal influence in procuring the passage of legislation, as well as various buying and selling of corporate offices.

Judge Adlow next presents Shaw's view of the proper perspective of federalism. The issue of slavery came before the Shaw court and with traditional thoughtfulness, the Chief Justice ruled that a slave who was brought by

his master into Massachusetts could have his freedom under Massachusetts law if he wanted it. But if he had escaped into Massachusetts, he was a fugitive and could not have his freedom. These were difficult decisions for Shaw to make, as he was one "who personally loathed slavery." Yet despite the tremendous pressure brought to bear by the Boston abolitionists, Shaw upheld the enforcement of such Congressional mandates as the Fugitive Slave Act of 1850. As Judge Adlow points out, "It was his unhappy lot to preside over the Massachusetts court in turbulent times, but it was the good fortune of the Commonwealth and of the United States that 'midst all the agitations of our pre-civil war era he was able to exert the powerful influence which his character and talents permitted in the interest of government under law."

Sense of Fairness

Chief Justice Shaw's sense of fairness made him a careful overseer of the legislative power; in most instances he upheld it, but he was quick to recognize when the legislature had overstepped its bounds.

Judge Adlow also takes us, through the eyes of Chief Justice Shaw, into the realms of negligence, contracts, municipal corporations, and railroads. In each field there was the everpresent challenge which was always ably met by the Shaw Court. The problems were as new as the railroads themselves, but the principles applied by the Chief Justice were deeply rooted in the common law; and Shaw was a master in moulding these principles to achieve results which were to lay the basis for much of the law we take for granted today.

Judge Adlow has given us a portrait of a man and of an era — along with several hours of truly enjoyable reading.

Prison Teacher Unlocks Knowledge

By L. F. Kaplan

(Phillips Brooks House, the primary service organization of Harvard College, sponsors a voluntary teaching program in the prisons of Massachusetts. The author of this article is one of about 50 graduate and undergraduate teachers who traveled this year to Norfolk, Concord, Walpole and Bridgewater Prisons to bring enlightenment to the inmates on subjects ranging from math and accounting to French literature and even Rock 'n' roll.)

I teach in what officially is characterized as an intermediate security prison. In fact, aside from the orientation and disciplinary building, the prison would be more aptly categorized as minimum security. A new inmate, after his initial two weeks in the orientation wing, is placed into one of the 15 houses that comprise the living quarters for the inmates. Each house has 50 single, unbarred rooms; each has its own T.V. and basement recreation area.

These living accommodations — the unbarred windows and single rooms — are not usual for prisons. Anticipating my first visit, I had expected the "usual" prison atmosphere of cell-block and bars. Instead I found houses grouped around a yard, a little smaller but not totally different from Harvard yard.

To say the least, the classroom situation at the prison is a challenging one. On the one hand, you have the highly educated professional — be he delinquent accountant or misdirected physician — and on the other the barely literate inmate whose background and education leave much room for classroom improvement.

The foreseeable and the expected are the exceptional when you teach at a prison. For example, the first night of class, the classroom I was to use was locked and the key (as usual) could not be found. This presented no insurmountable problem, however — one

of the able and deft inmates proceeded to pick the lock and open the door without batting an eyelash.

Another unpredictable factor is attendance. The class grows and diminishes from week to week, from seven or eight to three or four.

Distractions during the week takes its toll in attendance and preparation. A good movie or an A.A. meeting will be disastrous to attendance. A serious problem for the inmate which manifests itself in the classroom is parole time. For weeks before an inmate goes before the Parole Board, he will be on edge and as a result you can expect to see very little of him in class as "the day" approaches. Once the Parole Board approves his petition, that's usually the last you see of him, although there is a period of a few weeks between his grant of parole and his discharge.

Although the lack of preparation by the inmates lends to the general difficulty of teaching, it nevertheless gives one a chance to get to know the members of his class — what they are in for, where they are from, where they have served sentences before, etc.

Teaching at prison is naturally a very singular and interesting experience. After all, how many people teach in prisons? It is also rewarding and satisfying in the sense of giving — giving of yourself to help someone who might otherwise go unnoticed.

Wilson

(Continued from page 11)

voted for Kennedy; I am a regular churchgoer; and I smoke cigars."

And, finally, "I get a huge kick out of being with people."

Mr. Wilson now lives with his wife and two sons amidst a stand of pines in Concord.

And, oh yes, his brother worked for their father's company, which deals with inventory control, after leaving the Navy. While so doing, he decided he wanted a graduate degree, so he took Chinese courses at Seton Hall night school and is now back at Princeton working toward a doctorate in Far Eastern politics. He plans to teach and, like his brother, go into educational administration.

Peace Corps Counsel To Speak

William Delano, Counsel for the Peace Corps, will be speaking to the Harvard International Law Club Tuesday, at 1:45 in the Harkness Meeting Room. He is seeking to recruit legal trainees for a new Peace Corp program, and will speak on "Legal Opportunities in the Peace Corps."

'Law' in Communist China Today

By Ralph Nader

Mr. Nader, LL.B. '58, is a former President of the RECORD.

The recent publication of *Fundamental Legal Documents of Communist China*, edited by Professor A. P. Blaustein, reflects a growing interest of American legal scholars in Communist Chinese legal studies. No longer, it is hoped, will the absence of relations between the two nations inhibit research in this field.

To even publicly employ the term "law" to any activity in Communist China a few years ago was enough to incur declamations of disloyalty. Now that the fog has lifted, we find ambitious projects underway at the University of Michigan, involving scholars from the Library of Congress, and at the University of California Law School at Berkeley which are engaging in systematic studies and compilations of basic terminological and source materials. Additional individual research is proceeding at nearly a dozen other law schools.

The Chinese legal structure has operated for centuries on quite different premises and with different mechanisms than Western law. Indeed, so compelling are the differences that the use of the concept of "law" to initially describe the Chinese system must be thought of on a general definitional level — much as in Pound's formulation, "social control through the systematic application of the force of politically organized society." Such analyses as van der Sprenkel's *Legal Institutions in Manchu China* and Hucker's *The Traditional Chinese State in Ming Times*, illuminate attitudes of law-making and law-administering and the incentives and disincentives for going to law that indicate a rich reservoir for comparative legal research.

Forthcoming studies on the present period will have an impact on

other fields of scholarship and policy-making relating to Communist China that are deficient in their grasp of Chinese law and administration.

There will be a further undermining of the widespread belief that the Communists abandoned the past in imposing their controls on the populace. In what is without doubt an unprecedented exercise in mass social mobilization, Mao's government has astutely seized upon traditional expectations and structures of social control to further centralize authority and reorient loyalties.

The features of the old dynasties — paternalistic authoritarianism, group responsibility, the insignificance of lawyers and courts, heavy reliance on customary law, valuing of the legal system for control ahead of recognition of individual rights, the virtual fusion of administration and dispensing of justice — indicate that the traditional ways, and they persisted tenaciously, were in many respects assets for the Chinese Communists who are operating under similar situations of economic scarcity. Further documentation along these lines should help to explain the remarkable success in mass organization and discipline, with relative efficiency, and a minimum of the "whiplash" experienced by the Soviets in their first two decades.

The subservience of law to fluctuations of Party policy, which is openly admitted, points to a political system of law application that is highly individuated. The oversimplified description is that of a government of men using rules whose meaning and flexibility is guided by those who are from the very body that promulgates and administers them.

But the rule of law, in the Western conception, has advocates in China (evidenced during the "hundred flowers" respite). It is thought to have an increasing in-

fluence in some law areas in tempering the unfettered discretion of Party power, just as the operation of police discretion in enforcement, principles of equity, judicial discretion, the intrusion of public opinion or public interest considerations, constantly temper or erode, as the case may be, our "government of laws." The tensions between these two pulls operate in varying intensities in all legal systems and comparative analysis helps greatly to clarify the respective realities.

Another prompting for taking into account the Chinese view of law will come from those involved in the quest for a common law of mankind as outlined by Jenks and others.

Lastly, thought soon should be given to including a course on Chinese legal and administrative history in the law school curriculum. Long before Western legal systems took form, China had developed the most elaborate and sophisticated governmental organization then existing in the world. Its bureaucracy administered huge, intricate public works, stabilized prices of agricultural commodities, opened up new lands, resettled displaced persons, monopolized certain industries, owned other enterprises that supplied its needs, regulated trade and came to imaginative accommodations with

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Yearbook: An Easter Egg

By Alfred T. McDonnell

(The author of this review was an editor of the yearbook at Holy Cross College. — eds.)

Like the Easter bunny, the Law School Yearbook made its annual appearance last week and in keeping with the season, laid an egg. It amply demonstrated that here at Harvard Law School we need not fear that the Yearbook will manage our news. We get it manhandled.

The beholder's eye is at once struck by this year's modern cover design, adopted, we are told, only after hours of discussion. It is strikingly like last year's traditional cover. In fact many things in this year's book are strikingly like last year's. For instance, the text, that forgotten part of every yearbook, is exactly the same for many organizations and for the majority of the faculty. This is particularly a shame in the faculty section which had been otherwise very much improved with fresh portraits of many professors.

It had been announced that this Yearbook would feature a new photo process and paper which would improve the clarity and tone of its pictures. A praiseworthy move, since pictures are the soul of any yearbook and last year's were as murky as the Doctrine of Worthier Title. But why use better paper to print more clearly pictures that are deplorably poor?



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The page lay-outs are more attractive this year, but why use good make-ups for such blatantly posed pictures?

Color, we were promised, would add a note of brightness to the section dividers. Instead, Professor Fried is victimized by a faint likeness on page 16 that is barely black and white. Professor Sutherland on page 41 appears to have been photographed underwater. Perhaps the most egregiously bad picture is the Ames Competition divider on page 179, looking like a photo smuggled out of the Nuremberg trials. Its inclusion is made somewhat more understandable, if no easier on the eyes, by the appearance of two members of the Yearbook staff as the associate justices.

It is disquieting, and unnecessary, to read in the book's generally fine dedication that Justice Frankfurter loves the "housts" of intellect. House? No, jousts. A small item, but an annoying one as members of the "Harland" Club will no doubt agree, one which should have leapt off the page to the eye of any normally careful proofreader. It is, in fact, embarrassing to the dedication's author and to the school to have such an error in the second paragraph of the book.

But for sheer accumulation of error, there's no beating page 113. Not one of the eighteen second year students on that page is correctly identified. True, there is a consistent pattern of error, and once you have the key, it is not a difficult task to match picture with name. But the application of male names to two of our law school girls suggests a performance which does not meet minimal standards of proofreading.

The Yearbook is a sizeable business enterprise. It has patrons, advertisers and purchasers. Those responsible for it are very well rewarded financially. It is the yearbook of this law school and it costs \$7.50 and it should have been a better book.

Law in China

(Continued from page 17)

private groupings maintaining social order.

Limited by time and analytical framework, required courses at law schools, taken together, often give a stylized and incomplete view of our legal system. The pedagogical enactment may be brilliant, given its boundaries, but not sufficient and possibly disorienting for the student. What a study of the Chinese experience should help do is give students a sense of cultural variety in legal approaches, as well as an awareness of more operating factors in the impact of and response to law. The circumscribed world of appellate courts and statutory interpretations should not monopolize a student's time if he is to engage in a fuller consideration of problems of justice and policy. He is likely to value such a course whether he becomes a lawyer of the world, the country, the metropolis or the home town.

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THIRD YEAR OPPORTUNITIES

California: Swerdlow, Glikbarg & Berkowitz, 544 United California Bank Building, 9601 Wilshire Blvd., Beverly Hills. Contact Harold Berkowitz, Esq.

California: Kimble & Hamlin, 415 Helm Building, Fresno 21 (until April 27), 904 Guarantee Savings Building, Fresno 21 (after April 27). Contact Joseph C. Kimble, Esq.

Colorado: Welborn and Dufford, 1700 Broadway, Denver 2. Contact Robert F. Welborn, Esq.

New York: Law office of Edward J. Kovacs, 3 Cannon St., Poughkeepsie. Contact Mr. Kovacs.

SECOND AND THIRD YEAR OPPORTUNITY

Africa: SAILER (Staffing of African Institutions of Legal Education and Research), Institute of International Education, 800 Second Ave. at 42nd St., New York 17, N. Y. A copy of a memorandum by Mr. John S. Bainbridge, Project Director, is on file at the Placement Office.

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